



Agenda

Ordinary Meeting of Council

Wednesday, 24 June 2020, 6.00pm

CITY OF FREMANTLE
NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held via electronic means on **Wednesday, 24 June 2020** commencing at 6.00 pm.

A handwritten signature in blue ink, consisting of a stylized 'P' followed by a horizontal line.

Philip St John
Chief Executive Officer

19 June 2020

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CITY OF FREMANTLE

Ordinary Meeting of Council

Agenda

1. Official opening, welcome and acknowledgement

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

2. Attendance, apologies and leaves of absence

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

3. Applications for leave of absence

_____ requests a leave of absence from _____ to _____ inclusive.

4. Disclosures of interest by members

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

5. Responses to previous public questions taken on notice

Nil

6. Public question time

Public statements and questions received before the meeting will be distributed to all elected members and may be read aloud at the meeting. Questions and statements will be responded to in the usual way.

7. Petitions

Petitions received before the meeting may be presented to council.

Petitions may be tabled at the meeting by an Elected Member with agreement of the presiding member.

8. Deputations

8.1 Special deputations

Nil.

8.2 Presentations

Nil

9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 10 June 2020.

10. Elected member communication

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

11. Reports and recommendations from committees

Nil

12. Reports and recommendations from officers

C2006-11 MCCABE PLACE, NO. 2-4 (LOTS 9, 10 AND 11), NORTH FREMANTLE - 10 TWO STOREY GROUPED DWELLINGS AND ONE THREE STOREY GROUPED DWELLING WITH UNDERCROFT CAR PARKING (TG DA0498/19)

Meeting Date: 24 June 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Agenda attachments: 1. Amended Development Plans
Additional information: 1. Site Photos
2. DAC Minutes dated 14 October 2019 and 13 January 2020

SUMMARY

Approval is sought for the construction 11 Grouped Dwellings on a currently vacant site at 2 – 4 McCabe Place, North Fremantle.

The proposal is referred to the Council due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4), Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Primary street setback
- Corner truncation setback
- Lot boundary setbacks (west and south)
- Primary street fence height
- Vehicle sightlines
- Outdoor living area location and dimension
- Visitor parking provision
- Site works and retaining walls
- Visual privacy (west and south)

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for 11 Grouped Dwellings to an existing vacant site at 2-4 McCabe Place, North Fremantle. Specifically, the proposed works include:

- 10 two storey Grouped Dwellings.
- One three storey Grouped Dwelling.
- Undercroft car parking accessed via a common property driveway.
- Visitor parking accessed separately off McCabe Place.
- Landscaping to the subject site.

The proposal acknowledges the Primary Regional Road (PRR) reservation that affects the subject site, setting all development back beyond this reservation. The applicant submitted amended plans on 4 March 2020 following the identification of a previous inconsistency in the width of the PRR road reservation. This resulted in minor realignment of the dwellings.

In order to accommodate appropriate reversing arrangements in accordance with the R-Codes, the subdivision application associated with the proposal (WAPC141-20) includes an easement to each proposed lot. The proposed dwellings have been designed to ensure that this easement area is kept clear.

Amended development plans are included as attachment 1.

Site/application information

Date received:	13 December 2019
Owner name:	2-4 McCabe Pty Ltd
Submitted by:	Yolk Property Group
Scheme:	Development Zone, Development Area
Heritage listing:	North Fremantle Heritage Area
Existing land use:	Vacant Site
Use class:	Grouped Dwelling
Use permissibility:	N/A (no permissibility for Development Zone)



CONSULTATION

External referrals

Main Roads Western Australia (MRWA)

The application was referred to MRWA for comment on 19 December 2019 as the site is affected by a Primary Regional Road reservation. In December 2019 and March 2020, MRWA requested additional information, which was submitted by the applicant. On 29 May 2020 MRWA have advised that they have no objection to the proposal subject to the following conditions:

Conditions

- Prior to the occupation of the development, the land required for the widening of Stirling Highway as shown on the plan 1.7143/1 (see attached) is to be set aside as a separate lot for acquisition pending future road widening requirements. This land is to be ceded free of cost to WAPC.
- Prior to occupation of the development, an acoustic report by a qualified acoustic consultant consistent with the requirements of *State Planning Policy No. 5.4 – Road and Rail Noise* is to be prepared and submitted to the satisfaction of the City of Fremantle in consultation with Main Roads. Any recommendations contained in the acoustic report shall be thereafter implemented and maintained for the duration of the development.
- Prior to occupation of the development, certification from a qualified acoustic consultant is submitted, confirming that the recommendations of the acoustic report (as required by condition 2) have been implemented and to the satisfaction of the City of Fremantle.
- A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of existing lots. The notification is to state as follows: *'The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise.'*
- No part of the development (with the exception of landscaping up to a mature height of 1m) shall enter or project into the land requirement as detailed in the attached land protection plan 1.7143/1.
- The ground levels located within the future road reservation must remain at existing levels.
- No earth works shall encroach onto the Primary Regional Road Reserve or future road reservation.
- No stormwater drainage is to be discharged onto the Primary Regional Road Reserve or future road reservation.
- No waste collection is permitted within the Primary Regional Road Reserve.

Advice notes

- Stirling Highway is not in Main Roads current 4 year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
- The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website >"Our Roads">"Conducting Works on Roads">".

These matters can be dealt with as relevant conditions and advice notes. The future ceding of the land required for the widening of Stirling Highway is more appropriately dealt with as a condition of subdivision under the separate subdivision application which has also been lodged, however a condition of development approval requiring this portion of land to be created as a separate lot is recommended on this application.

Design Advisory Committee (DAC)

The application was referred to the DAC prior to the lodgement of the application. The applicant incorporated the DAC's recommendations, including improvements to the legibility of the entrances, the introduction of a secondary pedestrian link, an increase in deep planting zones, improvement to the access of views from the southern building and the improvement of privacy between the dwellings. After lodgement the proposal was presented to the DAC on 13 January 2020. The DAC commended the applicant for their response to the DAC's pre-lodgement recommendation. The DAC advised that the development presented a strong urban and streetscape response that would deliver high quality town houses. The DAC recommended that the supported the proposed development subject to consideration of the following design improvements:

1. Minor amendments to the layout and function of the town houses being considered to further enhance the amenity for future occupants. These amendments include consideration of a connection between Bed 2 and the bathroom, an openable window within the stairway and additional north facing sun shading.
2. Final details of how the air conditioning condenser units are to be screened for view of adjoining town houses and the street.
3. Final details of the materials and finishes, demonstrating the retention of the proposed high quality finishes being submitted prior to the issue of a Building Permit.

The applicant chose not to amend their plans in response to point 1 above. The applicant advised that they supported the inclusion of conditions of approval relating to the submission of final external details and plant and equipment screening.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposal sought discretion to various elements of the Residential Design Codes and Council Policies as detailed in this report. The advertising period concluded on 4 February 2020, and two submissions were received. The following issues were raised (summarised):

- Access arrangements
- Concerns in relation to demolition taking place on site.

Submission	Officer Comment
Support proposal and note the potential to provide a footpath along that section of McCabe Street providing pedestrian access to Stirling Highway.	The development plans indicate the inclusion of a footpath in front of the development however it is noted that these details may not be final as any works outside the property boundary are not subject to this application.
The submitter had concerns regarding access to an adjoining property during demolition of the former dwelling on the subject site as the adjoining property driveway was blocked by trucks and fences.	This comment is noted; however this matter is not relevant to the subject application. The former dwelling has been demolished and the site is currently vacant. It is understood that concerns in relation to the the demolition on site were attended to by the City's Compliance team. It is noted that a condition of approval is to be recommended requiring the submission of a construction management plan prior to the commencement of works on the subject site.

It is considered that the submitted comments were either supportive of the development as proposed or raised matters which were not relevant to the development as proposed.

OFFICER COMMENT

Statutory and policy assessment

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

- Primary street setback
- Lot boundary setbacks (west and south)
- Primary street fence height
- Vehicle sightlines
- Outdoor living area location and dimension
- Visitor parking provision
- Site works and retaining walls
- Visual privacy (west and south)

The above matters are discussed below.

Background

The subject sites are located on the corner of McCabe Street and McCabe Place in North Fremantle. The site has a land area of approximately 2100m² and is currently vacant. Demolition of the existing dwelling on site was approved by Planning Committee in December 2019. The site is zoned development zone and accordingly has no specific statutory requirements applicable to the development of the site with the exception of height requirements of Local Planning Policy 3.11. The site is not individually heritage listed however it is located within the North Fremantle Heritage Area.

The subject site is zoned Development and located in Local Planning Scheme No. 4 Development Area 18 (McCabe Coventry Street North Fremantle and 130-138 Stirling Highway). No structure plan is adopted for this development area. A previously proposed local structure plan was progressed however is now on hold following the WAPC requesting amendments in 2017. The subject sites are not listed on the DWER (Formerly DEC) contaminated sites database.

The subject site slopes approximately 3 metres from north to south and is affected by a 6 metre wide Primary Regional Road reservation.

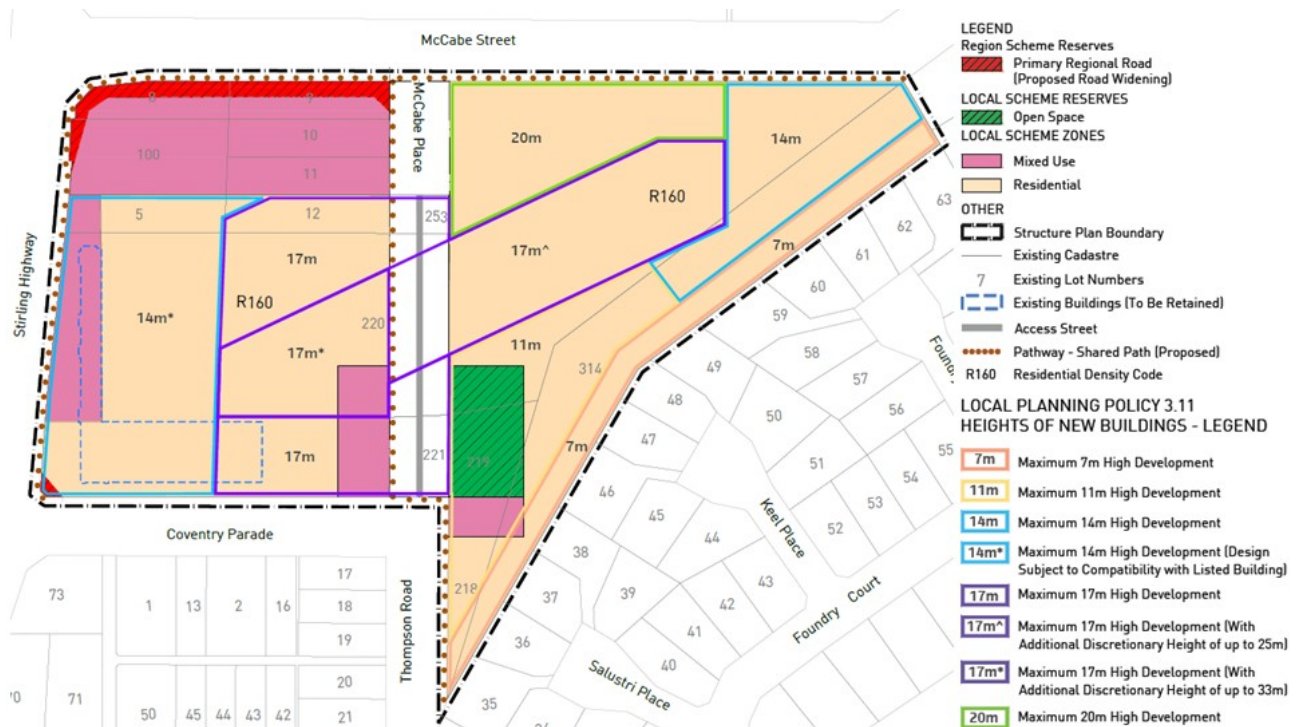
Land Use and Development

The subject sites are located within Development Area 18 (McCabe Coventry Street North Fremantle and 130-138 Stirling Highway) and Local Planning Scheme No. 4 states that:

- 1. A structure plan is to be prepared and adopted for this development area before any future subdivision or development is undertaken*
- 2. Investigations of potential site contamination to the satisfaction of the DEC.*
- 3. No development shall be permitted within the proposed road widening on Stirling Highway and McCabe Street as indicated in the proposed Metropolitan Region Scheme (MRS) Amendment 1210/41 or as in a finalised MRS*

The previously proposed local structure plan now on hold following the WAPC requesting amendments in 2017 (as referred to above) is indicated below.

Proposed Matilda Bay Brewery Local Structure Plan



Whilst no structure plan is adopted for the site, Schedule 2, clause 27 (2) of the Planning and Development (Local Planning Scheme) Regulation 2015 (P&D Regs) states as follows:

“A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —

- (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
- (b) the proposed development or subdivision would not prejudice the overall development potential of the area.”*

With regards to sub cl (a) above, the Court in *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226, provided this interpretation of the phrase ‘orderly and proper planning’ at paragraph [179]:

“[T]o be orderly and proper, the exercise of a discretion within the planning context should be conducted in an orderly way – that is, in a way which is disciplined, methodical, logical and systematic, and which is not haphazard or capricious”.

The assessment of this application is considered to have been conducted in an orderly and logical manner which included a community consultation process, relevant external agency referrals, and a rigorous methodical and logical planning assessment against relevant planning legislation.

With regards to (b) above another key consideration in determining this application relates to the proposal and if it has the potential to prejudice the future development potential of the Matilda Bay Brewery Development Area.

As noted above, the subject site is zoned Development under Local Planning Scheme No. 4, which does not have associated land use permissibility. Based on the Structure Plan which is currently on hold, the subject sites were proposed to be Mixed Use. As this structure plan is considered to be substantially progressed it is considered appropriate to consider the proposal against the land use permissibility for Grouped Dwellings in Local Planning Scheme No. 4.

A Grouped dwelling is an 'A' use in the Mixed Use Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval and undertaken community consultation in relation to the use. In considering an 'A' use the Council will have regard to the matters to be considered in the Planning and Development (Local Planning Schemes) Regulations 2015. In this regard the following matters have been considered:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) The amenity of the locality including the following:*
 - (i) Environmental impacts of the development*
 - (ii) The character of the locality*
 - (iii) Social impacts of the development*
- (y) Any submissions received on the application.*

The proposed development is considered to address the above matters for the following reasons:

- The proposal provides for residential use of the subject site, consistent with the proposed character of the locality in accordance with the substantially progressed Local Structure Plan.
- The bulk, scale, and overall residential density of the proposal is well within the proposed or existing development requirements for the site. It is noted that Local Planning Policy 3.11 permits up to 14m in height for the majority of the subject sites.
- No submissions were received objecting to the nature of the proposed development.
- As considered below, the proposed development is considered to appropriately address the relevant requirements of the Residential Design Codes for Grouped dwelling development.

In accordance with the above, the proposed development is not considered to prejudice the overall development potential of the area as the proposal is consistent with the anticipated future character of the locality.

State Planning Policy 5.4

The proposed development is located on a lot which is subject to the requirements of *State Planning Policy 5.4 – Road and Rail Transport Noise*. The applicant has provided an acoustic report demonstrating how the development will comply with the requirements of this policy. In accordance with Main Roads' recommendation in relation to the proposal, conditions of approval are recommended ensuring that the development includes the recommendations of the acoustic report.

Primary Street Setback

Element	Requirement	Proposed	Extent of Variation
Basement setback	5m	3.6m	1.4m
Ground floor setback	5m	3.4m	1.6m
Upper floor setbacks	7m	1.2m	5.8m

Note: the primary street setbacks have been measured from the edge of the PRR reserve.

The primary street setback is considered to meet the discretionary criteria in the following ways:

- The reduced ground and undercroft setbacks are considered to be consistent with the established setbacks to the adjoining property to the west (corner Stirling Highway).
- With regard to the upper floors of the dwellings, it is considered that there is no established streetscape to address, however the upper floor setback is considered appropriate and in accordance with the desired outcomes of the (on hold) local structure plan in providing a varied, articulated development which enhances street activation and safety in providing for active and passive surveillance of the street.

Primary Street Setback

Element	Requirement	Proposed	Extent of Variation
Setback to new corner truncation	1m	0.3m	0.7m

The setback to the corner truncation is considered to meet the discretionary criteria in the following ways:

- The majority of the dwelling is appropriately set off this boundary; only a minor portion is closer to the new boundary alignment.
- The proposal does not impose additional building bulk onto neighbouring properties
- The incursion into the streetscape is considered to contribute to the amelioration of building bulk across the development in providing for varied setbacks.

Lot Boundary Setbacks (west and south)

Element	Requirement	Proposed	Extent of Variation
West - Ground (pedestrian entry) floor unit 6	3m	1.3m	1.7m
West - Upper floor unit 1	4.7m	3.8m	0.9m
West - Upper floor unit 6	5.4m	1.3m	4.1m
West- Roof terrace/top floor unit 1	6.5m	3.9m	2.6m
West – Unit 6 roof terrace	7m	6.7m	0.3m
South – units 6-11 ground (pedestrian entry) floor	3m	1m (minimum)	2m
South – units 6-11 upper floor	5m	1m (minimum)	4m

The proposed lot boundary setbacks are considered to meet the Design principles of the R-Codes in the following ways:

- The building includes a variety of setbacks and articulation features such as varied materials, contributing to the reduction of building bulk to adjoining properties.
- The dwellings cast winter shade over adjoining car parking areas and do not cast shade to outdoor living areas, major openings to habitable rooms or solar collectors.
- With respect to the protection of privacy, the future privacy of the potential adjoining residential development is partially protected by the proposed 'vental' blind system to west facing windows.
- Major openings are also directed away from the adjoining property to the south, facing west. These openings are also considered to provide light, rather than views to these rooms by virtue of their location.

Primary Street Fence Height

Element	Requirement	Proposed	Extent of Variation
Solid primary street fence	Visually permeable fencing above 1.2m	Solid fencing to 1.8m high above proposed retaining walls.	0.6m

The proposed fencing is considered to meet the discretionary criteria of LPP 2.8 for the following reasons:

- In accordance with LPP 2.8 1.4, the proposed fencing comprises minor elements which provide for privacy to the side setbacks and outdoor living areas of units 1 and 5.
- The fencing is consistent with the existing hard edged fencing or building walls along McCabe Street.

- These minor elements of solid fencing are considered able to be supported as the remainder of the fence is able to be visually permeable, providing appropriate surveillance of the streetscape.

Vehicle Sightlines

Element	Requirement	Proposed	Extent of Variation
Sightlines at vehicle access point	1.5m x 1.5m sightline truncation	1.2m x 1.5m truncation	0.3m truncation dimension

The sightlines for the development are considered to meet the Design principles of the R-Codes in the following ways:

- The development has been designed to ensure that vehicles are capable of leaving the site in forward gear, ensuring that pedestrians will be readily visible to exiting vehicles.
- Vehicles will likely exit the site set back a minimum of 0.5m from the side wall of the access point, allowing for a 1.5m x 1.5m truncation.

Outdoor living area location and dimension

Element	Requirement	Proposed	Extent of Variation
Outdoor living areas for units on lots 2-5	Outdoor living area to be located outside primary street setback area and to be a minimum dimension of 4m	Outdoor living area to primary street setback and minimum dimension of 3.8m	Location of outdoor living areas and 0.2m dimension.

The outdoor living areas are considered to meet the Design principles of the R-Codes in the following ways:

- The outdoor living areas are open to winter (northern) sun and ventilation.
- The outdoor living areas are accessible from habitable rooms of the dwelling.
- The dwellings are provided with alternative outdoor living area areas as substantial roof terraces.

Visitor parking provision

Element	Requirement	Proposed	Extent of Variation
Visitor parking bays	3	2	1

The provision of visitor parking for the development is considered to meet the Design principles of the R-Codes in the following ways:

- The site is well serviced by public transport services along Stirling Highway.
- Each dwelling is provided with two onsite parking bays, where only one bay is required in accordance with the R-Codes, accordingly additional visitor parking may be accommodated in the residential garage bays.

The location of the visitor parking bays has been reviewed by the City's Engineer and supported with regard to the safety of vehicle movements.

Site works and retaining walls

Element	Requirement	Proposed	Extent of Variation
Northern (front) boundary	0.5m maximum fill to street setback area.	1.1m (max)	0.6m
Eastern (secondary street) boundary	0.5m maximum fill to street setback area.	1m (max)	0.5m
Western (side) boundary	0.5m maximum fill within 1m of side boundary	1.5m (max)	1m

The fill and retaining for the site is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed fill is generally considered necessary to permit vehicle access and parking under the dwellings.
- Fencing can be provided above raised areas to provide for visual privacy to neighbouring properties.
- The dwellings step across the site following the natural fall across the subject site.

Visual privacy (West and South)

Element	Requirement	Proposed	Extent of Variation
West - Unit 6 roof terrace	6m	1.5m	4.5m
West – Unit 1 roof terrace	6m	4.3m	1.7m
South – Unit 6-11 Bedroom 3	3m	2.3m	0.7m
South – Unit 6-11 Bedroom 2	3m	2.3m	0.7m
West – Unit 6 ground floor terrace	6m	0m	6m
West – Unit 6 entry/kitchen	4.5m	1.6m	2.9m
Upper floor Unit 6 - Bedroom	3m	1.5m	1.5m
Units 6-11 Dining (south)	4.5m	3.5m	1m

The impact of the development upon adjoining visual privacy is considered to meet the Design principles of the R-Codes in the following ways:

- The adjoining properties are not currently developed for residential use, nor do they have development applications substantially progressed. Notwithstanding this, the development is generally supported in this regard noting the potential future residential character of adjoining lots.
- The upper floor roof terraces for units 1 and 6 overlook non-residential car parks and roofing areas of the adjoining properties.
- The overlooking from bedroom 3 of units 6-11 is oblique only and faces towards the west.
- The overlooking from bedroom 2 of units 6-11 is set back behind a deck which if included would result in a deemed-to-comply 3m setback from the boundary.

- The ground floor terrace of unit 6 is currently not screened; however a future standard dividing fence above the retaining wall would appropriately screen this portion of the development.
- The unit 6 kitchen/entry window faces towards a neighbouring non-residential carpark.
- The proposal includes 'vental' blinds to west facing openings providing for shading but also some privacy protection.

CONCLUSION

As discussed above, the proposal is considered to appropriately address the relevant development requirements applicable to the site. It is considered that the proposal as submitted will not unduly impact or prejudice the future development of the overall development area. Accordingly the proposal is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2015-25

- Increase the number of people living in Fremantle
- Provide for and seek to increase the number and diversity of residential dwellings in the City of Fremantle

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OFFICER'S RECOMMENDATION

Council:

APPROVE under the Metropolitan Region Scheme and Local Planning Scheme No. 4, 11 Grouped Dwellings at No. 2-4 (Lots 9-11) McCabe Place, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 4 March 2020. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. The applicant is advised that the approved development shall be wholly located within the cadastral boundaries of the subject site including any footing details of the development. This development approval does not relate to any works within the road reserve.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to Occupation for the development hereby approved, a notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in land use planning'

5. Prior to the issue of a building permit for the development hereby approved, Nos. 2-4 (Lots 9-11) McCabe Place North Fremantle are to be legally amalgamated into one lot on the Certificate of Title. Alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
6. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.

- 7. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.**
- 8. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.**
- 9. Prior to the issue of a Building Permit for the development hereby approved, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle.**
- 10. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle.**
- 11. Prior to the issue of a Building Permit for the development hereby approved, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:**
 - Use of City car parking bays for construction related activities;**
 - Protection of infrastructure and street trees within the road reserve;**
 - Security fencing around construction sites;**
 - Gantries;**
 - Access to site by construction vehicles;**
 - Contact details;**
 - Site offices;**
 - Noise - Construction work and deliveries;**
 - Sand drift and dust management;**
 - Waste management;**
 - Dewatering management plan;**
 - Traffic management; and**
 - Works affecting pedestrian areas.**

The approved Construction Management Plan shall be adhered to throughout the construction of the new development.

- 12. Prior to occupation/ use of the development hereby approved, the boundary walls located on the western boundary shall be of a clean finish in any of the following materials:**

 - coloured sand render,
 - face brick,
 - painted surface,

and be thereafter maintained to the satisfaction of the City of Fremantle.
- 13. Prior to the issue of a Building Permit for the development hereby approved, the 'face brick screen wall' (4) within the street setback area shall be visually permeable above 1.2 metres above natural ground level as per clause 5.2.4/C4 6.2.3 C3 of the Residential Design Codes and thereafter maintained to the satisfaction of the City of Fremantle.**
- 14. Prior to the issue of a Building Permit for the development hereby approved, the land required for the widening of Stirling Highway as shown on the plan 1.7143/1 (see attached) is to be set aside as a separate lot pending future road widening requirements.**
- 15. Prior to the issue of a Building Permit for the development hereby approved, an acoustic report is prepared by a qualified acoustic consultant consistent with the requirements of *State Planning Policy No. 5.4 – Road and Rail Noise* is to be prepared and submitted to the satisfaction of the City of Fremantle in consultation with Main Roads. Details of the implementation of any recommendations contained in the acoustic report shall be submitted and approved prior to the satisfaction of the City of Fremantle.**
- 16. Prior to occupation of the development, certification from a qualified acoustic consultant is submitted, confirming that the recommendations of the acoustic report (as required by condition 15) have been implemented and to the satisfaction of the City of Fremantle.**
- 17. No part of the development (with the exception of landscaping up to a mature height of 1m) shall enter or project into the land requirement as detailed in the attached land protection plan 1.7143/1.**
- 18. The ground levels located within the future road reservation must remain at existing levels, to the satisfaction of the City of Fremantle in consultation with Main Roads.**
- 19. No earth works shall encroach onto the Primary Regional Road Reserve or future road reservation, to the satisfaction of the City of Fremantle in consultation with Main Roads.**
- 20. No stormwater drainage is to be discharged onto the Primary Regional Road Reserve or future road reservation.**

- 21. No stormwater drainage is to be discharged onto the Primary Regional Road Reserve or future road reservation., to the satisfaction of the City of Fremantle in consultation with Main Roads**
- 22. No waste collection is permitted within the Primary Regional Road Reserve, to the satisfaction of the City of Fremantle in consultation with Main Roads.**
- 23. Prior to the occupation of the development hereby approved, the applicant is to make suitable arrangements to ensure that easements are provided to the proposed lots to permit vehicles to exit the property in forward gear.**
- 24. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice notes

- i) The applicant is advised that any queries in relation to conditions 13-22 and advice notes ii and iii should be directed to Main Roads Western Australia.**
- ii) Stirling Highway is not in Main Roads current 4 year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.**
- iii) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website >"Our Roads">"Conducting Works on Roads">".**
- iv) A Building Permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**

- v) In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.
A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:
<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>
The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- vi) In regards to condition 13 'Visually permeable' is defined by the Residential Design Codes as:
In reference to a wall, gate, door or fence that the vertical surface has:
- Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area
 - Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate;
or
 - A surface offering equal or lesser obstruction to view;
- As viewed directly from the primary street.

C2006-12 PLANNING INFORMATION REPORT – JUNE 2020

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Responsible Officer: Manager Development Approvals
Agenda attachments: 1: Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER-SOUTH JDAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Responsible Officer: Manager Development Approvals
Agenda attachments: Nil

Applications that have been determined by the Metro Inner-South JDAP and/or are JDAP/Planning Committee determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP002/20
Site Address and Proposal
229B Hampton Road, South Fremantle – Mixed Use Commercial Development (Petrol Filling Station, Warehouse and Office)
Planning Committee Consideration/Decision
At its meeting held on 27 May 2020, the Council resolved not to support the officer's recommendation to approve the application.
Current Status
At its meeting held on 16 June 2020, the Metro Inner-South Joint Development Assessment Panel approved the application generally in accordance with the Officer's recommendation, but with some changes to conditions of approval.

2. Application Reference
DA0560/17
Site Address and Proposal
137 South Terrace, Fremantle – Proposed two storey Grouped dwelling and conversion of existing Ancillary dwelling to Outbuilding
Planning Committee Consideration/Decision
Council refused the application at its meeting held 7 November 2018.
Current Status
- The Applicant lodged an Application for Review by the State Administrative Tribunal. - A mediation session was held in February 2019. - In accordance with a SAT direction issued on 13 February 2019, the applicant submitted revised plans for Council's reconsideration. - A Section 31 Reconsideration was considered by the Planning Committee on 1 May 2019 and OCM on 22 May 2019, where it was resolved to refuse the amended plans. - A Directions Hearing was held at the end of May where the SAT scheduled the Matter for a full hearing. - A hearing commenced on 9 September 2019, however the hearing has been adjourned until further notice to allow the applicant to address the issue of right of access/carriageway. - The hearing was held on 23 January and 7 February 2020. - On the 30 April 2020, the SAT dismissed the Application for Review and the City's Decision was affirmed.

OFFICER'S RECOMMENDATION

Council receive the following information reports for June 2020:

- 1. Schedule of applications determined under delegated authority.**
- 2. Update on Metro Inner-South JDAP determinations and relevant State Administrative Tribunal applications for review.**

**C2006-13 CONSIDERATION OF A MOTION CARRIED AT THE ANNUAL
GENERAL MEETING OF ELECTORS REGARDING THE ORIENT
HOTEL**

Meeting Date: 24 June 2020
Responsible Officer: Manager Development Approvals
Decision Making Authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

This report considers a motion moved at the Annual General Meeting of Electors on 9 March 2020 which recommended that: *Council consider that a backpacker's type of business at the Orient Hotel in Henry Street has created so many problems to the community for the last few years. I trust that the planning/licencing department of the Council will be very cautious and wise in their decision making for a future venture for the Orient Hotel.*

It is recommended that Council receives the information in this report as a response to the matter raised, noting that no further action is proposed.

OFFICER COMMENT

Background

The City of Fremantle held its Annual General Meeting of Electors on 9 March 2020 and nine motions were carried at the meeting.

At the Ordinary Meeting of Council held on 15 April 2020 it was resolved that a report on each motion would be brought back to Council individually for consideration by no later than July 2020. This report considers the following motion:

Council consider that a backpacker's type of business at the Orient Hotel in Henry Street has created so many problems to the community for the last few years. I trust that the planning/licencing department of the Council will be very cautious and wise in their decision making for a future venture for the Orient Hotel.

OFFICER COMMENT

The Orient Hotel is an existing licensed and backpacker establishment at 39 (Lots 62 and 63) High Street, Fremantle. The premises operate under existing approvals and licenses.

The use and development of land within the City of Fremantle, including the subject site, is governed by the City's Local Planning Scheme No. 4 and Local Planning Policies.

These documents in conjunction with other relevant legislation guide the appropriate development and use of land in accordance with Council's planning aims and intentions of the Scheme area. The Scheme also aims to control and guide land use and development to ensure that the future development and use of land within the district occurs in an orderly and proper way.

It is also noted that future applications for Planning Approval may be required to be advertised to adjoining landowners and occupiers for comment prior to the application being determined. The requirements for such consultation are specified in Council's Local Planning Policy 1.3 Public Notification of Planning Proposals.

Any future application for the Orient Hotel site will be assessed on its planning merits against all relevant provisions of the Local Planning Scheme No. 4 and applicable Local Planning Policies to determine the appropriateness of the development and/or use having regard for the Council's planning aims, the aims and objectives of the City Centre Zone, the cultural heritage significance of the site and the area, the amenity of the locality and adjoining properties and the principles of orderly and proper planning.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

There has been no consultation undertaken in response to this specific motion.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council acknowledges and considers the motion passed at the Annual General Meeting of Electors on 9 March 2020 regarding any future planning decision for the Orient Hotel site at 39 High Street, Fremantle and receives the information in this report as a full and final response to matters raised.

**C2006-14 CONSIDERATION OF A MOTION CARRIED AT THE ANNUAL
GENERAL MEETING OF ELECTORS REGARDING PARKING AT
LEIGHTON & PORT BEACH**

Meeting date: 24 June 2020
Responsible officer: Manager Infrastructure Engineering
Decision making authority: Council
Agenda attachments: Nil
Additional information: Perth Coastal Recreational Use Study Extract

SUMMARY

This report considers a motion moved at the Annual General Meeting of Electors held on 9 March 2020 which recommended that Council increase car parking availability between Port and Leighton Beaches by at least three times.

The report highlights the public demand for increased parking between Port and Leighton Beaches and recommends Council, whilst mindful of the uncertainty of the implications of coastal erosion, request officers investigate a potential interim parking solution (in the informal parking area at Beach Access P1 on Port Beach Road) and include a proposal for consideration in the annual budget process.

BACKGROUND

The City of Fremantle held its 2019 Annual General Meeting of Electors on 9 March 2020 and nine motions were carried at the meeting.

At the Ordinary Meeting of Council held on 15 April 2020, it was resolved that a report on each motion would be brought back to Council individually for consideration by no later than July 2020.

This report considers the following motion:

To improve family safety at Port Beach Road, council to actively support the beach activities from Leighton to Port Beach by increasing the car parking availability between said beaches by at least 3x times current capacity, on the degraded land on the western side of Port Beach Road and the Eastern side of the dune, where a small parcel of parking is presently. Currently Fremantle Surf Life Saving Club (SLSC) has approximately 1600 members providing water safety education for over 500 nippers and all associated water safety activities for the general public using these beaches during the summer season. Currently families are forced to cross a busy Port Beach Road, when they are using the Port Authority land to park, as there is no alternative. On a regular Sunday the parking at Leighton Beach is full by 7AM with nippers activities starting @8:30. SLSC supplies amazing world class training and water safety for free for all beach users, surely COF could provide better basic infrastructure @ the beach for all residents and our wonderful SLSC activities.

OFFICER COMMENT

Port and Leighton Beaches in North Fremantle, along with Bathers and South Beach, provide coastal recreation and swimming opportunities to the Fremantle community and wider inland catchments. Whilst there is no formal hierarchy of beaches, the Department of Local Government, Sport and Cultural Industries' 2018 *'Perth Coastal Recreational Use Study'* identifies Leighton and Port Beaches as 'Moderate Activity Nodes' (refer extract in Additional Information 1). Because of the close proximity of the beaches and the linear stretch of road servicing them, they tend to operate in tandem to some degree.

Planning for the beaches was undertaken in 2006-07 during which the development of the Leighton Beach precinct was considered. The Western Australian Planning Commission (WAPC) subsequently adopted the Leighton Oceanside Parklands Masterplan (refer Additional Information 2). This provides for ultimate provision of 1300 parking bays with approximately 206 provided in the area surrounding the SLSC and Leighton Beach Boulevard. The Masterplan has only been partially implemented however all parking bays planned in the vicinity of the SLSC have been completed.

More recently, the City has undertaken coastal process modelling (in conjunction with the Town of Mosman Park and Department of Planning, Lands and Heritage) with Council adopting the Port, Leighton and Mosman Beaches Coastal Adaptation Plan in 2017 and more recently committing to some short term emergency protection works. The physical beach process line this modelled for 2050 and 2070 horizons is shown below.

Relocation of infrastructure within these areas is planned in the medium term: construction of additional facilities would therefore need to be sacrificial and may or may not be supported by the WAPC.



Coastal Erosion & Inundation Line 2050



Coastal Erosion & Inundation Line 2070

More comprehensive replanning (including a decision on rezoning and redevelopment requests for the land around Brack Street) has been held pending a decision on potential relocation of the port (currently being reviewed via the Westport project) as decisions on this materially affect the future of the area and road access in particular. The City currently sits on a high level advisory group chaired by the Chairman of the Western Australian Planning Commission which is looking at future land use and planning scenarios.

As a consequence of this, it is difficult to develop a definitive plan for the future of the area. Works (such as the provision of additional parking) consequently have to be made with a degree of contextual uncertainty. Opportunities for interim improvements may, however, exist.

Current Parking

Parking provision between Port and Leighton Beaches is currently as follows:

- Port Beach Carpark. Includes approximately 167 formal parking bays to the south of Coast Port Beach Building and approximately 70 formal parking bays north of the Coast Port Beach Building.
- Informal parking hardstand between Port Beach and Leighton Beach (next to Beach Access P1). This is an old hardstand previously used by the Former Golden Fleece Facility for storage of petroleum and currently accepted as an informal parking area. Exact capacity is unknown, but thought to be capable of parking approximately 60 cars informally and provides good access to both Port and Leighton Beaches.
- Leighton Beach Carpark (south). Includes approximately 120 formal parking bays next to the SLSC.
- Leighton Beach Boulevard. Includes approximately 86 formal on-street parking bays.
- Leighton Beach carpark (north). Includes 70 formal parking bays and approximately 30 informal parking bays (on a compacted limestone hardstand). Note: In response to increased parking demands, the City in 2017, increased the formal capacity of this carpark by an additional 19 bays through its Capital Construction programme at the cost of \$70 000.

All of the above parking complements the access available from North Fremantle railway station which is 250m from the SLSC (acknowledging that this provides limited options for most surf club attendees).

There is no definitive standard for beach parking, with all beaches in the metropolitan area experiencing demand well beyond their capacity to accommodate parking during peak times. Limitations on parking have consequently acted as something of a restriction on utilisation (though have also created on going complaint, compliance and safety issues).

Opportunities for Additional Parking

The City has investigated a number of opportunities for additional parking between Port and Leighton Beaches.

A concept design for a potential 'Park and Ride' Car Park on the Port Authority's land east of Port Beach Road with 179 new parking bays has been discussed. This was developed in consultation with the Port Authority in the hope of obtaining State Government funding through the PTA's Park & Ride scheme; however, the proposal was unsuccessful in receiving funding. The Port Authority has since restricted access of this area of land by fencing it off to prevent informal access as a result of road safety concerns.

The option of formalising parking bays on the existing hardstand north of Port Beach (next to Beach Access P1) has also been considered, but this again is unlikely to result in a significant increase – we estimate that this solution could provide approximately 30 additional bays (50% increase); this presents a low cost, interim improvement (refer Additional Information 3). Note: Whilst this is a high level cursory assessment, widening of the existing hardstand (closer to Port Beach Road and perhaps investigating the informal area to the south) would increase the car parking capacity of this area far more significantly, but would also require a larger budget.

The opportunity for parking in the dunes south of the Surf Club remains a possibility but the loss of dune conservation area is of concern and the estimated cost of provision is in the order of approximately \$750 000. This project has been tentatively included on the City's informal forward planning estimates but funding has not been available to date. This option (currently the most likely to proceed) would generate in the order of approximately 125 additional bays.

Other options for longer term improvements to parking and access will necessarily be considered as part of longer term plans for the precinct following the anticipated decision on Westport.

Provision of convenient and equitable access to the beach and the SLSC align with the Council's objectives in relation to community participation, connection and healthy happy lifestyles. Prioritisation of access via active and public transport modes is preferred, though has practical limitations in relation to surf club access for many.

FINANCIAL IMPLICATIONS

The estimated cost of provision of an additional 125 bays at Leighton Beach is approximately \$750 000, however, there may be a low cost interim solution to formalise the informal parking currently used on the hardstand at Beach Access P1. Increased parking for this option is however expected to be significantly less and this option would require further investigation.

LEGAL IMPLICATIONS

Development within the foreshore reserve is subject to the approval of the Western Australian Planning Commission.

The state of Western Australia has traditionally precluded charging for parking (to assist in cost recovery) at beach locations.

CONSULTATION

Any proposal to modify the foreshore reserve should be subject to consultation with the wider community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

Council:

Note the public demand for increased parking between Port and Leighton Beaches and whilst mindful of the uncertainty of the implications of coastal erosion, request officers investigate potential interim parking solutions (in the informal parking area at Beach Access P1 on Port Beach Road) and where practical and viable, include a proposal for consideration in the annual budget process.

**C2006-15 ACCEPTANCE OF TENDER – FCC918/19 – SUPPLY DELIVERY
INSTALL AND MAINTENANCE OF LOOSE FURNITURE AND
WORKSTATIONS**

Meeting Date: 24 June 2020
Responsible Officer: Manager Assets
Decision Making Authority: Council
Agenda attachments: Nil
Additional information: Overall weighted score (confidential attachment)

SUMMARY

The purpose of this report is to consider tender number FCC918/19 for the Supply, Delivery, Install and Maintenance of Furniture and Workstations at Walyalup Civic Centre and Library.

This report recommends that council agree to delegate to the Chief Executive Officer the ability to negotiate with the preferred tenderer with regard to the scope of work, including value engineering solutions and contractual conditions to reach a suitable outcome for the city prior to the award of the final contract (if any) with that preferred tenderer.

BACKGROUND

In October 2011 the City of Fremantle entered into a Memorandum of Understanding (MOU) with Sirona Capital to progress discussions on the possibility of an integrated development of the City owned and Sirona owned properties adjacent to the Kings Square site. These properties include the current Myer building, Queensgate Car Park, Queensgate commercial building, City administration building, the titled property in front of the Myer building and the Spicer property on William Street. The proposal also considered implications for the public area of Kings Square in accordance with the Urban Design Plan adopted by council in June 2012.

In November, 2012 Council considered the Business Case report for the proposal and subsequently adopted a business plan to undertake the project in accordance with the Local Government Act 1995.

As part of the City's commitment to the Kings Square Renewal Project, the Council agreed to construct a new civic building and library, on the site of the old administration office. The Contract to construct the new civic building and library was awarded to Pindan Constructions and is now underway. The Contract with Pindan Constructions did not include the supply of 'loose furniture' and workstations, which has been tendered separately.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by Access Office Industries for the supply of loose furniture and workstations of FCC918/19, and associated expenses:

Description	Expenditure	Budget
Budget		
BC-0000142 - Fitout-Council Admin Offices – Kings Square		\$1,129,323.00
Expenditure		
Expenditure incurred to date:	\$49,681.00	
- Tender number FCC918/19 Supply, Deliver, Install and Maintain Loose furniture and Workstations - Contingency @5%	\$671,555.00 \$33,577.00	
Total expenditure (estimated)	\$754,813.00	
Balance	\$374,510.00	

Sufficient funding provision has currently been allocated to deliver the project within the overall Kings Square development budget.

Expenditure is expected to be incurred over two financial years (20/21 and 21/22). With the impact of the Covid-19 pandemic, the majority of contract expenditure is likely to occur in the 21/22 financial year, therefore a commitment to suitable budget provision for future years must be considered.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the Local Government (Functions and General) Regulations 1996.

COMMUNITY ENGAGEMENT

Nil.

OFFICER COMMENT

Detail

Tender FCC918/19 for supply, install, delivery and maintenance of loose furniture and workstations at Walyalup Civic Building and Library was advertised 9 October 2019 and closed on 22 November 2019.

Essential details of the contract are outlined below:

Contract type	City of Fremantle Terms and Conditions of Contract for the Supply of Goods and Services
Contract duration	Two (2) years
Commencement date	TBC
Completion date	Two (2) years from commencement date, confirmed in letter of Award

Tender evaluation

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

- Interiorco / Zenith Interiors
- Stylecraft Australia
- UCI
- Living Edge (Aust) Pty Ltd
- Innerspace Commercial Interiors
- Castledex Pty Ltd
- Cannonsleigh Pty Ltd / District Furniture
- Kulbardi Pty Ltd
- Access Office Industries
- Design Farm

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

The tender evaluation panel comprised:

- Manager Facilities and Environmental Management
- Project Manager (Buildings)
- Team Leader Procurement
- Project Manager - Organisational Development and Change
- Procurement Officer – Assets & Insurance
- Customer Service Team Leader

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

Item No	Description	Weighting %
1	Price for the goods and services offered	25
2	Methodology for delivery of the project	30
3	Sustainability	15
4	Safety management	5
5	Tenderer's experience and ability to do the work	15
6	Tenderer's resources (including personnel)	10

Six (6) tender submissions received were conforming, and four (4) tender submissions received were considered non-conforming.

Non-conforming submissions were not evaluated as the respondents had chosen not to price all items in the requirement.

The tender submitted by Access Office Industries scored the highest with 72%, followed by Interiorco / Zenith with 67%. The remaining tender submissions received lower scores.

Access Office Industries, the recommended tenderer, was assessed as having the experience, personnel and methodology to be able to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

The evaluation process determined that the tender from Access Office Industries is a conforming tender. They are known to the City having previously provided similar goods and services during the relocation from the old office building to the current temporary facility. Reference checks indicate that Access Office Industries have provided satisfactory service delivery to their customers on similar projects, and will be a suitable supplier to the City of Fremantle.

Environmental considerations

The furniture selected includes some recycled materials, local materials, have low VOC emissions and be certified with one of the following recognised sustainability certification schemes or standards:

- a. Australasian Furnishing Research and Development Institute – Green Tick; OR
- b. Sustainable Materials Rating Technology - SMaRT 4.0 Sustainable; OR
- c. Good Environmental Choice Australia (GECA); OR
- d. Environmental Choice New Zealand (ECNZ); OR
- e. Global GreenTag's GreenRate

The response from Access Office Furniture provided evidence of being able to meet the sustainability criteria in the request.

Risk consideration

An assessment undertaken by illion indicates that Access Office Industries have the financial capacity to undertake the contract.

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

Project specific risk assessments have been developed and will be used in the management of this project.

Comment

The recommended preferred tenderer, Access Office Industries, scored well against the qualitative and quantitative criteria required to deliver a safe and value for money outcome to achieve the scope of work. The tender from Access Office Industries is recommended as the most advantageous for the City to accept, as per Regulation 18(4) of the Local Government (Function and General) Regulations 1996.

Subject to acceptance of the recommendation, the proposed implementation program is scheduled below:

Award contract:	July 2020
Commence services:	Approx Q1 2021
Completion:	July 2022

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

1. Agrees to nominate Access Office Industries as the City of Fremantle's preferred tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations (subject to the City and Access Office Industries reaching agreement on the terms of the final contract) on the basis that it is considered to be the most advantageous for the City of Fremantle, in accordance with Regulation 18(4) of the Local Government (Functions and General) Regulations 1996;
2. Authorises the Chief Executive officer to enter into negotiations with Access Office Industries in relation to the final specifications of the furniture contract (including any value engineering solutions);
3. Agrees, that if the City and Access Office Industries are able to reach agreement on the terms of the final contract, to:
 - a. authorise the Chief Executive Office to accept Access Office Industries as the successful tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations; and
 - b. authorise the Chief Executive Officer and the Mayor to execute the contract with Access Office Industries.

PROCEDURAL MOTION

The following procedural motion was moved:

COUNCIL DECISION ITEM C2005-21

Moved: Cr Su Groome

Seconded: Cr Hannah Fitzhardinge

The item be deferred for a decision to the next appropriate Council meeting to discuss the impacts of Covid-19 and changes that may be required to the office plan.

Carried: 12/1

For

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

Against

Cr Frank Mofflin

ADDITIONAL OFFICER COMMENT

Council have asked officers to review the impacts of COVID-19 and any potential changes that may be required to the office plan (for the new Walyalup Civic Centre).

Officers have subsequently reviewed the works and assessments completed to date and would confirm that the design capacity and floor space / layout of the Walyalup Civic Centre, based on the proposed furniture scope and Activity Based Workplace model, remains sufficient in terms of area and its flexibility to be able to accommodate the range of workplace scenarios presented as a result of COVID-19 and other potential pandemics.

The City's operational / risk management groups, health, facilities management team, service leads and project management (building) groups have, for the duration of the current COVID-19 pandemic, continued to meet, monitor and reassess the City's operational response.

The headline overriding feedback from this process is that:

- The workforce and operating model (whilst still transitional / not fully practising Activity Based Working) has progressed enough to benefit from the cultural change, flexibility and technological improvements to embrace increased mobility and the ability to adapt working styles inside and outside of the workplace.
- The key control measures remain:
 - Determining and adapting building capacity, distancing / space provision and public interface requirements
 - Strong Facilities Management with clear (and prominent) hygiene standards and cleaning regimes (regular, reliable and enhanced 'touch-point')
 - Ensuring staff and building users are well informed and adhere to the City's procedures and management protocols

The City will continue to research and monitor (local / global) workplace reactions to the pandemic and manage, adapt and update its Risk Management and Business Contingency Planning processes and procedures as appropriate.

The City also continues to liaise with its consultants and advisors in respect to any potential benefits of design changes to the Walyalup Civic Centre building (i.e. improving cleansing / hygiene management). Opportunities have been reviewed to include motion sensor taps and flush units to toilet facilities and electronic door openers to select high use areas; a high-level cost estimate for these works is \$300, 000 to \$400,000.

Officers will continue to monitor the build / pandemic response advice but at this point in time no specific design changes or variations are proposed.

VOTING REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Agrees to nominate Access Office Industries as the City of Fremantle's preferred tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations (subject to the City and Access Office Industries reaching agreement on the terms of the final contract) on the basis that it is considered to be the most advantageous for the City of Fremantle, in accordance with Regulation 18(4) of the Local Government (Functions and General) Regulations 1996;**
- 2. Authorises the Chief Executive officer to enter into negotiations with Access Office Industries in relation to the final specifications of the furniture contract (including any value engineering solutions);**
- 3. Agrees, that if the City and Access Office Industries are able to reach agreement on the terms of the final contract, to:**
 - a. authorise the Chief Executive Office to accept Access Office Industries as the successful tenderer for tender FCC918/19 Supply, Delivery, Install and Maintain Loose Furniture and Workstations; and**
 - b. authorise the Chief Executive Officer and the Mayor to execute the contract with Access Office Industries.**

C2006-16 DELEGATED AUTHORITY REGISTER REVIEW

Meeting date:	24 June 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	1. Delegated Authority Register (Council Delegations) 2020/2021
Additional information:	1. Delegated Authority Register 2019/2020

SUMMARY

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

In order to meet the City's legislative requirements it is recommended that Council acknowledge that a review has been undertaken and adopt the council delegations contained in the Delegated Authority Register 2020/2021.

This report recommends that Council:

- 1. Revoke all council delegations contained in the Delegated Authority Register 2019/2020.**
- 2. Adopt all council delegations contained in the Delegated Authority Register 2020/2021 as attached.**

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the register of delegations at least once every financial year. The City's current Delegated Authority Register was last review and adopted by Council on 26 June 2019.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Sections 5.42 and 5.44 of the Act, prescribes that Council may delegate certain powers and duties to the Chief Executive Officer and other officers. A delegation authorises persons or class of persons to exercise powers that the Council would ordinarily exercise. The City of Fremantle has established a Delegated Authority Register to improve the timeliness and efficiency of decision making for stakeholders.

In some instances Acts and Regulations require Council to make a direct appointment to a person or class of persons. For example, the *Food Act 2008* is an Act that allows an

Enforcement Agency (Local Government) to delegate authority but does not allow the ability for the Chief Executive Officer to sub-delegate that authority.

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

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

CONSULTATION

Internal consultation was undertaken with relevant City officer’s to ensure accuracy and address all ‘best practice’ needs.

OFFICER COMMENT

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

There were no major amendments recommended to the council delegations contained in the Delegated Authority Register during this review.

Minor amendments to the council delegations contained in the Delegated Authority Register recommended during this review are as follows:

The table below details the recommended changes to the council delegations contained in the Delegated Authority Register 2020/2021.

Table of Amendments		
Delegated authority register 2019/2020	Delegated authority register 2020/2021	Comment /Changes made
2.1 Administration of local laws	2.1 Administration of local laws	Council delegates to the Chief Executive Officer the authority “to undertake all actions and processes and otherwise” administer the City’s local laws in accordance with: The bolded words were added to clarify that this delegation allows the CEO to undertake all actions of council under the city’s local laws as there was some confusion.
2.6 Determine grants and sponsorship allocations	2.6 Determine grants and sponsorship allocations	1. All Directors can approve grants, and sponsorships up to a maximum of \$25 000 ‘per applicant per year.’ 2. Manager Arts and Culture, Manager Communications and Events, Manager Economic Development and Marketing and Manager Community Development can approve grants, and sponsorships up to a maximum of \$20 000 ‘per applicant per year.’ This amendment is aimed at clarifying what can be approved and also discouraging multiple grants/sponsorships to single applicants in line with policy.
6.3 Ordinary Meeting of Council – 24 July 2019 - Item SPT1907 Modifications to the Heritage List and Municipal Heritage Inventory	3.23 Modifications to the Heritage List and Municipal Heritage Inventory	This delegation has now been incorporated into the DAR as a permanent delegation. When an amendment to the DAR is adopted between reviews it is captured at the end section of the register so as not to alter the numbering for that year. If the new delegation is a permanent one it is included in the body of the register at the next review.
3.23 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer	3.24 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer	Renumbering – as a new permanent delegation has been placed in the register at 3.23, delegations following have been renumbered accordingly.
3.24 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers	3.25 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers	Renumbering – as a new permanent delegation has been placed in the register at 3.23, delegations following have been renumbered accordingly.
6.5 Local Heritage Survey and Heritage List - Annual Update 2020 and Possible Approach to Greater Recognition of Post-WW2 Heritage	- - -	This delegation has been deleted from the register as the power it delegated was for a specific task and that task has now been completed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Revoke all council delegations contained in the Delegated Authority Register 2019/2020.**
- 2. Adopt all council delegations contained in the Delegated Authority Register 2020/2021 as attached.**

C2006-17 FUNDING FOR ARTHUR HEAD AND ROUND HOUSE REMEDIATION WORKS

Meeting date: 24 June, 2020
Responsible officer: Manager Assets
Decision making authority: Council
Agenda attachments: Nil
Additional information: Arthur Head Cliff Stabilisation Report 2019

SUMMARY

This report seeks consideration of funding allocation from Council, through the Infrastructure Working Group deliberations, and state government to undertake essential works to the cliff and surround areas on Arthur Head to enable removal of scaffolding on the western entrance to the Whalers Tunnel and surrounding cliff area and eastern area works adjacent the car park off Phillimore Street. Cost estimates for these works are provided within the Arthur Head Cliff Stabilisation Report 2019. The report also considers funding allocation support from state government for essential works on the Roundhouse.

BACKGROUND

Arthur Head

Arthur Head is recognised as a precinct of high aesthetic and heritage significance. It is predominately a natural feature which has been substantially quarried in the 1830s and 1960s reducing the size of the headland by 60% and leaving the quarried cliff faces exposed to an aggressive coastal environment.

Arthur Head Reserve was placed on the State Register of Heritage Places in November, 1993 and added to the Municipal Inventory in 2000. Any construction works within the Reserve are to be referred to and subject to approval from the Department of Planning, Land and Heritage (DPLH).

The quarried limestone cliffs and limestone masonry walls which are elevated above the surrounding landscape continue to deteriorate as the impact of wind, vegetation roots and flowing water cause erosion and the creation of loose areas of material that poses a significant risk of injury to visitors to the site.

In May 2018, as a result of increasing rockfall and risk of harm to the public, an area to the west side of the Whaler's Tunnel was secured with safety fencing, scaffolding and a gantry erected. This temporary protection will need to remain on site until the adjacent areas of cliff face have been remediated.

Previous conservation and stabilisation works undertaken between 2001 and 2018 were completed in a piecemeal manner. Some of these works included shaving the cliff faces to address safety issues of rock fall did not consider or address the issue of erosion and only accelerated the retreating of the cliff face towards some significant heritage buildings.

In 2019 the City completed the Arthur Head Cliff Stabilisation Report including a design and documentation package for remediation works which was endorsed by council. The report and recommended works provide a considered approach to staging works based on risk and available funding.

Round House

The Round House which is recognised as being Western Australia's oldest public building and is one of this State's most significant heritage buildings is one of the biggest attractions in Fremantle with an estimated 100,000 persons per year visiting the building annually.

The last major conservation works of the Round House were undertaken in 2004. Since then small amount of maintenance works have been carried out each year under the City's building maintenance budget.

Due to the exposed marine environment, vandalism and the well-intentioned but damaging repairs carried out during the twentieth century the building is now in need of some urgent conservation works. In particular, works are urgently required for the remediation and repair of the limestone walls.

In response to a motion moved at Annual General Meeting of Electors, at the Ordinary Meeting of Council on 10 June 2020 the council resolved the following:

1. Notes the process for national heritage registration and the intention to pursue nomination of the Round House in 2021.
2. The update of the Round House Conservation Plan currently in train and the framework this provides for formulating and considering budget proposals for maintenance, restoration and interpretation works, which can subsequently be considered as part of the annual budget process.

Advocacy

At the Finance, Policy, Operations and Legislation Committee Meeting of Council on 10 April 2019 the council resolved the following:

1. Endorse the Arthur Head design and documentation package as detailed in the Arthur Head Cliff Stabilisation Final Report, provided in Attachment 1 of this report in the Finance, Policy, Operations and Legislation Committee Agenda (10 April 2019).
2. Request officers proceed with referring details of the proposed works to the relevant state government agencies under public works procedures and obtaining all necessary statutory approvals.
3. Request the CEO seek State and Federal funding in order to progress the required remediation projects.

The Mayor and City has written to the state government through the *Minister* for Local Government; *Heritage*; Culture and The Arts and met with the Minister in late 2019 seeking support for these works.

FINANCIAL IMPLICATIONS

The estimated cost of renewal and essential works provided by the Arthur Head Cliff Stabilisation Report 2019 are;

Roundhouse -	\$ 540,000
Cliff and surrounds	<u>\$1,800,000</u>
TOTAL	<u>\$2,340,000</u>

The City has advised the state government of the following income received by the City for Arthur Head and also the maintenance and renewal works provided in the table below;

OPERATING		14/15 \$	15/16 \$	16/17 \$	17/18 \$	18/19 \$	19/20 (to date) \$
INCOME		203,035	197,672	200,980	256,462	240,224	112,564
EXPEND	Infrastra	203,869	164,363	174,009	240,642	182,226	60,871
	Buildings	297,635	301,093	100,317	82,583	273,337	109,198
NET TOTAL		298,289	267,785	73,346	66,763	225,339	47,504

The City has also advised the amount of capital expenditure within the Arthur Head reserve over the past ten years;

	09/10 \$	10/11 \$	11/12 \$	12/13 \$	13/14 \$	14/15 \$	15/16 \$	18/19 \$	NET CAPITAL
AMNT	90,879	204,601	2,415,048	220,274	401,450	133,873	56,735	43,260	3,566,124

To progress these works the City is considering a proposal to bundle the essential cliff and surround works to enable unsightly scaffolding and fencing to be removed to areas 1,4,7 and 8 which would value approximately \$1,000,000 and seek 50% funding for this from the state government. The City is also seeking the amount of \$540,000 from the state government to undertake the entire renewal works on the roundhouse.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

Given the heritage significance of Arthur Head and its buildings, a long term solution to stop the erosion of the cliff faces and repair of the Round House walls is required to ensure that the assets in the Arthur Head Reserve survive for future generations to enjoy.

As a significant state asset the City has approached the state government for support in undertaking important and essential renewal work. The City has offered to meet the state on a 50/50 proposal to undertake the essential works on the western side of the Whalers Tunnel as a first step in the commencement of these works. The City wrote to the Minister for Local Government; *Heritage*; Culture and The Arts in October and December, 2019, outlining the estimated cost of renewal works and the value of renewal and maintenance work the City has undertaken over the past six years.

The City has been updating of the Round House Conservation Management Plan (in train) with a view to providing an up to date assessment of the significance of the building and the works required to maintain, conserve and appropriately interpret and manage the site. The draft document is expected to be available for public comment shortly. Pursuit of federal listing remains a high priority for the City, however, and is tentatively planned to be pursued through in the next round of national listings in the coming year.

The update of the Conservation Management Plan has been undertaken in part to assist the City in properly scoping recommended works, with a view to informing budget proposals (and potentially grant applications) for these. The work the City is undertaking on the Conservation Management Plan reflects its recognition of the importance of this site and the need for appropriate investment. The Conservation Management Plan can also potentially support grant requests.

The City has identified that priority works with an estimated value of approximately \$1 million should be completed as soon as possible. The priority areas include the western entrance and surrounds to the Whalers tunnel, the wall adjacent to the car park on the eastern side and fencing on the south/eastern side to protect the footpath. The priority areas can be seen on the map in the Arthur Head Cliff Stabilisation Report 2019 in the specific areas 1, 4, 7 and 8 respectively.

In support of the request to the state government, it is proposed the City consider an allocation of \$500,000 as part of the Infrastructure Working Group deliberations supporting consideration of infrastructure projects as part of the recovery stimulus from COVID-19. Such funding will provide for 50% of the estimated costs for essential cliff and surround works in areas 1, 4, 7 and 8. Consideration should also be given to requesting the state government providing in allocating 100% of the funding required for essential works on the Roundhouse, which is estimated at a value of \$540,000.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. Consideration of the provision of \$500,000 as part of the priority infrastructure stimulus works by the Infrastructure Working Group which provides 50% contribution for essential works at Arthur Head for works in areas 1, 4, 7 and 8 as provided in the Arthur Head Cliff Stabilisation Report 2019 (as attached to this agenda).**
- 2. Council formally request the state government to contribute the remaining 50% portion from part 1 above, being \$500,000 for the essential works at Arthur Head for works in priority areas 1, 4, 7 and 8 in the Arthur Head Cliff Stabilisation Report 2019, and**
- 3. Council formally request the state government to fund the entire renewal works for the Roundhouse building estimated at \$540,000.**

C2006-18 BUDGET AMENDMENTS - MAY 2020

Meeting date: 24 June 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

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

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

BACKGROUND

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

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

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

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

Where expenditure has been incurred;

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

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

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

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

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	Establish new budget for P11943 – Construct – Town Hall - Fire upgrade for \$530k funded by reducing the contingency budget in P10297 - Construct - Civic Building. Project will be funded from Investment Reserve.					
	300000.1606	P10297 - Construct - Civic building – Capital	(39,194,305)		530,000	(38,664,305)
	300000.3923	P10297 - Construct - Civic building – Reserve	19,194,305	(530,000)		18,664,305
	300166.1606	P11943 – Construct – Town Hall - Fire upgrade	-		(530,000)	(530,000)
	300166.3923	P11943 – Construct – Town Hall - Fire upgrade	-	530,000		530,000
1.2	Establish new budget for P-11942 Fees - Evergreen Golf of \$439k for early termination of lease with Fremantle Public Golf Course which is partly funded by a contribution from Main Roads of \$400k.					
	200788.5961	P-11942 – Fees- Evergreen Golf – Op Exp			(439,000)	(439,000)
	200788.4325	P-11942 – Fees – Evergreen Golf - Grant	-	400,000		400,000
	100383.4382	Lead Infrastructure Directorate – Op Rev	-	39,000		39,000

1.3	Establish new budget for P-10119 Tri- Annual GRV revaluation of \$245k for the new property valuations effective 1 July 2020. Project was included in the long term projects for 2020-21 financial year however invoice has been received in 2019-20 for payment. Funded by increased interest income due to additional term deposits and parking revenue due to recent increase in fee income.					
	200242.6823	P-10119 Tri-annual revaluation of Gross Rental Values- Op Exp			(245,000)	(245,000)
	100527.4172	Receive investment income - Unrestricted Funds - Interest Inc.	800,003	100,000		900,003
	100525.4188	Monitor financial accounting processes - Other Income	437,088	50,000		487,088
	100237.4441	Issue parking infringements -Fine Penalty Income	1,350,000	20,000		1,370,000
	100724.4561	Operate car park 6a - Parking Fee Income	88,089	10,000		98,089
	100123.4561	Operate car park 31 Fishing Boat Harbour Fremantle -Parking Fee Income	1,123,991	30,000		1,153,991
	100117.4561	Operate car park 11 Esplanade Fremantle - Parking Fee Income	581,070	20,000		601,070
	100111.4561	Operate car park 02 Marine Terrace Fremantle -Parking Fee Income	228,000	15,000		243,000
1.4	Additional budget of \$350,000 required for P-11814 Building development – Consultants due to re-scoping of works on the Civic Building construction project. This increase in expenditure will be funded from the Furniture Fitout for Civic Building. Both projects are funded from Investment Reserve, therefore nil effect overall.					
	300100.1606	P-11682 Fitout – Civic Building – Cap Exp	(1,129,323)		350,000	(779,323)
	300086.1606	P-11814 Building development – Civic Building Consultants	(862,213)		(350,000)	(1,212,213)
1.5	Additional budget of \$7,500 required for payout of Mayor's leased vehicle, funded from the savings of 300128 P-10673 Purchase-Gang Mower.					
	300xxx.1608	New - Purchase Vehicle	0		(7,500)	(7,500)
	300128.1608	P-10673 Purchase-Gang Mower	(30,000)		7,500	(22,500)

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

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

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

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

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

3. Carried forward projects estimate budget amendments

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

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	Establish new budget for P11943 – Construct – Town Hall - Fire upgrade for \$530k funded by reducing the contingency budget in P10297 - Construct - Civic Building. Project will be funded from Investment Reserve.					
	300000.1606	P10297 - Construct - Civic building – Capital	(39,194,305)		530,000	(38,664,305)
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	300166.1606	P11943 – Construct – Town Hall - Fire upgrade	-		(530,000)	(530,000)
	300166.3923	P11943 – Construct – Town Hall - Fire upgrade	-	530,000		530,000
1.2	Establish new budget for P-11942 Fees - Evergreen Golf of \$439k for early termination of lease with Fremantle Public Golf Course which is partly funded by a contribution from Main Roads of \$400k.					
	200788.5961	P-11942 – Fees- Evergreen Golf – Op Exp			(439,000)	(439,000)
	200788.4325	P-11942 – Fees – Evergreen Golf - Grant	-	400,000		400,000
	100383.4382	Lead Infrastructure Directorate – Op Rev	-	39,000		39,000
1.3	Establish new budget for P-10119 Tri- Annual GRV revaluation of \$245k for the new property valuations effective 1 July 2020. Project was included in the long term projects for 2020-21 financial year however invoice has been received in 2019-20 for payment. Funded by increased interest income due to additional term deposits and parking revenue due to recent increase in fee income.					
	200242.6823	P-10119 Tri-annual revaluation of Gross Rental Values- Op Exp			(245,000)	(245,000)
	100527.4172	Receive investment income - Unrestricted Funds - Interest Inc.	800,003	100,000		900,003
	100525.4188	Monitor financial accounting processes - Other Income	437,088	50,000		487,088
	100237.4441	Issue parking infringements -Fine Penalty Income	1,350,000	20,000		1,370,000
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1.4	Additional budget of \$350,000 required for P-11814 Building development – Consultants due to re-scoping of works on the Civic Building construction project. This increase in expenditure will be funded from the					

	Furniture Fitout for Civic Building. Both projects are funded from Investment Reserve, therefore nil effect overall.					
	300100.1606	P-11682 Fitout – Civic Building – Cap Exp	(1,129,323)		350,000	(779,323)
	300086.1606	P-11814 Building development – Civic Building Consultants	(862,213)		(350,000)	(1,212,213)
1.5	Additional budget of \$7,500 required for payout of Mayor's leased vehicle, funded from the savings of 300128 P-10673 Purchase-Gang Mower.					
	300xxx.1608	New - Purchase Vehicle	0		(7,500)	(7,500)
	300128.1608	P-10673 Purchase-Gang Mower	(30,000)		7,500	(22,500)

C2006-19 MONTHLY FINANCIAL REPORT - MAY 2020

Meeting date: 24 June 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Monthly Financial Report – 31 May 2020
Additional information: Nil

SUMMARY

The Monthly Financial Report for the period ending 31 May 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 May 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 May 2020.

Description	2019-20 YTD Budget	2019-20 YTD Actual	Variance Amount	Variance %	
	(A)	(B)	(C) =(B)–(A)	(D) =(C)/(A)	
OPERATING					
Revenue	\$69.72M	\$71.09M	\$1.37M	1.97%	
Expenses	(\$67.41M)	(\$64.51M)	\$2.90M	4.30%	
Operating Surplus/Deficit	\$2.31M	\$6.59M	\$4.28M	185%	
CAPITAL					
Revenue	\$10.74M	\$12.01M	\$1.27M	11.85%	
Expenses	(\$23.84M)	(\$24.77M)	(\$0.93M)	(3.89%)	
Overall Surplus/Deficit	\$9.54M	\$16.56M	\$7.02M	73.53%	

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	679,277	
Operating Grants, Subsidies & Contributions	552,278	
Other Revenue	137,471	
Expenses	Variance	
Materials and Contracts	2,128,323	
Employee Costs – Agency Labour	(66,172)	
Other Expenditure	107,541	

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 May 2020 resulted in an additional \$7,016,309 being identified in the year to date position than anticipated, which is mainly as a result of :-

Reduction in anticipated year to date position

- Increased capital expenditure of \$926,977
- Decreased general rates income of \$21,271

Increase in anticipated year to date position

- Increased operating revenue (excluding general rates) of \$1,352,341
- Increased capital revenue of \$1,273,560
- Increased net transfer to/from reserve of \$2,946,598
- Underspending of operating expenditure to date of \$2,901,753

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 2019-2020 for reporting material variances as 10% or \$100,000, whichever is greater (Item C1906-2 refers Council meeting on 26 June 2019).

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:

Category	Variance \$	Var %	Var	Explanation of Variance
Operating Revenue				
Operating Grants, Subsidies and Contributions	552,278	19%		<u>Grants received in advance</u> The city has been paid an advance of \$564,053 for the first instalment 2020-21 Financial Assistance Grants from WA Local Government Grants Commission. These funds will be carried forward into the new financial year.
Other Revenue	137,471	24%		Additional income mainly due to the transfer of funds held in the trust fund for greater than 10 years in accordance with s6.9 (4) of the Local Government Act.
Capital Revenue				
Capital Grants, Subsidies and Contributions	1,383,170	17%		<u>Budget phasing- Grants received in advance</u> P-11882 -Design and construct - Fremantle Golf Course grant received in advance. Any unspent grant funds at the end of financial year will be carried forward.
Capital Expenditure				
Purchase Infrastructure – Road	809,797	42%		<u>Projects progress delayed due to COVID19</u> The following projects are currently under anticipated budget: - P-11718 Design and construct Stirling Highway crossing (\$108k) - P-11851 Resurface MRRG-Ord St (\$188k) - P-11854 Resurface MRRG-South Tce (\$276k) - P-11857 Resurface R2R-South Tce (\$58k) These projects will be recommended for carry forward into next financial year. <u>Projects cancelled due to COVID19</u> - P-11868 Rennie Crescent Car Parking (\$98k) <u>Project complete – waiting for invoices</u> - P-11852 Resurface MRRG-Parry St (\$74k)
Purchase Infrastructure – Other	284,255	43%		<u>Carried forward</u> - P-11823 Design and construct-Port Beach coastal adaptation (\$72k) - P-11687 Install Public Art Kings Square (\$36k) - P-10865 Construct-Fremantle Park carpark(\$150k) on hold in 19-20 due to COVID These projects will be recommended for carry forward into next financial year.
Purchase Community Land and Building	(2,493,072)	13%		<u>Invoice paid in advance</u> P-10297 Construct-Council Admin Offices (Kings Square redevelopment) (\$3,164,520) Additional upfront payments made to Pindan for ordering materials
Purchase Plant and Equipment	430,550	65%		<u>Purchase in progress</u> P-11847 Purchase-Road Sweeper (\$340k)

				Road sweeper delivery due week commencing 8 June 2020 P-10673 Purchase-Gang Mower (\$30k) Replacement mower received now waiting for invoice.
Purchase Furniture and Fittings	117,068	12%		<u>Invoices to be received</u> - P-11796 Install-CCTV (\$41k) <u>Carried forward</u> - P-10498 Program-Network infrastructure (\$50k). Project waiting on practical completion date of Kings Square. Unspent budget will be carried forward to next financial year.
<i>Reserve Transfers</i>				
Transfers from Reserves – Capital	2,857,604	20%		<u>Invoice paid in advance</u> Additional upfront payments made to Pindan for ordering Materials transferred from reserve: P - 10297 Construct-Council Admin Offices (Kings Square redevelopment) (\$3.14m)

① Invoices to be received -Variance relates to the actual year to date expenditure being less than anticipated. Works or services are in progress and the funds are committed. Payment will be made once invoices are received.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

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 May 2020.

C2006-20 STATEMENT OF INVESTMENTS – MAY 2020

Meeting date: 24 June 2020
Responsible officer: Finance Manager
Decision making authority: Council
Agenda attachments: Investment Report – 31 May 2020
Additional information: Nil

SUMMARY

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

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

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

- **Portfolio details as at May 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 \$846,077 against a year to date budget of \$794,150 which represents a positive variance of \$51,927.

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 2nd

June. The decision was made to support the economy as it responds to the global coronavirus outbreak and help when the recovery comes. The interest income will continue to be closely monitored throughout the year.

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 1.15% (refer report point 8), which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.97% as at the end of May 2020.

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 May 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 May 2020

At month end the City's investment portfolio totalled \$38.16m. The market value was \$38.26m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments(<= 3 months)	\$19.18m
Term Deposits (> 3 months)	\$18.98m
TOTAL	\$38.16m

Of which:

Unrestricted cash	\$22.20m
Restricted cash (Reserve Funds)	\$14.63m
Restricted cash (Trust Funds)	\$ 1.33m
TOTAL	\$38.16m

The current amount of \$22.20m held as unrestricted cash represents 29% of the total adopted budget for operating revenue (\$76.28m)

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

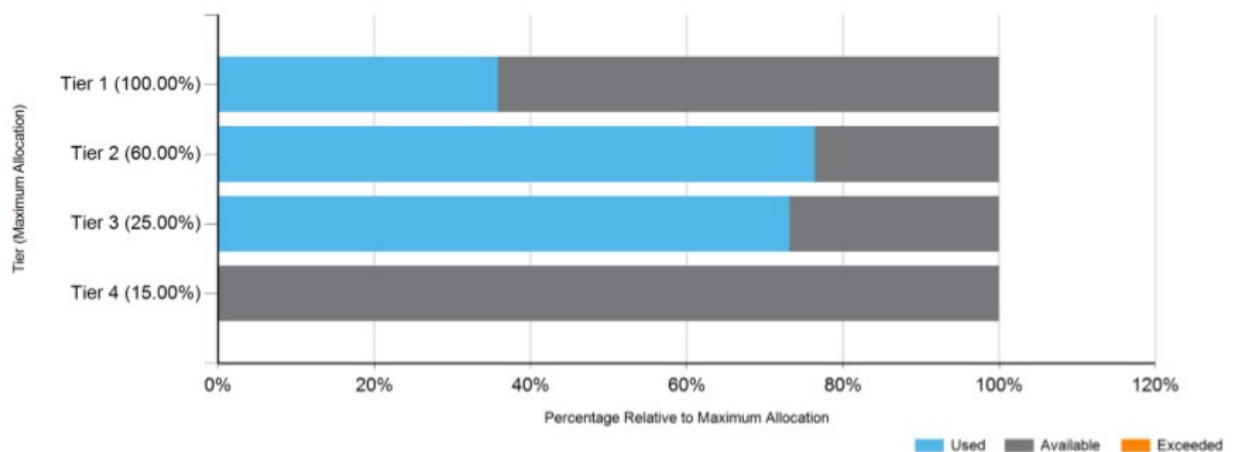
The City's Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. The adopted counterparty credit framework is as below:

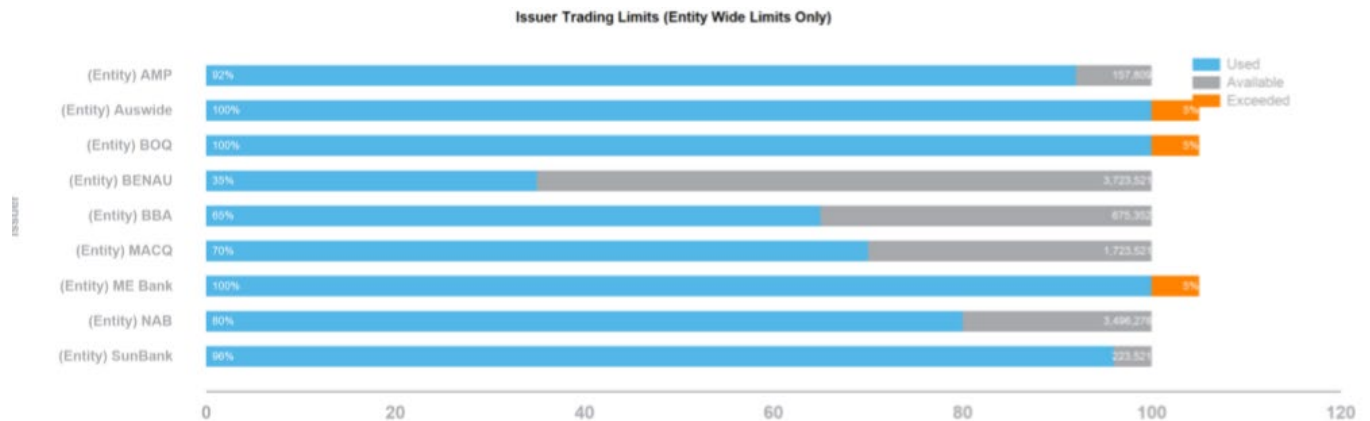
Counterparty credit framework

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:





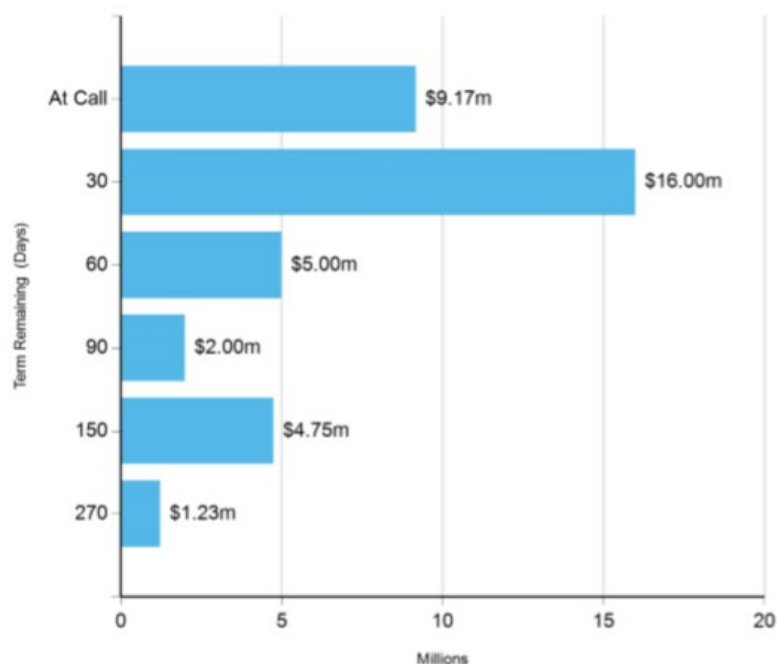
As reported in the above graph at the end of the month ME Bank went outside its thresholds by \$92k (5%), Auswide Bank went outside its thresholds by \$92k (5%), Bank of Queensland went outside its thresholds by \$276k (5%). At the time of investment of funds the portfolio was compliant, however due to subsequent maturities and cash requirements during the month it has resulted in these entities exceeding the trading limits as at 31 May 2020. This will be rectified as the term deposits mature.

3. Portfolio Liquidity Indicator (as at 31 May 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

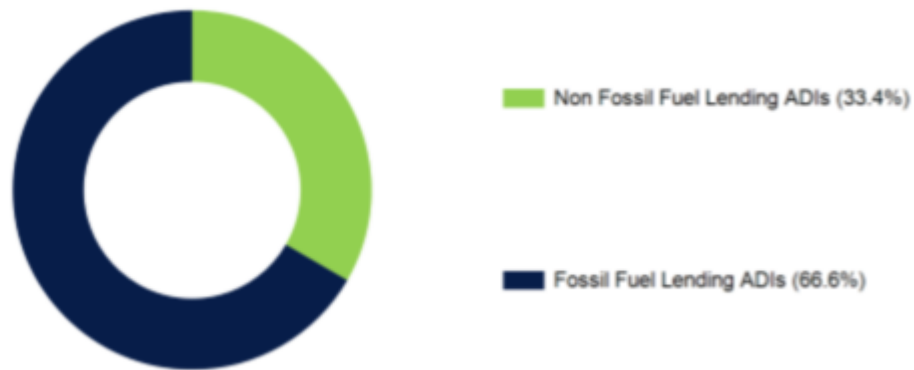


4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 31 May 2020)

At the end of this month \$12.73m (33.4%) 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 May 2020 to 31 May 2020)

During month of May \$119,104 in interest was earned from matured investments.

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

During this month 3 term deposits were acquired with a total value of \$4.982m 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

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

C2006-21 SCHEDULE OF PAYMENTS MAY 2020

Meeting date: 24 June 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically
Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending May 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 May 2020, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,153,983.63 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 May 2020 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$4,748,856.87
Purchase card transactions	\$19,079.09
Salary / Wages / Superannuation	\$1,379,845.26
Other payments <i>(as outlined in Attachment 1)</i>	\$6,202.41
Total	\$6,153,983.63

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$6,153,983.63 for the month ending May 2020, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending May 2020, as contained within Attachment 2.**

13. Motions of which previous notice has been given

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

14. Urgent business

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

15. Late items

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

16. Confidential business

C2006-22 CHIEF EXECUTIVE OFFICER PERFORMANCE COMMITTEE JUNE 2020 - CONFIDENTIAL REPORT

Meeting date: 24 June 2020
Responsible officer: Director People and Culture
Decision making authority: Council
Agenda attachments: 1. CEO Performance Committee Minutes – June 2020
2. Council Policy - CEO Recruitment and Performance Management
Additional information: 1. 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

17. Closure