

**City of Fremantle**

# **MINUTES**

## **Strategic and General Services Committee**

Wednesday, 8 July 2009  
6.00 pm

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### **COMMITTEE MEMBERS**

Mayor Peter Tagliaferri  
Cr Shirley Mackay  
Cr Georgie Adeane  
Cr Donna Haney  
Cr Brad Pettitt  
Cr Alice King  
Cr Doug Thompson

Beaconsfield Ward  
South Ward  
City Ward  
East Ward  
Hilton Ward  
North Ward

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## STRATEGIC AND GENERAL SERVICES COMMITTEE

Minutes of the Strategic and General Services Committee  
held in the Council Chambers, Fremantle City Council  
on 8 July 2009 at 6.00 pm.

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### DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.02 pm.

### NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

### IN ATTENDANCE

Cr Shirley Mackay	Deputy Presiding Member / Beaconsfield Ward
Peter Tagliaferri	Mayor
Cr Donna Haney	City Ward
Cr Brad Pettitt	East Ward
Cr Bill Massie	Hilton Ward
Cr Jon Strachan	South Ward
Cr Doug Thompson	North Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Mr Philip Gale	Acting Director Technical Services
Mr Alan Carmichael	Manager Finance and Administration
Mr Ian James	Strategic Urban Designer
Mr Peter Wood	Coordinator Parking Services
Mrs Penny Nind	Minute Secretary

*There were approximately 4 members of the public and 1 member of the press in attendance.*

### APOLOGIES

Cr Georgie Adeane	Presiding Member / South Ward
Cr Alice King	Hilton Ward

### LEAVE OF ABSENCE

Nil

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**PUBLIC QUESTION TIME**

Ms Maggie Lilith of Hilton asked about the proposal that has been submitted to the Council in relation to the Hilton Community Garden. She asked if this item has been considered and what could the expected timeframe be?

Acting Director Philip Gale responded that the Community Garden is currently being considered by the Senior Managers and that a item will hopefully go to Council in relation to this in August.

**DEPUTATIONS / PRESENTATIONS**

Nil

**DISCLOSURES OF INTEREST BY MEMBERS**

Nil

**LATE ITEMS NOTED**

Nil

**CONFIRMATION OF MINUTES**

**MOVED: Cr S Mackay**

That the Minutes of the Strategic and General Services Committee dated 10 June 2009 as listed in the Council Agenda dated 24 June 2009 be confirmed.

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

## TABLED DOCUMENTS

Nil

## REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

At 6.13 pm Mayor, Peter Tagliaferri left the meeting and returned at 6.14 pm.

### **SGS0907-1      EXTENSION OF CONTRACT FOR VERGE MOWING MAINTENANCE WORKS (TENDER FCC 310/08)**

**DataWorks Reference:**            135/001  
**Disclosure of Interest:**        Nil  
**Previous Item:**                    C0808-6 of 27 August 2008.  
**Responsible Officer:**            Phil Gale, Acting Director Technical Services  
**Actioning Officer:**                Lionel Nicholson, Manager City Works  
**Decision Making Authority:**    Committee  
**Agenda Attachments:**            Nil

## PURPOSE

To extend the contract for Verge Mowing Maintenance (Tender FCC 310/08) for the one year option allowed for within the contract.

## EXECUTIVE SUMMARY

**Tender FCC 310/08 was awarded to Gecko Contracting Pty Ltd in August 2008 for a period of one year (to operate from 28 August 2008 – 30 June 2009).**

**The contract provides for a one year option to be exercised for the scope of works, with the rate for the option period to be agreed by the parties. Based on the performance of the contractor to date, it is proposed to extend the contract for the option period, with the application of a consumer price index rise (“CPI”) to the initial contract period sum. The CPI rise equates to an extra \$7,000 (excluding Goods and Services (“GST”) for the year), and is catered for within the budget.**

## BACKGROUND

Tenders were invited from suitably qualified and experienced contractors to provide the verge mowing maintenance activities for arterial roads and suburban streets in July – August 2008. The contract period offered was until 30 June 2009, with a further one year option.

Committee approved the award of the tender in the August 2008 round of meetings. The contract covers an initial period from 28 August 2008 – 30 June 2009, with an option for the one year extension to 30 June 2009.

## **COMMENT**

City Works have monitored the performance of Gecko Contracting since starting the verge mowing works under the contract and consider that it has performed satisfactorily. It is proposed to extend the contract for the one year option. The rate for the option period has not been specified within the contract, but it has been agreed with the contractor to lift the rate for the one year extension period by a general CPI factor (increasing the yearly contract rate from \$356,618 (including GST) to \$364,298 (including GST)).

Committee approval is sought to effect the extension.

## **CONCLUSION**

Nil

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Strategy 3.6 (A Beautiful and Accessible Place - Facilities and Infrastructure)

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The provision of a well maintained road and street network should provide potential economic benefits in that it projects an improved visual impact particularly on arterial roads.

### **Environmental**

The contract will reduce the combustible fire load during the summer and reduce the environmental impacts from the use of herbicide treatments which would otherwise be used.

### **Social**

The provision of a well maintained verge network through a suitable level of maintenance activity within the municipality should provide potential social benefits and improve public safety.

## **BUDGET IMPLICATIONS**

Nil

**LEGISLATIVE AND LEGAL CONSIDERATIONS**

The obligations of Local Governments in regard to tenders for providing goods or services; Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996.

**PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

**The Strategic and General Services Committee, acting under delegated authority from council, approves the extension of the contract with Gecko Contracting Pty Ltd (tender FCC 310/08 for the provision of verge mowing activity within the municipality) for the lump sum of \$364,298 (including GST) for one year from 1 July 2009 – 30 June 2010.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**SGS0907-2 EXTENSION OF CONTRACT FOR NON CHEMICAL WEED  
MANAGEMENT (TENDER FCC 312/08)**

**DataWorks Reference:** 146/008  
**Disclosure of Interest:** Nil  
**Previous Item:** SGS0811-7 of 12 November 2008  
**Responsible Officer:** Phil Gale, Acting Director Technical Services  
**Actioning Officer:** Lionel Nicholson, Manager City Works  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Nil

**PURPOSE**

To extend the contract for the Non-Chemical Weed Management Activities (Tender FCC 312/08) for the one year option allowed for within the contract.

**EXECUTIVE SUMMARY**

**Tender FCC 312/08 was awarded to WeedTechnics (Green Safe Weed Control Solutions) in November 2008 for a period of one year (to operate from 1 September 2008 – 31 August 2009).**

**The contract provides for a one year option to be exercised at the same rate and conditions for the existing works. Based on the performance of the contractor to date, it is proposed to extend the contract for the option period prior to pursuing any further tendering process for the weed management activities.**

**BACKGROUND**

Tenders were invited from suitably qualified and experienced contractors to provide the weed management activities for arterial roads and suburban streets using non chemical means in July – August 2008. The contract period offered was for one year, with a further one year option.

The award of the tender was delayed at the time due to certain tender process irregularities. However, these were subsequently resolved and the award of the tender was approved by committee in November 2008. The actual tender period is for an initial one year period starting as from 1 September 2008.

**COMMENT**

City Works have monitored the performance of Weed Technics since starting the weed control works under the contract and consider that it has performed satisfactorily. With the concurrence of the contractor it is proposed to extend the contract for the one year option available under the contract.

Committee approval is sought to effect the extension.

## **CONCLUSION**

Nil

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Strategy 3.6 (A Beautiful and Accessible Place - Facilities and Infrastructure)

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The provision of a well maintained road and street network should provide potential economic benefits in that it projects an improved visual impact particularly on arterial roads.

### **Environmental**

The contract will reduce the combustible fire load during the summer and reduce the environmental impacts from the use of herbicide treatments which would otherwise be used.

### **Social**

The provision of a well maintained verge network through a suitable level of maintenance activity within the municipality should provide potential social benefits and improve public safety.

## **BUDGET IMPLICATIONS**

The extension of the contract for one year can be exercised at the same rate of \$222,501 (including GST) per year. This has been catered for within the recurrent budget.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

The obligations of Local Governments in regard to tenders for providing goods or services; Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996.

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

The Strategic and General Services Committee, acting under delegated authority from council, approves the extension of the contract with Weed Technics (tender FCC 312/08 for the provision of non-chemical weed management activity within the municipality) for the lump sum of \$222,501 (including GST) for one year from 1 September 2009 – 31 August 2010.

**CARRIED: 6/1**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	Cr Bill Massie

**SGS0907-3 PIONEER PARK HERITAGE INTERPERTATION PLAN - SUMMARY OF COMMENTS**

**DataWorks Reference:** 097/004  
**Disclosure of Interest:** Nil  
**Previous Item:** 097/004  
**Responsible Officer:** Agnieszka Kiera, City Heritage Architect  
**Actioning Officer:** Alex Mackenzie, Heritage Projects Officer  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Nil

**PURPOSE**

To report on public comment submissions made on the draft Pioneer Park Heritage Interpretation Plan (the plan) and propose changes to the plan for Council's endorsement.

**EXECUTIVE SUMMARY**

**The draft Pioneer Park Heritage Interpretation Plan was released for public comment for 28 days and 10 submissions were received by the closing date, addressing a range of issues. Most submissions support the plan and a number of them provide constructive suggestions to include in the final version of the plan as outlined in the report and the summary of table, below.**

**BACKGROUND**

The Council adopted Phillimore Street Conservation Plan at its 17 November 2003 meeting (Item SP0311-48 refers) to "provide basis for seeking external funds under the relevant heritage funding programs and to guide future conservation, interpretation and upgrading of the Phillimore Street precinct". At its 22 November 2004 meeting Council endorsed the Phillimore Street Masterplan (item SP0411-86 refers) as the City's strategic direction and set of principles to guide strategic planning for upgrading of the area. Following the successful exploratory archaeological digs in 2007 – 2008, Council commissioned and received the prepared Archaeological Conservation Plan for the reserve.

At its 27 August 2008 meeting (item C0808-3 refers) Council resolved, among other things, to adopt the program for upgrading the Pioneer Park Reserve as follows:  
2008/09 – exploratory archeological digs and preparation of heritage interpretation plan  
2009/10 – review of adopted conceptual plan and preparation of design development plans, community consultation + submissions for funding.

2010/11 – preparation of working drawings and implementation of the adopted plans  
Council also received and accepted the Lotterywest grant of \$15,000 for Pioneer Reserve Heritage Interpretation Plan under its 2007/08 conservation grants program. Subsequently Mulloway Studio + Paul Kloeden have been commissioned to prepare the plan.

At its 22 April 2009 meeting (item PSC0904-75 refers) Council resolved to release the draft Pioneer Park Heritage Interpretation Plan for a 28 day consultation period and to report on the submissions.

**COMMENT**

The invitation to comment was advertised in Fremantle Herald on May 2, 2009 and letters were sent to major stakeholders including all precincts, Public Transport Authority, Fremantle Society, Fremantle History Society, Lotterywest, HCWA, Heritage and Special Places Committee, Parks and Open Spaces Committee, Urban Development Advisory Committee Fremantle Ports, Spare Parts Puppet Theatre, June and David Hutchison and Fairgreen Pty owner at 8 Pakenham Street.

**Pioneer Park Heritage Interpretation Plan**  
SUMMARY OF SUBMISSION RESPONSES – Public Comment

Name	Issue	Officer's Comments / Recommendations
<p>1. Urban Development Advisory Committee</p> <p>(Andrew Sullivan and Ian Alexander provided individual submissions)</p>	<ul style="list-style-type: none"> <li>• high quality construction will be essential.</li> <li>• investigate how close the excavation will come to the water table.</li> <li>• shade should be considered for recreation space.</li> <li>• consultation for Aboriginal Interpretation should be handled sensitively.</li> <li>• most of archaeology from last year's dig should be revealed.</li> <li>• vandalism, particularly at night should be addressed. May require active/passive security.</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on board by the consultants in finalising the Interpretation Plan</p>
<p>2. David Hutchison - Fremantle Historian</p>	<ul style="list-style-type: none"> <li>• Supports recommended option for revealing the archaeology.</li> <li>• Suggests Local Identity Code be used as a guide to develop the proposed structures given the significance of site as a gateway entry to the CBD.</li> <li>• Agrees that Pioneer Park Reserve is a rare example of a publicly accessible urban archaeological site in Australia.</li> <li>• Supports the division of the Reserve into the three conceptual sections of: green, active and recreational and archaeological park, but no sporting facilities.</li> <li>• To include additional 'stories' e.g. the reason that the buildings on the site were demolished and the site level raised is that Air John Forrest, when he advocated the construction of</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on board by the consultants in finalising the</p>

	<p>the Trans Australian Railway, wanted the western terminal to be on this site; the Aborigines frequently speared fish in the lower reaches, probably often near this site; there were rifer trade and recreation close to the site.</p> <ul style="list-style-type: none"> <li>• the site was originally on the river's edge, which should be marked.</li> </ul>	<p>Interpretation Plan</p>
<p>3. Pam Walker Horticultural Technical Officer representing Parks &amp; Landscape</p>	<p>recommends retention of more trees, and:</p> <ul style="list-style-type: none"> <li>• consideration of the effects of the tree roots on archaeological remains, and:</li> <li>• reduction of the size of area of proposed paving and retaining turf instead.</li> <li>• shaded amenity.</li> <li>• impact of the proposed changes on the water supply.</li> <li>• public safety.</li> <li>• Recommends strict adherence to the Burra Charter.</li> <li>• Recommends consulting indigenous community.</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on board by the consultants in finalising the Interpretation Plan</p>
<p>4. Neil Patrick - owner of Fairgreen Pty at 8 Pakenham Street</p>	<p>believes that cities such as Fremantle benefit greatly with small green parks, such as Pioneer Park which should be maintained as a green oasis within the City.</p> <ul style="list-style-type: none"> <li>• Does not support the recreational area for any ball sports so close to heavy traffic along Phillimore St. and Pakenham St. due to safety concerns.</li> <li>• Pioneer Park will be much more in the public eye after the development of Victoria Quay.</li> <li>• "Recreational Space" is out of place in such a small area.</li> <li>• it would be much more suitable to have a low wall with series of bronze plaques depicting the indigenous Australians, the pioneer's settlements and the view from the park at the date of settlement, of what is now Fremantle Harbour.</li> </ul>	<p>These comments ignore the archaeological findings, which is against Council policy (Phillimore St Masterplan and archaeological conservation plan)</p> <p>Note concern with sport facilities.</p> <p>Other suggestions not supported</p>
<p>5. Georgia Scott – member of public</p>	<ul style="list-style-type: none"> <li>• Strongly supports that the entry point into the CBD, sends the message that the City of Fremantle is aware of/dedicated to supporting sustainable transport.</li> <li>• All space should be universally accessible.</li> <li>• Adequate acknowledgement of ongoing Indigenous connection with the site – there could be opportunity for reconciling the different land uses, rather than "indigenous space" versus "pioneer space.</li> <li>• there should be bicycle parking on site. If the</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on board by the consultants in finalising the</p>

	<p>City is serious about sustainability new developments of any kind need to support sustainable transport modes. This could easily be incorporated into the design, linking the past with the direction we want to follow into a sustainable future.</p>	<p>Interpretation Plan to the practicable and relevant extent</p>
<p>6. Margaret Scott - Member of the Parks and Open Spaces Committee, Master's Student in Ecologically Sustainable Development at Murdoch Uni and local property owner/ and rate payer.</p>	<ul style="list-style-type: none"> <li>• Supports recommended option for revealing the archaeology.</li> <li>• the draft plan has potential to put Fremantle 'back on the map' and expand its future.</li> <li>• public interest in Fremantle is waning in spite of the Maritime Museum, the Fremantle Arts Centre and the Fishing Boat Harbour. The proposal should provide rejuvenation with something vital on which the City can hang its cap.</li> <li>• the proposal for Pioneer Park has the opportunity to suggest how Fremantle might embrace being a university town, so that the presence of Notre Dame in the west end becomes an asset to the city.</li> <li>• the people's "first and last impressions of Fremantle" should not just be of 'old Fremantle'.</li> <li>• the Interpretation plan is the best hope the City has to draw people into CBD in competition with the ING development, should it proceed, which will provide major attractions to draw people away from the City Centre.</li> <li>• Supports the interpretation plan and subsequent development, on the grounds that, 'everyone loves a winner', and this plan is one that will attract more developments to happen around it.</li> <li>• Supports an outdoor puppet theatre for patrons on weekends to draw in families. Also supports the concept of attractions for young people through inclusion of a half court for basketball or similar.</li> <li>• the proposal and subsequent development will cause no loss of amenity, but rather offers an enhanced capacity that is much more interesting, inviting and attractive as well as being educational and conserving a little more of our tiny history.</li> <li>• Supports utilising the Plan as opportunity for acknowledgement of aboriginal ownership / culture / heritage/dreaming of the area that is overdue for recognition.</li> <li>• The University of Notre Dame could do more to</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on board by the consultants in finalising the Interpretation Plan to the practicable and relevant extent</p> <p>These comments are outside the</p>

	<p>enliven the area by opening some of the hotels and buildings for single student accommodation – drawing people into the area at all times who would require services such as cafes and wine / jazz bars to be open for longer hours, enticing visitors along.</p> <ul style="list-style-type: none"> <li>• this plan should consolidate the current chaotic situation which is: a difficult, dangerous intersection; a confusion of vehicles, people, lights, signs and activities.</li> </ul>	<p>scope and boundary of this project. Comments should be referred on to the relevant officers</p>
<p>7. Gaye Nayton- historical archaeologist who was a consultant on the Phillimore Street Conservation Plan</p>	<ul style="list-style-type: none"> <li>• Does not supports recommended option for revealing the archaeology, due to the site being rich in archaeological landscapes which is very unique to Australian and WA and thus it should not be reduced to glimpses.</li> <li>• the design is too static and does not allow for future excavations – instead the reserve rather be considered as an ongoing archaeological excavation and research.</li> <li>• how condensation and water runoff will be dealt with within the reserve.</li> <li>• lack of consideration for the display of more personal evocative artefacts.</li> <li>• no consideration given to the impact of construction over un-interpreted parts of the site. Possible damage could occur to archaeological ruins if this not addressed.</li> </ul>	<p>No conservation plan of Council supports “revealing the archaeological landscape” as opposed to revealing the “archaeology”- the difference is unclear.</p> <p>The remaining suggestions to be assessed by the consultants and taken on board as appropriate</p>
<p>8. Jack Mc Ilroy - archaeologist for Archaeological Conservation Plan and principal archaeologist on Pioneer Park digs</p>	<ul style="list-style-type: none"> <li>• concern that the archaeology is fragile, particularly with regard to root penetration in Tibbets Cottage and this must be dealt with.</li> <li>• Disagrees with the Interpretation Plan’s comment that the early remnant cottage ruins are not ‘spectacular’. Feels that the archaeology is sufficiently spectacular as indicated by the public and media interest during the dig.</li> <li>• No problem with the remnant activities not being spread evenly across the park.</li> <li>• Disagrees with the Interpretation Plan’s comment that the archaeology is weak in comparison with Roman sites. Feels the atmosphere and sense of historic presence are strong.</li> <li>• comparison of Pioneer Park to Roman Ruins of Barcelona is not appropriate.</li> <li>• Responds to the statement that, ‘heritage places generally fail to attract younger audiences’ saying that although teenage years may be disinterested, the school children who</li> </ul>	<p>All comments are</p>

	<p>stumbled upon the site during the excavations were enthralled.</p> <ul style="list-style-type: none"> <li>• preference that the recreational space to the west be left a green space or future archaeological space. The basketball or similar would detract from the heritage park aspect and concerned about the safety of ball sports given the close proximity of traffic</li> <li>• young people as the demographic least interested in heritage are unlikely to wander to the site. The Esplanade is a better location for this activity, removed from the street traffic.</li> <li>• the proposed recreation space overlaps significant archaeological sites and that thus a non-permanent structure is advisable if one is needed at all.</li> <li>• the event/gathering space should remain a green space for now.</li> <li>• Port Arthur History Site as an example of a site that has done a particularly good job of visual presentation.</li> <li>• the major excavation will be Tibbets' cottage, further archaeological digs, should be undertaken as this was not possible during the 2008 excavation because it would have meant removing the Apex well. Suggests this well will eventually have to be moved.</li> <li>• consideration of whether or not to expose the Market Street end of the cottage complex, before any steps are constructed in this location.</li> <li>• future excavations should be undertaken as these events offer a continuing source of fascination for public and school groups.</li> <li>• more archaeological work should precede the establishment of the kiosk as there might be a better location for this.</li> <li>• a rethink of the viewpoints as certain findings are not visually compelling enough to warrant revealing them. The remains along Short Street (in particular building corners) are better suited to view ports.</li> <li>• the Theakston boarding house site has the greatest visual impact and is next in priority after Tibbets cottage.</li> <li>• The council should acquire the triangular forecourt on the east side of the Spare Parts Puppet theatre where part of the boarding house is.</li> </ul>	<p>to be taken on board by the consultants in finalising the Interpretation Plan to the practicable and relevant extent</p>
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<p>9 Fremantle Ports represented by Franco Andreone, Project Manager</p>	<ul style="list-style-type: none"> <li>• the access ramp to Tibbett’s Cottage ruins would need to be designed to suit disabled access.</li> <li>• concern that the draft Heritage Interpretation Plan differs from the Phillimore Street Integrated Master Plan. However, it is also acknowledged that the important archaeological findings in Pioneer Park driving the Heritage Interpretation Plan were discovered after the Phillimore St Integrated Master Plan was endorsed by relevant Stakeholders.</li> <li>• concern that the ‘steps and seating platform’ on the north side of the Reserve between Pioneer Park and Phillimore St should not become a physical barrier between the two areas as per the key objective in the Phillimore St Integrated Master Plan, to encourage connectivity and pedestrian flow.</li> <li>• there should be a change in attitude and wording/attitude where the document notes the changes to Market St/Phillimore St intersection as a ‘threat’. Given that there is an endorsed Master Plan guiding the upgrade of Phillimore St including the intersection in question should be viewed as an ‘opportunity’ rather.</li> <li>• the draft Heritage Interpretation Plan should be reviewed by the author of the Phillimore Intergrated Master Plan (Geoff Warn, Donaldson &amp; Warn Architects) to ensure a seamless transition from master plan to detailed design through to implementation.</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>The interpretation expands the Phillimore St. Integrated Master Plan by the newly gained knowledge revealed by the Archaeological digs. In this respect it is consistent with the intent of the Master Plan</p> <p>All comments are to be taken on board by the consultants into consideration to the practicable and relevant extent</p>
<p>10. Heritage and Special Places Committee taken from minutes of meeting - 03.03.09</p>	<p>The committee supports the overall concept of revealing the area’s significance. The project offers heritage interpretation and upgrading of the park’s landscape.</p> <ul style="list-style-type: none"> <li>• Council should carefully plan the future funding for the project to ensure if necessary a staged implementation of the project.</li> <li>• important to draw people into this special public space in front of the Railway Station to encourage revisits. Suggests that dove-tailing the footpath into the grassed surface of the park would invite people into the park, allowing visitors to ‘encounter’ archaeology as an interesting surprise.</li> <li>• importance of creating intimacy and places of ‘containment’ within the park to encourage congregation and feeling of being protected.</li> <li>• the interpretation plan will enhance the park by</li> </ul>	<p>Support of Interpretation Plan noted</p> <p>All comments are to be taken on</p>

	<p>revealing archaeology. The proposal has been designed in accordance with the Burra Charter's principles and methodology.</p> <ul style="list-style-type: none"> <li>• the Plan recommends removal of trees while more shade is needed and screening of Spare Parts Puppets Theatre.</li> <li>• sloping ramp over Tibbetts cottage could be adapted to create the suggested amphitheatre.</li> <li>• the kiosk as proposed will be too small and the park is not sufficiently large to accommodate activities other than the recommended passive recreation, archaeology and landscaping. Perhaps the kiosk may be a portable operation or that it be attached to, or near the Spare Parts Puppet Theatre.</li> <li>• It is appropriate that the proposed ramp over Tibbetts' cottage ruins faces south but its fall should be 1:16 to allow disabled access.</li> <li>• the interpretation plan drawings should show levels for clear understanding of the proposal. Ramps should be designed to serve as paths with gradual change of levels rather as trenches with vertical walls.</li> <li>• a playground and a basketball ring would be more appropriate than the proposed basketball court for the western end. Also, possibilities raised included a speakers' box' or occasional artists' stalls.</li> <li>• glazed viewing windows should face south and can be illuminated to glow at night from below ground, which would add to the attraction of the park and ensure its night use.</li> <li>• retention and upgrading the interpretation of the shoreline is important to the site.</li> </ul>	<p>board by the consultants into consideration to the practicable and relevant extent</p>
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## CONCLUSION

The Council made the draft Pioneer Park Heritage Interpretation Plan available for public comment for 28 days and received 10 submissions. Generally the comments from both, public and advisory committees are supportive or very supportive of the plan. Common concern involves the proposed basketball recreation space to the west. The majority of remaining comments were constructive regarding the relationship between the Phillimore Street Integrated Master Plan and the Interpretation Plan; making sure the plan utilizes the park's potential as a gateway to the CBD; the proposed ramps conforming to universal access, and making sure Aboriginal significance of the site is being addressed in the final plan.

Most comments and suggestions are appropriate and relevant and can be properly addressed in the final Plan. The specific recommendations column provides direction

how the comment should be addressed by the final plan. The recommendations are in order and can now be taken on board by the consultants in finalising the plan.

## **STRATEGIC AND POLICY IMPLICATIONS**

The draft conservation plan complies with the Council plans for Pioneer Park Reserve and Phillimore Street Integrated Precinct Masterplan

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Economic investment in the planned upgrade of Pioneer Park (and Phillimore Street Precinct) is consistent with the City's economic strategy and is likely to produce spill off effect for the central area businesses associated with its proximity to Fremantle's major public transport hub and in a walking distance to all major tourist attractions of Fremantle.

### **Environmental**

The item is concerned with environmental protection of Pioneer Park (Phillimore Street Precinct) as part of the city's non renewable heritage resources.

### **Social**

Community's consultation on the Phillimore Street Integrated Precinct Masterplan has demonstrated people's strong attachment to this part of the West End due to its association with the city's history, evolving urban form and identity of its residents. This support also demonstrates the personal attachment of many, whose descendants/relatives were directly involved with the former uses of Pioneer Park, particularly as Uglieland to raise funds in support the Australian war efforts.

## **BUDGET IMPLICATIONS**

There are no budget implications associated with this item.

Any future developments related to the planned upgrade of Pioneer Park will be subject of the normal budgetary process of the Council.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Nil

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Phillimore Street Integrated Precinct Masterplan which is the overall guiding document for this project has been extensively consulted in 2006 i.e. at the time of its adoption.

This item reports on the public comments received on the released draft plan.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

1. That Council receives and notes the comments received and resolves that:
  - a) draft plan be reviewed in light of the comments received, and;
  - b) the issues listed in the comments' summary table be resolved in the final plan in accordance with the recommendations shown in the comments' column of the summary table, above.
2. Final report be submitted to Council for further consideration and adoption.

**Cr D Thompson MOVED an amendment to the Officer's Recommendation to include the following point 3:**

**3. In the final report specific attention be given to results of aboriginal consultation and any implications for interpretation.**

**CARRIED: 7/0**

For	Against
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

1. That Council receives and notes the comments received and resolves that:
  - a) draft plan be reviewed in light of the comments received, and;
  - b) the issues listed in the comments' summary table be resolved in the final plan in accordance with the recommendations shown in the comments' column of the summary table, above.
2. Final report be submitted to Council for further consideration and adoption.
3. In the final report specific attention be given to results of aboriginal consultation and any implications for interpretation.

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

Item 3 is self explanatory.

**REPORTS BY OFFICERS (COUNCIL DECISION)**

**Cr S Mackay MOVED en bloc recommendations numbered SGS0907-7, SGS0907-9 and SGS0907-11.**

**CARRIED: 7/0**

For	Against
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**The following item SGS0907-7 was moved and carried en bloc earlier in the meeting.**

**SGS0907-7 VARIANCE TO BE USED IN MONTHLY FINANCIAL REPORT FOR 2009/2010**

**DataWorks Reference:** 087/002  
**Disclosure of Interest:** Nil  
**Previous Item:** Item C0807-3 of 23 July 2008  
**Responsible Officer:** Alan Carmichael, Manager Finance & Administration  
**Actioning Officer:** Alan Carmichael, Manager Finance & Administration  
**Decision Making Authority:** Council

**PURPOSE**

To adopt a percentage or value, calculated in accordance with AASB 1031, to be used in statements of financial activity for reporting material variances in 2009/2010.

**EXECUTIVE SUMMARY**

**The recommendation is to adopt a percentage of 2.5% in combination with a threshold amount of \$125,000 below which a variance report would not be required. Compared to 2008/2009, the percentage is the same but the threshold amount represents an increase of \$25,000 to the \$100,000 that applied in 2008/2009.**

## **BACKGROUND**

Changes to the Financial Management Regulations under the Local Government Act 1995 were proclaimed on 31 March 2005 and they applied from 1 July 2005. The changes required a monthly financial activity report with explanations being provided for material variances between year to date (YTD) budget and YTD actual. The regulations require that Council adopt a percentage or value each financial year and that is to be used in statements of financial activity for reporting of material variances. This item seeks to set that variance for 2009/2010.

## **COMMENT**

On the reporting of variances, extracts from AASB 1031 give some guidance as to what is regarded as material:-

- 15 Quantitative thresholds used as guidance for determining the materiality of the amount of an item or an aggregate of items shall, of necessity, be drawn at arbitrary levels. Materiality is a matter of professional judgement influenced by the characteristics of the entity and the perceptions as to who are, or are likely to be, the users of the financial report, and their information needs. Materiality judgements can only be properly made by those who have the facts. In this context, the following quantitative thresholds may be used as guidance in considering the materiality of the amount of items included in the comparisons referred to in paragraph 13 of this Standard:
  - (a) An amount which is equal to or greater than 10 per cent of the appropriate base amount may be presumed to be material unless there is evidence or convincing argument to the contrary; and
  - (b) An amount which is equal to or less than 5 per cent of the appropriate base amount may be presumed not to be material unless there is evidence, or convincing argument, to the contrary.

Having regard to the AASB 1031, the fact the financial report where the materiality is to be applied is a monthly year to date financial report (as opposed to annual report), the size of the City of Fremantle budget and the nature of the local government business, it is considered a percentage figure of 2.5% with a threshold of \$125,000 before a variance report is required would be an appropriate level. With monthly reporting, the key objective is seen as having monthly budget data so that any variance reporting is based on the planned situation. A lot of the revenue and expenditure, especially capital expenditure, does not occur in an even or proportional manner over the year. Timing differences can explain the majority of variances if the materiality is set too low. Also in relative terms, \$125,000 equates to 0.5% of rates or employee costs. With a 2.5% variance, it effectively means that budgets under \$5 million might have variances greater than 2.5% which would not require reporting as the value of the variance could be under \$125,000. However once the budget reached \$5 million, a variance greater than 2.5% would automatically trigger a variance report.

Experience from commenting on material variances during the 2008/2009 financial year has highlighted the following points:-

- If budgets are not scaled for expected activity, then material variances are generated and items unnecessarily reported.

- Where officers do not have a clear timeframe for their work program, then the budget(s) are scaled to be received or spent in the latter part of the financial year. This leads to materially increased variances in those months when it became obvious that the works will not occur and require carry forward to the next financial year. The continuing high value of carry forwards mean we are setting the budget up to produce material variances which must be reported upon. The annual budget, should be what we intend to do in the next twelve months and if that is not the case, items will be unnecessarily reported especially towards the end of the financial year.

## **CONCLUSION**

By maintaining the 2.5% percentage variation and increasing the threshold limit slightly we are basically adjusting for inflation. This is not considered to impact on the quality of information that would otherwise have been reported.

## **STRATEGIC AND POLICY IMPLICATIONS**

The annual budget is a strategic document; therefore its ongoing monitoring should highlight any budgetary issues.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The implementation of the budget has economic outcomes; therefore the monthly financial reporting of material variances to the budget should alert Council to any potential positive or negative impacts to those outcomes.

### **Environmental**

The implementation of the budget has environmental outcomes; therefore the monthly financial reporting of material variances to the budget should alert Council to any potential positive or negative impacts to those outcomes.

### **Social**

The implementation of the budget has social outcomes; therefore the monthly financial reporting of material variances to the budget should alert Council to any potential positive or negative impacts to those outcomes.

## **BUDGET IMPLICATIONS**

The item has no direct budget implications, but the reporting of variances will highlight budget issues that might need to be addressed at a later date.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Financial Management Regulation 34(5) under section 6.4 of the Local Government Act 1995 refers.

**PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COMMITTEE AND OFFICER RECOMMENDATION**

**MOVED: Cr S Mackay**

**That the variance to be used in statements of monthly financial activity for reporting material variances under AASB 1031 be set for 2009/2010 at 2.5% with a threshold of \$125,000 below which variance reporting is not required.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item SGS0907-9 was moved and carried en bloc earlier in the meeting.

**SGS0907-9 PETITION, TRAFFIC CALMING - CAESAR ST, BEACONSFIELD**

**DataWorks Reference:** 096/002 and 165/002  
**Disclosure of Interest:** Nil  
**Previous Item:** Nil  
**Responsible Officer:** Philip Gale, Acting Director Technical Services  
**Actioning Officer:** Jenni Longman, Traffic & Design Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Policy - Traffic Calming Priority  
Petition and location map

**PURPOSE**

To consider a petition, requesting the installation of Traffic Pacifiers' in Caesar Street, Beaconsfield.

**EXECUTIVE SUMMARY**

**A Petition was presented to the Ordinary Meeting of Council on 22 April 2009 requesting that traffic calming be installed in Caesar Street, Beaconsfield. The results of the traffic calming analysis using the city's Traffic Calming Policy have indicated that traffic calming would not be warranted.**

**BACKGROUND**

A petition signed by 17 residents of Caesar Street with a covering letter was presented to Council in April 2009.

The Petition reads as follows:

*'We, the undersigned residents of Caesar Street Beaconsfield, request the City of Fremantle modify Caesar St to reduce the speed of vehicles that use the street. There is a high volume of traffic on Caesar St due to the TAFE college and the high school. In addition, there are many pedestrians walking to the high school, TAFE college, ACTIV factory and local residents who access the oval for sport and recreation. There are regular car accidents on the corner of Caesar and Grosvenor Streets due to poor visibility, traffic volume and speed of vehicles.'*

The petitioners requested implementing traffic calming measures, namely 'traffic pacifiers'.

Following receipt of the Petition, a traffic survey was undertaken in late February 2009 on Caesar Street.

**COMMENT**

Following receipt of the Petition, Council Officers initiated the collection of data to gather information on traffic speed, volume and direction of travel for vehicles over a one week period. The data was assessed against the criterion contained in the City's 'Traffic Calming Priority' Policy.

The Traffic Calming Priority Policy has been implemented to provide an objective measure of specific criteria used to determine warrants and justification of expenditure.

- In this particular instance the data indicates an Average Weekday Traffic (AWT) volume of 704 vehicles on Caesar Street. This is the number of vehicles travelling on the road per weekday in a 24 hour period. This is well below the maximum vehicles per day of 3000 set out by Main Roads WA in Table 1 – Metropolitan Functional Road Hierarchy Road Types and Criteria.
- The measured 85<sup>th</sup> percentile speed is 58.7 km/hr on Caesar St. This speed is used to determine the speed environment, and indicates that 85% of the vehicles are travelling at or below the stated 85<sup>th</sup> percentile speed in the respective road.  
In relation to the AWT, 598 of the daily 704 vehicles are travelling at or below 58.7 km/hr on Caesar St.
- In applying the traffic data collected on Caesar Street to Councils Traffic Calming Priority Policy, and in considering the land use types, the road scored relatively low and as a consequence the warrants were not met to justify traffic calming.
- There are no reported crashes in this street according to MRWA Data, if so they are minor and may not have been reported to Police. However recently there was a crash involving an under age driver stealing a vehicle, speeding and driving into the driveway of 10 Caesar St, the installation of devices on the road could increase the severity of a crash involving inexperienced, immature drivers, where the warrant score is low they are not recommended..
- The Traffic Calming Warrant score was relatively low and did not require any action, however Council officers applied to MRWA to install line marking and signs to the intersection of Caesar and Grosvenor St's, which has been approved and will be installed by the end of May 2009.
- There has also been an application from the City's Traffic section to Main Roads WA for the 'Anti Hoon Speed Hump Program'. This submission was not endorsed as it did not meet a high enough score according to the criteria set out in the guidelines.

**CONCLUSION**

In applying the traffic data collected on Caesar St to Councils Traffic Calming Policy, and with considering to the surrounding land use and amenities, the respective roads scored

relatively low and as a consequence the warrants were not met to justify installation of traffic calming devices on the road.

A pro-active approach to this situation has been in successfully submitting an application to Main Roads WA, for line marking and signs to be installed at the intersection of Caesar St and Grosvenor St, and the application for the anti hoon Speed Hump Program funding which unfortunately was not successful in gaining approval.

### **STRATEGIC AND POLICY IMPLICATIONS**

This item refers to Councils Operational Policy – Traffic Calming Priority.

### **TRIPLE BOTTOM LINE IMPLICATIONS**

#### **Economic**

Nil

#### **Environmental**

Nil

#### **Social**

Nil

### **BUDGET IMPLICATIONS**

Nil

### **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Nil

### **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

This matter has not been referred to the Beaconsfield Precinct.

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

Simple Majority Required

### **COMMITTEE AND OFFICER RECOMMENDATION**

**MOVED: Cr S Mackay**

**That Council,**

1. Not support the installation of traffic calming devices in Caesar Street, Beaconsfield.
2. Provide the Beaconsfield Precinct with a copy of this report.
3. Monitor Caesar Street by installing traffic counters, re-analysing traffic calming warrants in twelve months time, and continue to communicate with the Fremantle Traffic Intelligence section, which will assist them in targeting areas of concern.
4. Assist residents by informing them of the contact details for direct communication with the Fremantle Police Traffic Intelligence section, which will help with the collection of data and targeting hoon, anti social behaviour and improve Police and Community relations.
5. The petitioners to be advised of Councils decision, with the reasons for the decision.

**CARRIED: 7/0**

For	Against
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

The following item SGS0907-11 was moved and carried en bloc earlier in the meeting.

**SGS0907-11 INFORMATION REPORT FOR JULY 2009**

**THE INSTALLATION OF REPLACEMENT PARKING TICKET MACHINES**

**DataWorks Reference:** 016/002, 045/012, 096/068, 165/010, 159/007  
**Author:** Cameron Bartkowski, Community Safety and Ranger Coordinator  
**Agenda Attachments:** Nil

On 7 July 2008 Strategic and General Services Committee agreed that Tenders should be called for new Ticket Parking Machines. On 23 July 2008 the Ordinary Meeting of Council agreed with this recommendation.

On 19 November 2008 Tenders were invited closing 18 December 2008. Four companies tended and on 25 March 2009 Council accepted that;

- "1. Australian Parking Revenue Control is selected as preferred supplier for Tender FCC321/08 for the provision of on-street parking ticket machines.
2. The Chief Executive Officer is granted delegated authority to award tender FCC321/08 for the provision of on-street parking ticket machines subject to a trial of the preferred supplier's machines to his satisfaction up to the value of \$360,000 (ex GST) for 30 machines, plus the contract for the supply of up to 175 machines over the next 36 months subject to future budget funding approval, to the value of \$10,500 (ex GST) per month."

We are now currently in that trial period.

**MINUTES OF AUDIT COMMITTEE MEETING FROM 10 JUNE 2009**

**DataWorks Reference:** 039/033  
**Author:** Alan Carmichael, Manager Finance & Administration  
**Agenda Attachments:** Attachment 1 Minutes of Audit Committee 10 June 2009

At the meeting, the committee met with the external auditor, Mr Michael Hillgrove of the firm Grant Thornton.

**MINUTES OF HERITAGE & SPECIAL PLACES COMMITTEE 7 APRIL & 7 JUNE 09**

**DataWorks Reference:** Heritage & Special Places Committee; 039/004  
**Author:** Vanessa Collins, Heritage Planner  
**Agenda Attachments:** Attachment 2 Minutes of H&SPC 7 April 2009  
Attachment 3 Minutes of H&SPC 7 June 2009

The meetings of the Heritage and Special Places Committee (the Committee) for 7 April and 7 June 2009 are attached. The committee advises Council through the Strategic Planning Committee on strategy, policy, development referrals and other relevant matters relating to heritage.

**COMMITTEE AND OFFICER RECOMMENDATION**

**MOVED: Cr S Mackay**

**The Strategic and General Services Committee information report for July 2009 be received.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**SGS0907-10 DECKCHAIR THEATRE - REQUEST FOR WAIVER OF CITY OF  
FREMANTLE RATES CHARGES**

**DataWorks Reference:** L072 – Lease – Deckchair Theatre  
**Disclosure of Interest:** Nil  
**Previous Item:** Nil  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** John Amor, Property Coordinator  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**PURPOSE**

To consider Deckchair Theatre's submission that it is not liable for rates and taxes as per negotiations leading up to its current Lease.

**EXECUTIVE SUMMARY**

**Deckchair Theatre Leases the Victoria Hall Complex in High Street, Fremantle. The Lease is due to expire on the 31<sup>st</sup> December 2010 without any further options being available for extension beyond that date.**

**This Lease was effected by exercise of the Chief Executive Officers Delegated Authority circulation on the 23<sup>rd</sup> November 2005 for a three year term commencing on the 1<sup>st</sup> January 2006 with two (2) one (1) year options. At point 5 of that DA Notice it was reported that the Lease was to be a "gross rental type" with an all up figure of \$20,000 being the annual commencing rental. The DA Notice explained that the \$20,000 gross was the recommendation of the then City's Cultural and Recreation Department which advised that the \$20,000 was comparable to charges being applied to similar organisations and facilities elsewhere in Perth. The gross rental was understood by both the Deckchair Theatre Management and the City's Property Coordinator to mean that there could not be any further impositions for statutory charges.**

**Item 5 of the Lease schedule the annual rental nominated at \$20,000 per annum inclusive of all outgoings for the premises which statutory charges would be a part.**

**However, during the course of the Lease term the City has issued statutory charges that total as of 1<sup>st</sup> July 2009 \$12,687.05.**

**Deckchair Theatre now seeks a recession or waiver of those charges.**

**BACKGROUND**

Deckchair Theatre Leases the Victoria Hall Complex in High Street from the City of Fremantle.

During the lease negotiations Deckchair maintained that the absolute maximum it could afford to pay for these premises was \$20,000 per annum.

During the course of the current Lease Deckchair has undergone a severe funding curtailment for the Australian Council of Arts; an internal management review and restructure; and the loss of its premises whilst the theatre was being restored by the City.

All of these events have seriously impacted upon Deckchairs financial capacity which was already precarious.

## **CONCLUSION**

Deckchair Management has reasonable grounds to argue that it genuinely believed that it would not be liable for statutory charges during the course of this Lease.

## **STRATEGIC AND POLICY IMPLICATIONS**

The City's support for Deckchair has relevance to the following points of the City's own strategic Plan as follows.

### **1.1 Diversity of People and Lifestyles**

Fremantle accommodates and serves a diverse local and regional community, with a mix of age, income and cultural groups. The City continues to meet the needs and expectations of changing population.

*Deckchair Theatre provides an opportunity for residents to enjoy work of a high standard and to learn about their cultural heritage through the medium of theatre.*

### **1.4 Sense of Community**

Fremantle has a strong sense of community, fosters harmony and social justice.

*To date, Deckchair has produced works that celebrates the significant contributions of Fremantle personalities from all walks of life.*

### **1.6 Healthy and Active Community ( Community Well – being)**

Fremantle has a healthy and active resident populations with good access to sport, recreation, arts and cultural facilities...

*Deckchair Theatre's productions are a significant addition to cultural calendar in Fremantle.*

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Deckchair is a long established part of Fremantle's cultural identity and it continues to attract audiences to Fremantle which assists in creating economic activity in the City.

## **Environmental**

Nil

## **Social**

Deckchair Theatre is well recognised as a key component of Fremantle's cultural identity.

## **BUDGET IMPLICATIONS**

Should the waiver of the rates be approved this will not seriously impact upon City revenues.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

If so pressed Deckchair Theatre could argue that it has legal grounds on which to reject the notion that it is liable for statutory charges under its existing Lease.

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Not consulted.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

- 1. That the statutory charges, including rates, totalling \$12,687.05, that have been levied against Deckchair Theatre be waived.**
- 2. That Deckchair Theatre not be held liable for any statutory charges for the remaining term of the existing Lease**
- 3. That any new Lease with Deckchair Theatre will return to and reassess the question of its capacity to pay the standard statutory charges that would normally be part of any ongoing Lease arrangement.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**SGS0907-4      FREMANTLE CHILLI FESTIVAL FREE USE OF ESPLANADE  
RESERVE AND CAR PARK 2**

**DataWorks Reference:** 154/021  
**Disclosure of Interest:** Nil  
**Previous Item:** Nil  
**Responsible Officer:** David Duncanson, Manager Economic Development & Marketing  
**Actioning Officer:** Doreen Johnson, Events Operations & Logistics Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**PURPOSE**

To seek Council approval for the free use of four sectors of the Esplanade Reserve for 7 days, as well as fencing off this area and Car Park 2 for three days, to stage the Araluen Chilli Festival, Fremantle in March 2010.

**EXECUTIVE SUMMARY**

**The City has received a request from Araluen Botanic Park Foundation Inc. for the free use of four sectors of the Esplanade Reserve for staging the Araluen Chilli Festival Fremantle on the 13<sup>th</sup> and 14<sup>th</sup> March 2010. This event would involve fencing off part of the reserve and with bump in and bump out periods would amount to seven days use. The request has also included the exclusive use of Car Park 2 which is the car park at the western end of Marine Terrace for the 12<sup>th</sup>, 13 & 14<sup>th</sup> March 2010. If full commercial charges were to be made for the Esplanade this would amount to \$3,850 and the hire of the car park for three days would amount to \$3,432. Therefore the total subsidy requested for the event is \$7,282.**

**BACKGROUND**

Since its introduction in the summer of 2003 the Perth Chilli Festival has firmly established itself as one of Perth's major cultural events and has always been held at Araluen Botanic Park, Roleystone. It has strong community involvement, celebrates the unique culinary and cultural aspects of chillies and features a diverse range of stallholders and entertainment that promotes an appreciation of healthy living and culture. These qualities were recognised by the principal naming-rights sponsor, Healthway, for the promotion of its "Go for 2 and 5" health message. The Perth Chilli Festival was a gold medal winner in 2007 and a 2008 finalist in the WA Tourism Awards (Festivals and Events).

The Perth Chilli Festival is owned by the Araluen Botanic Park Foundation Inc. The foundation is a not-for-profit volunteer organisation dedicated to the ongoing restoration, preservation and future development of Araluen Botanic Park which is owned by the State Government.

Attendance at the Festival has grown steadily since its inception in 2003 with the 2009 festival attracting approximately 11,500 people over the two day event. The event was originally held in February each year but in 2006 it was decided to move the festival to March to coincide more with fruiting chilli plants.

Due to the increase in numbers the organisers and the lack of suitable areas at Araluen the organisers are seeking a new venue for the event and have opened negotiations with the City's marketing team.

## **COMMENT**

There will be a number of benefits from holding this event in Fremantle

- The organisers estimate that staging the event in Fremantle has the potential of attracting at least 15,000 plus visitors over the two days.
- A number of Fremantle businesses would have an opportunity to participate at the festival.
- The entertainment program will feature a number of Fremantle based singers and musicians.
- The name of the festival will be changed to reflect the location and will become "Araluen Chilli Festival, Fremantle".
- Many of the stall holders will be from outside Fremantle and will require accommodation plus meals and beverages for the duration of the festival.

Recent research has shown that on average a visitor to events of this type will spend \$38 which for an estimated 15,000 visitors would give a \$570,000 boost to the local economy.

The applicant wishes to use areas C, D, E & F of the Esplanade Reserve

## **CONCLUSION**

Attracting the Araluen Chilli Festival Fremantle is a major achievement bringing visitors from throughout the metropolitan area. While at this stage the organisers are only willing to commit to holding the 2010 event in Fremantle there is potential to make this an annual event reinforcing Fremantle's reputation as a festivals and events city.

It is also important to note that the organisers of this event have a number of years experience and therefore will be well prepared with strategies to minimise the impact of the event on the Esplanade Park

## **STRATEGIC AND POLICY IMPLICATIONS**

The attraction and retention of events is a key area in the Strategic Plan

- Contribute to the local economy by encouraging major events that are in harmony with the City's character

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The economic implications from staging the Araluen Chilli Festival Fremantle are considerable with an estimated \$570,000 being injected into the local economy over the two days of the event.

### **Environmental**

While holding events on the Esplanade Reserve can have a negative impact on the surface measures would be taken to minimise the impact.

### **Social**

The festival will add to the vibrant mix of events and attraction in Fremantle and will reinforce Fremantle's reputation as being a festival city.

## **BUDGET IMPLICATIONS**

While there is potential loss of revenue from hiring the reserve and car park income this is outweighed by the considerable economic impact the event will have on the local economy.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Nil

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

**That Council grant Araluen Botanic Park Foundation Inc free use of sectors C,D, E & F of the Esplanade Reserve and fencing off this area for seven days as well as free use of Car Park 2 for three days for the staging of the Araluen Chilli Festival, Fremantle on condition that:**

- 1. That the organisers enter into a management agreement with the City for the period of the event.**
- 2. That a bond of \$20,000 be paid prior to the event to cover the cost of repair of damage to the Esplanade occurring during the event.**

3. That the organisers acknowledge the City of Fremantle as a major sponsor of the event in all promotional activities.
4. That local businesses be given the opportunity to participate in the event.

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**NOTE:**

Cr Jon Strachan noted that the Park is closed for 7 days for a three day event with no comment through the report. He asked that officers provide comment on this before the Council meeting.

**SGS0907-5      CONSIDERATION OF CONSTITUTION OF PASSENGER TERMINAL  
PARKING STATION**

**DataWorks Reference:** 122/003, 035/001  
**Disclosure of Interest:** Nil  
**Previous Item:** Nil  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Peter Wood, Coordinator Parking Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** **Attachment 1:** Plan of proposed parking station.  
**Attachment 2:** Proposed amendments to *City of Fremantle Parking Local Law 2006*.  
**Attachment 3:** Proposed amendments integrated into the current *City of Fremantle Parking Local Law 2006*

**PURPOSE**

Consideration of a proposal received from the City Solicitor, Mcleod's Barristers and Solicitors, for an amendment to the *City of Fremantle Parking Local Law 2006*, to create and enforce a new parking station, namely 'Passenger Terminal Parking Station', Victoria Quay, pursuant to a request to the City of Fremantle by the Fremantle Port Authority.

**EXECUTIVE SUMMARY**

The Fremantle Port Authority is a major stakeholder with the City of Fremantle in the provision of public parking facilities in the vicinity of Victoria Quay. The passenger terminal, operating at Berths 'F' and 'G', Victoria Quay, has adjacent to it a developed parking area enclosed by architectural fencing. This particular parking area is used to accommodate the set-down and pick-up of passengers and luggage from vehicles in relation to cruise ships berthed there, and, at other times, the temporary secure accommodation of imported vehicles, pending delivery.

At a meeting on 8 April 2009, the Strategic and General Services Committee, and subsequently, an ordinary meeting of Council on 22 April 2009 ('the April round of meetings'), resolved to advertise several proposed amendments to the *City of Fremantle Parking Local Law 2006*. Part of those proposed amendments related to this parking area. Since that time, the City Solicitor has proposed a further amendment in relation to that area. This item now for consideration relates directly to incorporating the City Solicitor's proposal into the amendments already resolved to be advertised. Additionally, this proposal seeks the formal declaration by Council of the area as a parking station. The amendments in this item are complementary to the amendments authorised at the April round of meetings. The modified penalty recommended by the City Solicitor is consistent with the serious effect non-compliance can have upon dockside port operations and shipping movements. Operational efficiency at the port is measured in the unit of millions of dollars. Thus any deleterious effect, whilst seemingly minor, will be multiplied by the consequences which arise from non-compliance.

## BACKGROUND

These recommendations of the City Solicitor complement the previously proposed amendments to the *City of Fremantle Parking Local Law 2006*, which have since been resolved in the meetings of the Strategic and General Services Committee and of an ordinary meeting of Council in April 2009 ('the April 2009 round of meetings') to be advertised in accordance with the statutory process for the making and amendment of local government local laws. The amendments proposed in this current item are applicable only to the parking area to which this item relates, whilst the amendment on this point in the previous item dealt with in the April 2009 round of meetings is capable of wider application and should be retained upon that basis.

The area under consideration is used to accommodate imported vehicles, pending delivery to dealers. Maximisation of the number of vehicles which can be stored there is dependent upon the area being completely vacant. Storage space is limited, thus, an inability to discharge vehicles from the ship can lead to serious complications in dockside port operations and the movement of shipping. It is with these considerations in mind that the modified penalty has been set.

## COMMENT

Prosecution of alleged offences under the *City of Fremantle Parking Local Law 2006* are currently conducted by McLeod's Barristers and Solicitors, a law firm retained by the City. The amendments proposed in this current item are those proposed by that firm. These amendments are complementary to other amendments presently moving within the statutory process for the making of local laws.

## CONCLUSION

The amendments proposed in this current item are recommended. These amendments do not alter the intent of the existing legislation. They go to assisting our major stakeholder, the Fremantle Port Authority in its port operations, and also contribute to the achievement of several core criteria in the City of Fremantle Strategic Plan.

Assuming that the proposed amendments are supported, their formal adoption is required.

The following action needs to be implemented in order to do so:

- *Notice of the Summary of purpose and effect of Local Law to be provided to the Council meeting.*

**NOTE ! This is the point that we are at now, in progressing a reviewed or amendment to the Local Law.**

- *Local Government gives Statewide notice of proposed Local Law.*
- *Local Government gives Local Law and notice to Minister(s).*
- *Local Government receives and considers public submissions.*
- *If significant amendments are necessary, the procedure must be recommenced.*

- Local Government makes Local Law.
- Local Government prepares Explanatory Memorandum for Committee.
- Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).
- Local Government gives State wide notice of Local Law and publicises Local Law in district.
- Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.
- Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.

**NATIONAL COMPETITION POLICY – CLAUSE 7  
LOCAL LAW REVIEW EXECUTIVE SUMMARY**

**LOCAL GOVERNMENT: CITY OF FREMANTLE**

<b>TITLE:</b> <i>City of Fremantle Parking Local Law 2006</i>	
<input type="checkbox"/> No	New Local Law
<input type="checkbox"/> No	Repeal of Local Law
Amendment to Implement NCP	
<input type="checkbox"/> No	
Other Amendment to Local Law	
<input type="checkbox"/> Yes	
No Amendment to Local Law	
<input type="checkbox"/> N/A	
<p><b>Review conduct:</b> Greater efficiency of Port operations has given direction to the proposed amendments contained in this item. Relevant modified penalties introduced here were assessed in accordance with statutory limitations and considerations of seriousness of the offence and deterrent effect.</p>	
<p><b>Restrictions on Competition:</b> The requirements of the National Competition Policy do not apply to the proposed amendments to the local law.</p>	
<p><b>Effects of the Restrictions:</b> The proposed amendments are applicable only in the new parking station, and will enhance efficiency of Port Authority operations there.</p>	
<p><b>Assessing the Benefits and Costs:</b> Key performance indicators for the Port Authority are measured in the scale of millions of dollars. Thus, slight advantages to efficiency are thereby multiplied by the scale of operations.</p>	

<p><b>Alternative Means of Achieving Desired Outcome:</b> None.</p>
<p><b>Overall Conclusion and Recommendations:</b> These amendments enhance Port Authority efficiency in the parking station.</p>
<p><b>Implementing Recommendations:</b> Responsible officer is Coordinator, Parking Services.</p>

## STRATEGIC AND POLICY IMPLICATIONS

The following items from the City's Strategic Plan are relevant:

### ***Outcome 2.1 Vibrant and Diverse Economic activity***

2.1.4 Ensure easy and equitable access to the City and local centres.

### ***Outcome 2.2 A Unique and Vibrant Regional Centre***

2.2.2 Develop and implement a vision for Fremantle as a regional centre;

2.2.7 Encourage a working port which complements the City's identity.

### ***Outcome 2.3 Attractive and Welcoming to Visitors and Tourists***

2.3.1 Work with partners to attract national and international events to Fremantle;

2.3.2 Maintain Fremantle as a major visitor destination in Western Australia.

### ***Outcome 3.3 Integrated Transport System***

3.3.1 Promote efficient transportation, access to the Inner Harbour, CBD and industrial areas.

Council's Policy on the Environment, OP14, is also relevant.

## TRIPLE BOTTOM LINE IMPLICATIONS

### **Economic**

The amendment will be instrumental in enabling the Fremantle Port Authority to efficiently regulate port operations and shipping movements. In economic terms, the Port's key performance indicators are measured in the millions of dollars. A similarly large scale also exists for shipping operators.

### **Environmental**

The proposed amendment provides for efficient use of the parking facility which in turn has a positive effect upon the environment. Inefficiencies in port operations can have a negative environmental impact.

### **Social**

The efficient use of the parking facility promotes several core aspects of the City's Strategic Plan.

## **BUDGET IMPLICATIONS**

The benefits and costs associated with compliance operations are likely to be at least self-supporting. Parking fees are not part of the operational regime for the parking station.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Progress of the proposed amendments must be in accordance with the process prescribed by sections 3.12 to 3.15 inclusive, of the *Local Government Act 1995*.

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Precinct Convenors will be advised as a result of the community consultation process.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Council – absolute majority required.

## **PURPOSE AND EFFECT OF THE PROPOSED AMENDMENTS:**

The **purpose** of the proposed amendments to the *City of Fremantle Parking Local Law 2006* is to provide for the orderly parking of vehicles by establishing a parking station and providing for its enforcement. The **effect** of these amendments will be to increase efficiency in the operations of the Fremantle Port Authority.

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED:** Cr S Mackay

**That Council:**

1. In accordance with its powers under clause 19 of *City of Fremantle Parking Local Law 2006*, resolves to constitute the area coloured yellow in Attachment 1 to this item as a parking station, to be known as 'Passenger Terminal Parking Station',
2. Provides notice to the Minister for Local Government and Regional Development of the intention to amend the *City of Fremantle Parking Local Law 2006*, and
3. Advertises its intent to amend the *City of Fremantle Parking Local Law 2006* as shown in Attachment 2 to this Item.

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

**SGS0907-6 BOXING DAY ITEM 2009 TRADING & BUSINESS ECONOMIC DEVELOPMENT & MARKETING****DataWorks Reference:****Disclosure of Interest:** Nil**Previous Item:** Nil**Responsible Officer:** Graeme Mackenzie, Chief Executive Officer**Actioning Officer:** David Duncanson, Manager City Marketing**Decision Making Authority:** Council**Agenda Attachments:** Nil**PURPOSE**

Attain Council support for the extension of trading hours on Boxing Day 2009 (26/12/2009).

**EXECUTIVE SUMMARY**

It is proposed that an application be made to the Department of Commerce (formally Department of Consumer Employment and Protection) for extended trading hours on Boxing Day 2009. As Boxing Day is a public holiday, restrictions apply to trading hours in Fremantle. Extending trading will maximise economic benefit to retailers and the general Fremantle economy. The success of Boxing Day trading in 2008 is indicative of the support for extended trading hours.

**BACKGROUND**

The Department of Consumer and Employment protection determines trading hours for larger retailers in Western Australia and currently larger retailers are not permitted to open on public holidays. The department, at its discretion, is able to grant extended trading hours on public holidays on two occasions each year. The department approved Boxing Day trading in Fremantle in 2008, which proved popular with both retailers and shoppers.

As a result of successful Boxing Day trading in 2008, Retail Division of Fremantle Chamber of Commerce have requested that the City of Fremantle apply for an extension of trading hours on Boxing Day - Saturday 26 December 2009. The Fremantle business community is supportive of the application.

**COMMENT**

The application for trading hours has majority support from both large and small retailers who see it as an opportunity to start post Christmas sales. Fremantle attracted large visitor numbers on Boxing Day 2008 and retailers benefited greatly from the influx of shoppers. Boxing Day in 2009 falls on a Saturday. As a result, both Saturday 26 and Monday 28 will be deemed public holidays and trading will be restricted. Fremantle attracts high visitor numbers on the weekend and it is for this reason that Saturday 26 December is favourable over Monday 28 in order to meet visitor expectations.

In order to satisfy Department of Commerce application guidelines that extended trading should be linked to an event, it is proposed that shopping in Fremantle that day will be promoted as an event by itself. It is intended to promote Boxing Day shopping as an activity in the port city, encompassing everything unique about Fremantle.

Feedback from retailers is that in order to maximise the benefit, opening hours should be granted from 10am to 6pm. On approval of extended trading hours, businesses are able to opt to trade, it is not compulsory for retailers to open and it is up to the individual retailer to do so.

## **CONCLUSION**

The extension of trading hours on public holidays have proved to be extremely successful in 2008 and it is expected that trading on Boxing Day 2009 will be no exception. The economic benefits for central Fremantle will be significant.

## **STRATEGIC AND POLICY IMPLICATIONS**

This item is connected to the Strategic Plan and the Economic Development Strategy.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Permission for all retailers to open on Boxing Day will bring significant economic benefit to Fremantle.

### **Environmental**

Nil

### **Social**

Retailers opening will add to the diversity of activities that visitors will be able to enjoy on the day.

## **BUDGET IMPLICATIONS**

Nil

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Application will be made to the Department of Consumer and Employment Protection in order to comply with the legislative process.

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Support for the application has been gained from Fremantle Chamber of Commerce.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr S Mackay**

**Council supports the application for an extension of retail trading hours on Boxing Day (26/12/2009) from 10am to 6pm.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	

At 6.54 pm Mayor Peter Tagliaferri declared an interest in item SGS0907-8 and was absent during the discussion and voting of this item.

Cr D Haney left the meeting at 7.02 pm and returned at 7.04 pm.

#### **SGS0907-8 8 - 10 HENDERSON STREET - DEVELOPMENT AS A HOTEL**

<b>DataWorks Reference:</b>	053/008, 8 Henderson St, 10 Henderson St
<b>Disclosure of Interest:</b>	Nil
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Phil St John, Director
<b>Actioning Officer:</b>	Ian James, Strategic Urban Designer and David Duncanson, Manager Economic Development and Marketing
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Nil

#### **PURPOSE**

To consider the disposal and development of the City owned Spicer site property at 8-10 Henderson Street for tourist accommodation.

#### **EXECUTIVE SUMMARY**

This report examines the possible development of the City owned property at 8-10 Henderson St, known as the Spicer site, for tourist accommodation. Disposal of the property would be either by sale or a long term ground lease. Appropriate development of the site will be the final major stage in the implementation of the Paddy Troy Mall streetblock concept.

Tourism Western Australia has made recent approaches to the City reinforcing the need for additional tourist accommodation in Fremantle and identifying the Spicer site as one of the possible sites that is well suited for a 3-4 star hotel development that will provide access to the many attractions and amenities available in the surrounding area.

The report concludes that appropriate development of the Spicer site will bring benefits to the general area in terms of increased business activity, an improved streetscape and pedestrian safety and amenity. While development of the site could accommodate a range of uses, including retail, commercial and residential, it is considered that development primarily as a hotel will bring significant strategic benefits to the city as a visitor destination.

This report recommends that the Council give in principle support to development of the property for tourist accommodation and to initiate the first step in the process to develop the site by the preparation and advertising of a business plan for its disposal. The report also identifies a number of development requirements that could be incorporated into a local planning policy for the site, and a public

tender process for its disposal and development that is similar to that recently adopted by the Council for the City owned Point St properties.

## BACKGROUND

The property at 8-10 Henderson Street, which comprises a total area of 2834 square metres, was purchased by the City of Fremantle in 1969 for car parking purposes. Following demolition of the 4 storey Spicer Ltd building in 1970, most of the property has been used as Car Park No. 13 - an open bitumen car park with 62 marked bays with a 3 hour limit. The property also contains a masonry and asbestos roof warehouse (approx 571 sqm) accommodating the 'Pine Shop' retail furniture store.

The property also currently provides two-way vehicle access to Paddy Troy Mall from William St. This is the only vehicle access to Paddy Troy Mall, which is a designated road reserve created from areas of land ceded from the rears of properties fronting William St and South Terrace as a result of Council adoption in 1982 of policy D.G.F18 to create the mall as a mid-block service and pedestrian spine. Investigations to date have shown that there is no right of carriageway easement over the Spicer property to formally provide this access. The adjacent Fremantle Malls building at 35 William St also has several retail tenancies fronting and taking access from the Spicer site.

In 1996 the City sought expressions of interest for development of the site. Nine proposals were received, including:

- cinema development
- boutique hotel, with ground floor retail and basement parking for 63 bays
- multi-level carpark providing 150 bays
- chinese food hall
- residential and office development, with limited parking
- retail, office and library complex for the Council.

The Council resolved to defer any further action until at least 1997/98 to wait for the outcomes of a 1997 Parking Study and to wait for expected increases in property values.

In October 2000 the Council agreed that priority should be given to provision of a visual and pedestrian link between Henderson St and Paddy Troy Mall in order to attract more pedestrians to and through the mall.

Tourism Western Australia has made recent approaches to the City, including a presentation to an informal meeting of the Council in September 2008, reinforcing the need for additional tourist accommodation in Fremantle. One of the sites identified by Tourism Western Australia was the Spicer site as being well suited for hotel development and that will provide access to the many attractions and amenities available in the surrounding area.

A feasibility study by Tourism WA has shown that the property "could be developed as a stand alone 3-4 star hotel with up to 113 serviced apartments and 188 keys (bedrooms). This figure is based on the entire site being developed for hotel rooms and it may be that a smaller hotel with associated commercial and retail activities is more appropriate given

the relationship to the CBD and other planning considerations. Commercial and retail activities would also support the financial viability of developing a hotel and may make it more attractive to investment.”

Tourism WA has also advised that a number of hotel operators have shown an interest in the site and its potential for development for this type of use. The site offers a rare opportunity to develop tourist accommodation in a strategic location in Fremantle in the central city close to many of the city’s tourist attractions, hospitality facilities and the Esplanade Hotel conference centre.

**COMMENT**

Demand for hotel and short stay accommodation in the Fremantle area remains high and during the peak summer season there is no accommodation to be found in Fremantle with visitors being accommodated as far away as Rockingham. The lack of tourist accommodation is not unique to Fremantle with Tourism WA research indicating that there is a shortage of hotel and short stay accommodation throughout the Metropolitan area.

Tourism is a major driver in the local Fremantle economy as can be seen from the following table:

**Value of Tourism in Fremantle**

	<b>2005-2007</b>	<b>2008-2010</b>	<b>2011-2013</b>
DAY VISITS TO FREMANTLE p.a.	528,000	553,667	539,556
EST. DAY TRIP SPEND p.a.	\$51,718,178	\$59,318,995	\$61,345,412
EST. DAY TRIP SPEND DAILY	\$141,694	\$162,518	\$168,070
NIGHTS STAYED IN FREMANTLE p.a.	819,000	828,858	856,743
EST. OVERNIGHT VISITOR SPEND p.a.	\$81,445,000	\$83,945,807	\$92,080,971
EST. OVERNIGHT VISIT SPEND DAILY	\$223,137	\$229,989	\$252,277
<b>EST. TOTAL VISITOR SPEND p.a.</b>	<b>\$133,163,178</b>	<b>\$143,264,802</b>	<b>\$153,426,384</b>
<b>EST. AVG. DAILY SPEND IN FREMANTLE</b>	<b>\$364,831</b>	<b>\$392,506</b>	<b>\$420,346</b>

**SOURCE:** Tourism WA visitor reviews 2007. Tourism Forecasting Committee Dec. 2008. Evolve Solutions

Increasing the capacity of Fremantle to accommodate more overnight visitors will have a significant benefit to the local economy. Of particular benefit would be the increase in the number of conference delegates who would be able to be accommodated in central Fremantle as research shows that they have a far greater individual spend than ordinary tourists.

The draft Tourism Strategy for Fremantle recommends that Council adopts a proactive stance in relation to planning for tourism accommodation and development.

The ISAF Championships in late 2011 will further reinforce the need for tourist/visitor accommodation.

The property is one of the few major development opportunities in this quarter of the city centre. Development as a hotel will not only help to satisfy a city wide need for additional visitor accommodation, but will also reinforce this sector of the city as a quarter for visitors, cafes, entertainment, cultural heritage and recreational retailing. Development of this key corner site will also help fill the gap in the built form and will provide continuity of interest and protection along the pedestrian routes linking Kings Square, the Queensgate Carpark, the markets and the South Terrace strip.

Policy D.G.F18 reinforces consolidation of the Paddy Troy Mall streetblock as an expansion of 'downtown' Fremantle and recommends development of a hotel as an appropriate use. The policy identifies that the Spicer site would be subject to a separate policy and although a draft policy for the site was prepared in 1987 it appears that it was never formally adopted by the Council.

It is considered that as creation of the Paddy Troy Mall was a Council initiative in the 1980's, the City is morally obliged to continue to provide vehicle and pedestrian access to the eastern end of Paddy Troy Mall. No other vehicle access would be available. Prior to any proposed sale of the property the City's lawyers would need to prepare a right of carriageway easement across the site to provide uninterrupted public access.

Pedestrian access should also be provided between Henderson St and the eastern end of Paddy Troy Mall along the same alignment as the mall. This link is recommended by policy D.G.F18 and will complete the pedestrian route connecting the Fremantle Markets and Henderson Street to the High Street Mall and then through the Atwell Arcade to Cantonment Street and the Railway Station. It is important that this route across the Spicer site has a direct visual link from Henderson St to and through Paddy Troy Mall to improve legibility and provide a sense of security for pedestrians. It could take the form of an arcade with shopfronts that would further reinforce activity and attraction to pedestrians.

Provision of these two accessways across the site for pedestrians and vehicles between Paddy Troy Mall and William and Henderson Streets could require up to 885 sqm of the total ground level area of 2834 sqm. The implications of developing the air space above these ground level access ways will need to be pursued as part of the preparation of access easements across the site and incorporated accordingly into the tender information for potential purchasers.

With regard to land uses permitted by LPS4, a hotel is an "A" use which is a discretionary use requiring planning approval after advertising. A motel is a "P" or permitted use.

The site is within Sub area 1 West End in LPS4. Permitted building height in this sub-area is a maximum of 3 storeys (maximum external wall height of 11 metres) with a possible fourth level if setback and not visible from the adjoining street with a maximum external wall height of 14 metres. Adjacent buildings include the 2 storey former warders' cottages along Henderson St (roof height 8 metres above ground level), the Queensgate Car Park (19 metres to top level), Sail & Anchor Hotel (11 metres to roof), adjacent Piercy Building (7 metres), Fremantle Malls (9.5 metres) and the Metropolis Nightclub or former Dalkeith Opera House (16 metres roof height).

It is considered that a 3 level building would provide an appropriate stepping in scale between the warders' cottages and the Queensgate carpark and former Dalkeith Opera House. This scale would also balance with the Sail and Anchor Hotel at the South Terrace end of the streetblock.

A three level building frontage is supported by the recommendations of the Local Identity Source and Design Code. The site is within area 002 of the code with a recommended façade height of 12 metres +/- 1 metre and a minimum façade height of 10 metres. The Code is silent on possible additional height if set back from the 'urban wall' or street façade. It is considered however that the site is large enough to accommodate a fourth level that could be well set back from Henderson St and that will be equivalent in height and scale to the adjacent end wall of the former Dalkeith Opera House.

The Code also recommends that "in order to develop better integration of Fairbairn Street with the key streets of the City Centre the Code encourages an urban architecture project on Spicers site...(and that)...the project should axially extend Fairbairn Street to meet Paddy Troy Mall's inner street". This could be achieved by providing a major truncation to the corner of any building on the site and/or by incorporating a diagonal accessway through the building along the Fairbairn St alignment to the eastern end of Paddy Troy Mall.

It is considered however that the major public access to Paddy Troy Mall should be across the site's western and southern boundaries as discussed earlier in this report. Any diagonal access across the site should be internal and secured, for example incorporated as part of the reception entry to a hotel, in order to avoid a potentially unsafe 'dog-leg' route for pedestrians.

A basement over most of the site would accommodate approximately 60 vehicles, which is likely to be significantly less than the parking required by LPS4 – one bay per hotel bedroom plus provision for any non-residential floorspace. Ground conditions would probably limit a development to one basement level. It is considered important that some parking is provided on site, however use of upper level floorspace for parking would significantly impact on the potential for tourist accommodation within the built form requirements on the site. It is recommended therefore that parking should only be located below ground level but should occupy as much of the site area as possible. Cash-in-lieu should be charged for any shortfall in accordance with LPS4 and relevant policies. The City could lease additional guest parking in the Queensgate Carpark.

The rear limestone wall of the 'Pine Shop' building is included in the City's Heritage List and has a management category on the Municipal Heritage Inventory as an archaeological site. Research commissioned by the City has indicated that the limestone wall dates from c.1922 and "together with the c.1960's building (now The Pine Warehouse) has historic significance for its association with manufacturing stationers William Detmold Ltd, later known as Spicers Paper Industries. The company operated from the site from 1897/98 up to c.1969. Although demolished, the company's four-storey William Street premises was a major landmark in the Fremantle townsite from the time of its construction in 1899."

The research report advises that “the limestone wall, together with the c.1960’s building (now The Pine Warehouse) and the larger Henderson and William Streets car park, has the potential to reveal archaeological information about human occupation of the site.” An archaeological investigation of the site should be carried out in accordance with section 7.7 of the City’s LPS4 as the subject site meets the requirements under clause 7.7.2 of the scheme. If the redevelopment of the site does not include retaining the limestone wall, then as part of the development application process the proposed demolition requires that a heritage assessment be prepared to advise Council of the impact of demolition in accordance with Local Planning Policy 1.6 Preparation of Heritage Assessments.

The adjacent section of Henderson St is paved full width as a pedestrian mall but is currently used as a public carpark. Development of the Spicer site should be complemented by modifications and upgrading of Henderson St to make the street more attractive and to improve amenity and safety for pedestrians. This should be pursued in conjunction with the preparation of plans for the Spicer site and may include removal or modification of the parking bays, or conversion to short-term bays and provision of setdown/pickup access for the hotel.

The Council could either sell the property or alternatively enter into a long-term ground lease. As different hotel developers/operators may have varying preferences for tenure of the land it is recommended that the Council make both options available through a tender process. Otherwise, it is considered that the public tender process that the Council recently adopted for the disposal and development of the City owned properties in Point St would also be appropriate for the Spicer site.

The possible shortest timeline for development of the site as a hotel would be as follows:

June 2009	Council agrees in principle to the disposal and development of the property as a hotel and invites public comment on a Business Plan and a draft local planning policy for the site
September 2009	Council considers response to Business Plan and agrees to proceed with disposal of the property
October 2009	Invite tenders (6 weeks) for purchase or long-term lease
December 2009	Council considers tenders
Jan – March 2010	Selected tenderer prepares and submits Development Application
April 2010	Planning Approval and settlement.

Tourism Western Australia has indicated that they would be keen to assist the City in marketing the site to potential hotel developers. They have built up an extensive database in recent years and would use that to promote the site. They would also assist with the development of appropriate sales material. In addition, the CEO of Tourism WA will be giving a presentation at the Australia and New Zealand Pacific Hotel Investment Conference to be held in July 2009 in Sydney and this would be an ideal opportunity to seek investor interest in the possible hotel development.

## **CONCLUSION**

It is concluded that appropriate development of the Spicer site will bring benefits to the general area in terms of increased business activity, an improved streetscape and pedestrian safety and amenity. While development of the site could accommodate a range of uses, including retail, commercial and residential, it is considered that development primarily as a hotel and increasing the capacity of Fremantle to accommodate more overnight visitors will have a significant benefit to the local economy. There are very few available sites in close proximity to the various visitor attractions and amenities of the city centre that have the necessary requirements for a hotel regarding size and access.

## **STRATEGIC AND POLICY IMPLICATIONS**

2.4 - Fremantle recognises and optimises the value of tourism, without allowing it to dominate the life of the City. The City provides for visitors and assists them to appreciate the City's character.

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

Development of a hotel will increase the options available for visitors to Fremantle, particularly conference delegates, and encourage visitors to stay longer.

The development will increase the area's business and visitor population which will assist the viability of city and local businesses.

Redevelopment of the site may act as a catalyst to stimulate development and further investment in this sector of the city centre.

### **Environmental**

Redevelopment of the property will incorporate and demonstrate a high standard of sustainable design.

### **Social**

Redevelopment of the property would increase the number of workers and visitors in the area leading to improved public safety through surveillance and activity.

Extension of Paddy Troy Mall as a direct route through to Henderson St will provide a more legible and secure pedestrian route and encourage increased pedestrian activity through the area.

Development of the property will aim to protect and enhance the area's qualities and character as identified by the Local Identity Code.

## **BUDGET IMPLICATIONS**

Funds will be required in the 2009/10 budget for project fees and costs such as valuation costs, agent fees and settlement costs, etc.

As per adopted policy, proceeds from the sale of freehold property gets invested in order to continue to generate income.

Rental income is \$60,000 pa and the carpark provides income of \$330,000 pa. It is anticipated that some of this income will be transferred to other parking sites within the city centre, particularly Queensgate.

There is potential for greater rate income into the future once the site is developed.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

Section 3.59 of the Local Government Act 1995 provides that before a local government enters into a 'major land transaction' it is to prepare a business plan with the following details;

1. its expected effect on provisions of services and facilities by the local government,
2. its expected effect on other persons providing facilities and services in the district,
3. its expected financial effect on the local government,
4. its expected effect on matters referred to in the local government's current plan prepared under section 5.56, and
5. the ability of the local government to manage the undertaking of the transaction.

The Local Government is to give Statewide and local public notice of the business plan seeking submissions for a period not less than six weeks. The local government is required to make the plan available for members of the public to obtain or inspect during this period. Any submissions received during this period must be considered by the local government prior to resolving to proceed with the plan (by absolute majority). If the plan is to be significantly altered the local government must readvertise the altered plan prior to proceeding.

Section 3.58 of the Local Government Act 1995 provides that a local government can only dispose of property by tender or auction, unless it gives local public notice of the disposition for a period not less than two weeks, then considers submissions received before progressing. Public advertising would require the names of all parties concerned to be provided, the value of the consideration and the market value of the disposition ascertained by a valuation carried out not more than six months before the proposed disposition.

## **PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

This report recommends that public comment, including input from precincts and relevant advisory committees, would be invited on the proposed Business Plan for disposal of the property for a period of not less than 6 weeks in accordance with the Local Government Act 1995.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

That the Council

1. Agree in principle to the development of the City owned Spicer Site property at 8-10 Henderson St for tourist accommodation.
2. Adopt the following development requirements for incorporation into a draft local planning policy and/or encumbrances on the site:
  - a) The predominant use should be for tourist accommodation and associated facilities. Upper levels could contain a mix of other uses including commercial / office floorspace, as long as they are subsidiary to the hotel use.
  - b) Ground floor uses at street frontages and to pedestrian walkways across the site to Paddy Troy Mall should be those that provide interest and generate activity in the adjacent public domain, including retail tenancies, food and hospitality uses and hotel reception facilities.
  - c) Ground level frontages to streets and walkways should be designed with frequent doorways and windows or display areas to maximise interaction with adjacent uses and minimise the extent of blank walls. Street frontages should have nil setback and provide continuous weather protection over footpaths.
  - d) Two-way vehicle and pedestrian access (minimum width 8 metres) must be provided at ground level along the property's north-western boundary between Paddy Troy Mall and William St.
  - e) Pedestrian access (minimum width 5 metres) must be provided at ground level along the property's south-western boundary between Paddy Troy Mall and Henderson St and with a clear view through to Paddy Troy Mall.
  - f) Building height to 3 storeys (maximum external wall height of 11 metres) will be permitted to street frontages with a fourth level (maximum external wall height of 14 metres) permitted if setback and not visible from the adjoining section of Henderson Street. Minimum permitted building height is 2 storeys.
  - g) Development of the site should consider the recommendations of the Local Identity Code for Central Fremantle, including the design of street elevations and opportunities to axially extend Fairbairn St to Paddy Troy Mall. This could be in the form of an internal pedestrian arcade and/or treatment of the corner façade to recognise Fairbairn Street's diagonal axis.

- h) The development must achieve a 'green design' (Green Star system) rating equivalent (as appropriate to a mixed use development) to at least 4 star.
    - i) Parking should only be located below ground level but should occupy as much of the site area as possible. Cash-in-lieu will be required for any shortfall in accordance with LPS4 and relevant policies.
    - j) In all other aspects the development is to satisfy the requirements of Local Planning Scheme No.4.
3. Adopt the following process for disposal and development of the Spicer Site property;
  - a) Public invitation for tenders for purchase or long-term ground lease from potential purchasers / developers.
  - b) Selection criteria to be:
    - Tender price
    - Experience and capability
    - Proposed uses for the site
    - Concept design
  - c) A design assessment panel to be appointed by the CEO and comprising two architects (at least one based in Fremantle and both to be nominated by the Institute of Architects), a property development advisor and the CEO or nominee, will assess the concept designs and recommend to the Council accordingly. **Concept designs and proposed uses will make up 30% of the overall selection criteria.**
  - d) The selected tenderer will then be given 3 months from the date of notification to liaise with the City to prepare and submit plans for planning approval which must be substantially in accordance with the concept plans submitted with the tender unless otherwise agreed by the Council and the tenderer.
  - e) Settlement of the property will be subject to planning approval that is satisfactory to both parties.
  - f) Council will repurchase the property if development is not completed within 36 months of the granting of planning approval.
4. Instruct officers to prepare a business plan and a draft local planning policy based on the development requirements and disposal process in 2. and 3. above and to advertise the business plan and draft policy for public comment for a period of not less than 6 weeks in accordance with section 3.59 of the Local Government Act 1995.

**Cr B Pettitt MOVED** an amendment to the Officer's Recommendation to item 2. f) to read:

- f) **Building height to 3 storeys (maximum external wall height of 11 metres) will be permitted to street frontages with a fourth level (maximum external wall height of 14 metres) permitted if setback and not visible from the adjoining section of Henderson Street. Minimum permitted building height is 2 storeys 3 storeys.**

**CARRIED: 5/1**

<b>For</b>	<b>Against</b>
Cr Bill Massie Cr Jon Strachan Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	Cr Donna Haney

**Cr J Strachan MOVED** an amendment to the Officer's Recommendation to delete part of 2. a):

- a) **The predominant use should be for tourist accommodation and associated facilities. ~~Upper levels could contain a mix of other uses including commercial / office floorspace, as long as they are subsidiary to the hotel use.~~**

**CARRIED: 5/1**

<b>For</b>	<b>Against</b>
Cr Bill Massie Cr Donna Haney Cr Jon Strachan Cr Brad Pettitt Cr Doug Thompson	Cr Shirley Mackay

**COMMITTEE RECOMMENDATION**

**MOVED: Cr S Mackay**

**That the Council**

- 1. Agree in principle to the development of the City owned Spicer Site property at 8-10 Henderson St for tourist accommodation.**
- 2. Adopt the following development requirements for incorporation into a draft local planning policy and/or encumbrances on the site:**

- a) The predominant use should be for tourist accommodation and associated facilities.
- b) Ground floor uses at street frontages and to pedestrian walkways across the site to Paddy Troy Mall should be those that provide interest and generate activity in the adjacent public domain, including retail tenancies, food and hospitality uses and hotel reception facilities.
- c) Ground level frontages to streets and walkways should be designed with frequent doorways and windows or display areas to maximise interaction with adjacent uses and minimise the extent of blank walls. Street frontages should have nil setback and provide continuous weather protection over footpaths.
- d) Two-way vehicle and pedestrian access (minimum width 8 metres) must be provided at ground level along the property's north-western boundary between Paddy Troy Mall and William St.
- e) Pedestrian access (minimum width 5 metres) must be provided at ground level along the property's south-western boundary between Paddy Troy Mall and Henderson St and with a clear view through to Paddy Troy Mall.
- f) Building height to 3 storeys (maximum external wall height of 11 metres) will be permitted to street frontages with a fourth level (maximum external wall height of 14 metres) permitted if setback and not visible from the adjoining section of Henderson Street. Minimum permitted building height is 3 storeys.
- g) Development of the site should consider the recommendations of the Local Identity Code for Central Fremantle, including the design of street elevations and opportunities to axially extend Fairbairn St to Paddy Troy Mall. This could be in the form of an internal pedestrian arcade and/or treatment of the corner façade to recognise Fairbairn Street's diagonal axis.
- h) The development must achieve a 'green design' (Green Star system) rating equivalent (as appropriate to a mixed use development) to at least 4 star.
- i) Parking should only be located below ground level but should occupy as much of the site area as possible. Cash-in-lieu will be required for any shortfall in accordance with LPS4 and relevant policies.
- j) In all other aspects the development is to satisfy the requirements of Local Planning Scheme No.4.

3. Adopt the following process for disposal and development of the Spicer Site property;

- a) Public invitation for tenders for purchase or long-term ground lease from potential purchasers / developers.
- b) Selection criteria to be:
  - Tender price
  - Experience and capability
  - Proposed uses for the site
  - Concept design
- c) A design assessment panel to be appointed by the CEO and comprising two architects (at least one based in Fremantle and both to be nominated by the Institute of Architects), a property development advisor and the CEO or nominee, will assess the concept designs and recommend to the Council accordingly. Concept designs and proposed uses will make up 30% of the overall selection criteria.
- d) The selected tenderer will then be given 3 months from the date of notification to liaise with the City to prepare and submit plans for planning approval which must be substantially in accordance with the concept plans submitted with the tender unless otherwise agreed by the Council and the tenderer.
- e) Settlement of the property will be subject to planning approval that is satisfactory to both parties.
- f) Council will repurchase the property if development is not completed within 36 months of the granting of planning approval.

4. Instruct officers to prepare a business plan and a draft local planning policy based on the development requirements and disposal process in 2. and 3. above and to advertise the business plan and draft policy for public comment for a period of not less than 6 weeks in accordance with section 3.59 of the Local Government Act 1995.

**CARRIED: 6/0**

For	Against
Cr Bill Massie Cr Shirley Mackay Cr Donna Haney Cr Jon Strachan Cr Brad Pettitt Cr Doug Thompson	

Mayor, Peter Tagliaferri returned to the meeting at 7.06 pm.

**SGS0907-12 NOTICE OF MOTION - SOUTH METROPOLITAN REGIONAL COUNCIL**

**DataWorks Reference:** 097/004  
**Disclosure of Interest:** Nil  
**Author:** Cr John Dowson  
**Decision Making Authority:** Council  
**Agenda Attachments:** Letter from Dr Mike Hahn MLA Member for Riverton dated 15 June, 2009

**BACKGROUND**

With the recent fire causing total destruction of the recycling plant at the Southern Metropolitan Regional Council (SMRC), the recent government announcement of an increase in landfill levy from \$7 per tonne to \$28 per tonne, and the financial impacts of the global financial crisis on commodities, it is pertinent that a review of the City of Fremantle's involvement in the SMRC be undertaken.

The price charged to participating councils for the disposal of waste has increased out of all proportion to any cost index over the past 4 or 5 years which when now coupled with the political pressure on the SMRC for what seems to be poor handling and resolution of the odour emissions from the site it would be irresponsible of council not to force some changes to the structure and outcomes expected of the SMRC.

Accordingly I am proposing the following motions to commence the process of addressing these major concerns.

**RECOMMENDATION**

- a) The City of Fremantle seek support of other Southern Metropolitan Regional member councils for an independent review of the governance structure of the Southern Metropolitan Regional Council with a view to increasing the member council representation to include two elected members from each member council among other improved governance practices that may be recommended.
- b) The City of Fremantle seek support of other Southern Metropolitan Regional member councils for a review into odour issues at the Southern Metropolitan Regional Council and seek a copy of the Health report assessment undertaken by the SMRC earlier this year to establish whether the odour management of the facility and community concerns of such are being dealt with appropriately. This review to also consider the recent Parliamentary Report which suggested that odour issues can be resolved, with the consideration to be whether this could be achieved.

- c) The City of Fremantle request a financial audit of the Southern Metropolitan Regional Council by an independent accounting group, to identify the current financial position of the SMRC and its separate components, and to report on its financial outlook for the next 3 to 5 years. Council seek to have the costs of this audit shared between member councils.
- d) Officers be requested to provide a report on the options available and indicative costs for the disposal of waste for the City of Fremantle waste services if the City were to withdraw from the South Metropolitan Regional Council.
- e) Council requests that Cr Thompson resign his position as the City of Fremantle’s representative on the Southern Metropolitan Regional Council forthwith, and Council nominate an alternative representative to the SMRC.

**Cr B Pettitt MOVED the following alternative recommendation:**

**The City shall hold a workshop on waste, recycling and the SMRC to examine the options for dealing with waste and recycling going into the future. The workshop shall look at but not be limited to an examination of the governance structure, odour management, and long-term financial outlook of the SMRC.**

**The workshop should also discuss the expansion of commercial recycling services in the City of Fremantle and how the about to be replaced Materials Recovery Facility (MRF) might best meet this need.**

**The City shall invite representatives from the SMRC to address the workshop.**

**The workshop shall form the basis of a report and recommendation to come back to Council through the Strategic and General Services Committee.**

**CARRIED: 6/1**

<b>For</b>	<b>Against</b>
Mayor Peter Tagliaferri Cr Jon Strachan Cr Bill Massie Cr Shirley Mackay Cr Brad Pettitt Cr Doug Thompson	Cr Donna Haney

**REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

A workshop on waste, recycling and the SMRC will ensure that Elected Members are properly informed of options and implications of different future arrangements for dealing with the City’s waste and recycling.

**At 7.29 pm Cr S Mackay declared a financial interest in item number SGS0907-13 and was absent during discussion and voting of this item**

**The CEO called for nominations to assume chair of the meeting. Mayor, Peter Tagliaferri nominated Cr Brad Pettitt who accepted the nomination. No other nominations were received so Cr Brad Pettitt assumed the chair for the below agenda item.**

### **SGS0907-13 ARCHITECTURAL SERVICES FOR THE HILTON (PCYC) PROJECT**

**DataWorks Reference:** 135/001  
**Disclosure of Interest:** Nil  
**Previous Item:** Nil  
**Responsible Officer:** Phil Gale, Acting Director Technical Services  
**Actioning Officer:** Phil Gale, Acting Director Technical Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

#### **PURPOSE**

The purpose of this report is to outline the process that has been undertaken to procure consultancy services for the Hilton Community Precinct redevelopment project and to accept the proposed services offered by the consultancies.

#### **EXECUTIVE SUMMARY**

**The Hilton Community Precinct Redevelopment has been given a major funding allocation by the Federal Government. There are however major time constraints placed upon the project by the Commonwealth including a start up by November 2009. This has meant that a foreshortened procurement process has been necessary to appoint the appropriate consultants for the design and documentation of the works. The scope of works for the consultants has now been developed and quotations have been received for these services.**

**It is considered appropriate to continue with the selected architectural firm for the overall project scope of works for the proposed fee without the necessity for separate public tender.**

#### **BACKGROUND**

Since 2005 design and master planning work has been underway to develop a concept plan for the Hilton Community Precinct which includes the Police and Citizens Youth Club, the Progress Hall and ancillary facilities located at 32 Paget Street, Hilton.

The planning had gained some impetus via the commitment from council to fund the initial stage of the project via the sale of 32 Collick St. This sale occurred in mid 2008 and the project design and documentation began to gain momentum at that stage.

In late 2008 the Federal Government through the stimulus package funding, instigated as a result of the ongoing deterioration of world economies through the Global Financial Crisis, called for submissions from Local Government for community orientated infrastructure developments.

The City of Fremantle, having undertaken a good deal of initial work on the Hilton Project developed the project scope further and submitted this to the Federal Government for consideration. In early April of 2009 the project was awarded \$3 252 800.00 in funds under this scheme.

To undertake initial scoping, develop risk scenarios and project budgets for the funding proposal the Architectural firm that had been initially engaged in developing the master plan and stage one of the original project was retained. Bernard Seeber Architects had an original contract to provide architectural services for this project. When the urgency of providing a costed and expanded project scope for significant funding from an outside source became apparent the need to engage consultants with project familiarity and community understanding was highly advantageous.

To continue with the project scope development and to ensure the City can meet its time obligations it is necessary to continue this relationship with Bernard Seeber Architects and the sub consultancies proposed for this project.

The sub consultancies are for professional services to advise and design project components including; electrical, mechanical, acoustic, Building Code compliance, structural, hydraulic and quantity surveying. These services have been sourced through the architect's office and were obtained through a competitive quoting process.

## **COMMENT**

The appointment of the consultants to undertake design documentation and contract management for the Hilton Community Precinct Redevelopment for a total fee of \$497, 978.75 represents a total fee structure of about 12% for the project. This is within the estimated budget submitted to the Commonwealth for the funding and represents value for money for the project. It is noted that any costs for works completed to date will be deducted from this total sum payable for the whole project services.

The Local Government (Functions and General) Regulations 1996 (sub regulation 11(1)) require a public tender to be invited for contracts expected to be valued at more than \$100,000, unless it falls under one of the exceptions noted under sub regulation 11(2). Sub regulation 11(2)(f) states that tenders do not need to be publicly invited if "*the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier*".

The architectural and other specialist services to be provided for the project are not unique. However, it is noted:

- Bernard Seeber Architects was selected as the preferred contractor for the initial design and estimating works based on quotations from suitably qualified architectural firms

- The architect has become very familiar with the scope of works through the preliminary design and extra works required to develop the detailed costing for the grant submission
- Costs for specialist services have been sourced competitively through the architect
- Services completed to date have been satisfactory

It is therefore felt that the current architect is in a very strong position to secure the further works required for the completion of the project should they be tendered out separately. On this basis, and given the time constraints set under the grant scheme, it is proposed to continue with Bernard Seeber Architects for the duration of the Hilton project. Council approval is sought to endorse this stance.

## **CONCLUSION**

Nil

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Strategy 3.6 (A Beautiful and Accessible Place - Facilities and Infrastructure).

## **TRIPLE BOTTOM LINE IMPLICATIONS**

### **Economic**

The Hilton Community Precinct Redevelopment will inject significant capital into the local economy

### **Environmental**

The works to be undertaken via the renewal of the facilities at the Hilton Centre will significantly improve the operating efficiency of the buildings by providing quality systems such as new HVAC and electrical components that will be the most energy efficient available. The removal of significant contaminants from the site and the acoustic works to the Progress Hall will also provide enhanced environmental conditions.

### **Social**

The renewal of the facilities at the Hilton Centre will significantly improve the social facilities that are available within the local and wider community.

## **BUDGET IMPLICATIONS**

The funding for the consultancies forms part of the project budget. The total project budget of \$4,352 800.00 is in the 2009/2010 budget for approval.

## **LEGISLATIVE AND LEGAL CONSIDERATIONS**

The requirements of the Local Government Act with regard to tendering activities have been considered in the report contents.

**PRECINCTS AND OTHER COMMITTEES RECOMMENDATIONS PLUS OTHER CONSULTATION**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

Council endorse the use of Bernard Seeber for the whole architectural and specialist design services related to the Hilton Project for a total fee of \$497,978.75 (excluding GST); noting that a public tender is not required due to the operation of the Local Government (Functions and General) Regulations 1996 (sub regulation 11(2)(f)) for the reasons outlined in the report.

**Cr D Thompson MOVED an amendment to the Officer's Recommendation to include the following wording:**

**Council endorse the use of Bernard Seeber for the whole architectural and specialist design services related to the Hilton Project for a total fee of \$497,978.75 (excluding GST); noting that a public tender is not required due to the operation of the Local Government (Functions and General) Regulations 1996 (sub regulation 11(2)(f)) for the reasons outlined *in the report that the time constraint imposed by the Federal Government funding agreement prevent Council from going to open tender.***

**CARRIED: 6/0**

For	Against
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Brad Pettitt Cr Doug Thompson	

**COMMITTEE RECOMMENDATION**

**MOVED: Cr B Pettitt**

**Council endorse the use of Bernard Seeber for the whole architectural and specialist design services related to the Hilton Project for a total fee of \$497,978.75 (excluding GST); noting that a public tender is not required due to the operation of the Local Government (Functions and General) Regulations 1996 (sub regulation 11(2)(f)) for the reasons outlined *in the report that the time constraint imposed by the Federal Government funding agreement prevent Council from going to open tender.***

**CARRIED: 6/0**

For	Against
Mayor Peter Tagliaferri Cr Jon Strachan Cr Donna Haney Cr Bill Massie Cr Brad Pettitt Cr Doug Thompson	

**CONFIDENTIAL MATTERS**

Nil.

**CLOSURE OF MEETING**

**THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.36 PM.**

## SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

### SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

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

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

<b>How consultative processes work at the City of Fremantle</b>	
<b>The City's decision makers</b>	1 The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
<b>Various participation opportunities</b>	2 The City provides opportunities for participation in the decision-making process by citizens via its Advisory Committees and Task Forces, its Community Precinct System, and targeted consultation processes in relation to specific issues or decisions.
<b>Objective processes also used</b>	3 The City also seeks to understand the needs and views of the community via scientific and objective processes such as its annual Community Survey.
<b>All decisions are made by Council or the CEO</b>	4 These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
<b>Precinct focus is primarily local, but also city-wide</b>	5 The Community Precinct System establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
<b>All input is of equal value</b>	6 No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
<b>Decisions will not necessarily reflect the majority view received</b>	7 Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view

How consultative processes work at the City of Fremantle	
	<p>expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.</p>
<b>Decisions made for the overall good of Fremantle</b>	<p>8 The Local Government Act requires decision-makers to make decisions in the interests of “the good Government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.</p>
<b>Diversity of view on most issues</b>	<p>9 The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.</p>
<b>City officers must be impartial</b>	<p>10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City Officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.</p>
<b>City officers must follow procedures</b>	<p>11 The City’s consultative processes must be clear, transparent, efficient and timely. City officers must ensure that policies and procedures are fully complied with so that citizens are not deprived of their rights to be heard.</p>
<b>Consultation processes have cut-off dates that will be adhered to.</b>	<p>12 As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, consultative processes need to have defined and rigorously observed cut-off dates, after which date officers will not include ‘late’ input in their analysis. In such circumstances, the existence of ‘late’ input will be made known to decision-makers. In most cases where citizen input is involved, the Council is the decision-maker and this affords citizens the opportunity to make input after the cut-off date via</p>

How consultative processes work at the City of Fremantle	
	personal representations to individual Elected Members and via presentations to Committee and Council Meetings.
<b>Citizens need to check for any changes to decision making arrangements made</b>	1 The City will take initial responsibility, via 3 'Consultation Process notifications', for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b> , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
<b>Citizens are entitled to know how their input has been assessed</b>	1 In reporting to decision-makers, City officers will in 4 all cases produce a Schedule of Input received that summarises comment and recommends whether it should be taken on board, with reasons.
<b>Reasons for decisions must be transparent</b>	1 Decision-makers must provide the reasons for 5 their decisions.
<b>Decisions posted on <a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b>	1 Decisions of the City need to be transparent and 6 easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at <b><a href="http://www.freofocus.com/projects/html/default.cfm">www.freofocus.com/projects/html/default.cfm</a></b> or at the City Library or Service and Information counter.

### Issues that Council May Treat as Confidential

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

1. Subject to subsection (2), the following are to be open to members of the public -
  - a) all council meetings; and
  - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
  - a) a matter affecting an employee or employees;
  - b) the personal affairs of any person;
  - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - e) a matter that if disclosed, would reveal –
    - i) a trade secret;
    - ii) information that has a commercial value to a person; or
    - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
  - f) a matter that if disclosed, could be reasonably expected to -
    - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - ii) endanger the security of the local government's property; or
    - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
  - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
  - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.