



# MINUTES

## Strategic and General Services Committee

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Wednesday, 10 October 2012, 6.00pm

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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 10 October 2012 at 6.00 pm.

## 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 Jon Strachan	Presiding Member / South Ward
Cr David Hume	Beaconsfield Ward
Cr Doug Thompson	North Ward
Cr Tim Grey-Smith	Deputy Presiding Member / City Ward
Cr Ingrid Waltham	East Ward
Cr Bill Massie	Hilton Ward
Cr Rachel Pemberton	Observing only
Cr Andrew Sullivan	Observing only
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Ms Marisa Spaziani	Director Community Development
Mr Peter Pikor	Director Technical Services
Mrs Mia Zaknich	Minute Secretary
Mr Cameron Bartkowski	Manager Community Safety and Parking
Mr Alex Hyndman	Sustainability Officer
Mr Andrew Eastick	Manager Economic Development and Marketing

*There were 7 members of the public and 1 member of the press in attendance.*

## APOLOGIES

Brad Pettitt Mayor

## **LEAVE OF ABSENCE**

Cr Sam Wainwright  
Cr Dave Coggin

Hilton Ward  
East Ward

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

Nil

## **PUBLIC QUESTION TIME**

Mr Trevor Duncan of Letitia Street, North Fremantle spoke against the officer's recommendation in item SGS1210-1, Request by Trevor Duncan for exemption from City of Fremantle Parking Local Law 2006 and asked that recommendation be reconsidered to allow him to have an exemption from the Parking Local Law.

Mathew Watts and Craig Dunne spoke in support of item SGS1210-5, Updated Graffiti Policy SG12. Mr Watts and Mr Dunne contributed to the preparation of the report from Notre Dame as attached to the agenda.

Antony Krause, Ben Bowring and James Whitneray spoke on behalf of the Fremantle skateboarding community in support of item SGS1210-10, Youth Activity and Skate Plaza Location — Esplanade Reserve. Mr Krause, Mr Bowring and Mr Whitneray all supported Area 2 as the preferred location for the skate park for the proximity to public toilets and the central Fremantle area and all asked that the park be designed in consultation with skateboarders so that it can potentially be a primary location in Perth for skateboarders to come and use the facility and host skating events.

## **DEPUTATIONS / PRESENTATIONS**

Nil

## **DISCLOSURES OF INTEREST BY MEMBERS**

Cr Jon Strachan declared an interest in item SGS1210-11, Lease – Kulcha Theatre – Portion of Evan Davies Building – Level 1, 13 South Tce, Fremantle. Cr Strachan is on the Board of Kulcha so will be absent for the debate and voting of this item.

Cr Andrew Sullivan declared a proximity interest in item SGS1210-1, Request by Trevor Duncan for exemption from City of Fremantle Parking Local Law 2006. Cr Andrew Sullivan has a property that adjoins Mr Duncan's property.

## **LATE ITEMS NOTED**

Nil

## **CONFIRMATION OF MINUTES**

**MOVED: Cr J Strachan**

**That the Minutes of the Strategic and General Services Committee dated 12 September 2012 as listed in the Council Agenda dated 26 September 2012 be confirmed as a true and accurate record.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## **TABLED DOCUMENTS**

Replacement Attachment 3 for Item SGS1210-5, Updated Graffiti Policy.

## 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

### **SGS1210-1 REQUEST BY TREVOR DUNCAN FOR EXEMPTION FROM CITY OF FREMANTLE PARKING LOCAL LAW 2006**

<b>DataWorks Reference:</b>	210/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	ES4 on 23 May 1994
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Cameron Bartkowski, Manager Community Safety, Rangers, and Parking
<b>Decision Making Authority:</b>	Committee
<b>Agenda Attachments:</b>	Extract from Engineering Services Committee meeting 23 May 1994, ES4

## EXECUTIVE SUMMARY

Mr Trevor Duncan, resident of 6 Letitia Road, North Fremantle, has requested an exemption to allow him to continue to park his truck in Letitia Road, near his residence.

The truck is a white Hino flatbed truck, registered number 1AHT356, measuring approximately 10.5 metres in length. Letitia Road is within a 'built-up area'. The vehicle is parked in the road for protracted periods of time.

This places Mr Duncan in direct breach of clause 88(a) (long/heavy vehicle parked in a built-up area in excess of one hour) and perhaps clause 87 (cause obstruction) of the *City of Fremantle Parking Local Law 2006* ('parking local law') (Attachment 1 refers).

## BACKGROUND

Letitia Road is a narrow roadway, which is steeply sloped. Its high point is at its eastern end, where it intersects Rule Street. Its low point is at its western end, where it intersects Thompson Road. In 1994, an unattended and parked vehicle careered down Letitia Road, causing damage. An enquiry was conducted by the City and dealt with by the Engineering Services Committee.

During discussion at the Engineering Services Committee meeting on 23 May 1994, (extract of Item ES4 shown in Attachment 1), issue was raised as to the parking in Letitia Road of a truck driven by Mr Duncan. Provisions similar to clause 88(a) of the current parking local law have existed since September 1993 when clause 77(a) was added to the *City of Fremantle Parking Facilities By-Law* (repealed). The Committee resolved to advise Mr Duncan to find alternative parking arrangements for his truck.

In recent months, complaints from two residents of Letitia Road have been received, advertising to obstruction and inconvenience caused to them as motorists, due to the presence of Mr Duncan's truck. Additionally, Mr Duncan's truck is occasionally laden with goods such as a 6 metre (20 feet) shipping container. One of the complainants advises that upon parking their motor car on the carriageway in the vicinity of where Mr Duncan's truck is usually parked, they have met with a claim by Mr Duncan to them that they are parked in 'his spot'. The road is a public street under the care and control of City of Fremantle.

Mr Duncan has claimed, but has not produced, written exemption granted to him by the Committee in 1994. A search of the minutes of the Engineering Services Committee for 1994 to 1996, inclusive, has failed to disclose the grant of any exemption to Mr Duncan.

The relevant excerpt from the parking local law follows:

**'87           Causing an Obstruction**

*A person shall not stop or park a vehicle in a public place so as to obstruct any portion of that place.*

**88           Presence of Certain Vehicles**

*A person shall not stop or park a vehicle or any combination of vehicles which together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds 4.5 tonnes gross vehicle mass, so that it/they are present—*

- (a) upon a road in a built up area, on any day for a period exceeding one hour, unless actively engaged in the picking up or setting down of goods;*
- (b) upon a carriageway outside a built up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles; or*
- (c) in a parking station or upon a reserve, except in a truck bay or other area set aside for the parking of goods vehicles.'*

## **COMMENT**

The parking local law is a clear expression of City of Fremantle's vehicle parking policy. The restriction upon the protracted presence of long or heavy vehicles preserves local amenity and convenience, in addition to public safety.

For those reasons and for consistency with existing policy, the request for exemption by Mr Duncan should be declined.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

If Committee resolves not to grant an exemption, compliance costs will be negligible due to being subsumed within existing operational costs. If an exemption is to be provided, the exemption should be provided in the form of a parking permit, renewable annually. An annual fee should be attached to offset the administrative overhead of producing and issuing a parking permit. It is suggested there be a nominal fee of \$50 for the first year, incrementing with the national cost-price index (CPI) for each subsequent year.

### **Legal**

The parking local law contains sufficient provisions to regulate the parking of long and/or heavy vehicles within the City of Fremantle local government district.

### **Operational**

If Committee resolves not to grant an exemption, compliance can be maintained by selective and ad hoc patrols. If an exemption is to be provided, this can be effected by the issue of a parking permit, renewable annually.

### **Organisational**

City of Fremantle has the resources to provide compliance with the parking local law in Letitia Road, North Fremantle. The City also has the resources to issue and maintain parking permits.

### **CONCLUSION**

The parking local law is a clear expression of City of Fremantle's vehicle parking policy. The restriction upon the protracted presence of long or heavy vehicles preserves local amenity and convenience, in addition to public safety.

The granting of an exemption will introduce inconsistency with existing policy. That inconsistency will hamper compliance perceptions within the community and may lead to further instances of exception. For these reasons, the request for exemption by Mr Duncan should be declined.

### **STRATEGIC AND POLICY IMPLICATIONS**

The *City of Fremantle Parking Local Law 2006* expresses the current policy of City of Fremantle in relation to vehicle parking. Clause 88 is directly relevant. Clause 87 is also relevant.

### **COMMUNITY ENGAGEMENT**

Two complaints have been received and documented (not attached, due to reasons of privacy and confidentiality), expressing disapproval of the inconvenience experienced on a daily basis as a direct result of the presence of Mr Duncan's truck.

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

Simple Majority Required

## OFFICER'S RECOMMENDATION

That the Strategic and General Services Committee, under delegation from Council, resolves that:

1. It authorises Mr Trevor Duncan to be exempted from clauses 87 or 88(a) of the *City of Fremantle Parking Local Law 2006* to enable the parking of a vehicle longer than 7.5metres and / or 4.5 tonnes gross vehicle mass within the local government district of Fremantle.
2. Mr Duncan be informed in writing accordingly.

Cr D Thompson moved the following alternative recommendation:

## COMMITTEE AND OFFICER'S RECOMMENDATION

**That the Strategic and General Services Committee, under delegation from Council, resolves that It authorises Mr Trevor Duncan to be exempted from clauses 87 or 88(a) of the *City of Fremantle Parking Local Law 2006* to enable the parking of his present vehicle which is longer than 7.5metres and / or 4.5 tonnes gross vehicle mass within the local government district of Fremantle.**

**CARRIED: 4/2**

For	Against
Cr David Hume Cr Tim Grey-Smith Cr Ingrid Waltham Cr Doug Thompson	Cr Jon Strachan Cr Bill Massie

**The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.**

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

To allow Mr Duncan to be exempted from clauses 87 or 88(a) of the City of Fremantle Parking Local Law 2006 to enable the parking of his present vehicle.

## REPORTS BY OFFICERS (COUNCIL DECISION)

Cr D Thompson vacated the chamber at 6.15 pm during the following item and returned at 6.16 pm prior to determination.

### SGS1210-5      UPDATED GRAFFITTI POLICY SG12

<b>DataWorks Reference:</b>	045/006; 006/046
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	22.11.1999 - SDRCP87
<b>Responsible Officer:</b>	Marisa Spaziani, Director Community Development
<b>Actioning Officer:</b>	Marisa Spaziani, Director Community Development
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Attachment 1 - Notre Dame students paper Attachment 2 - Current Graffiti Policy SG12 Attachment 3 - Updated Graffiti Policy

## EXECUTIVE SUMMARY

The current Graffiti Policy (1999) - shown in Attachment 2 has been reviewed and is updated for adoption by Council. The updated graffiti policy shown in Attachment 3 includes a system for the retention of pieces that may have artistic or cultural merit.

## BACKGROUND

At the August 2012 Council meeting it was resolved that:

1. *Requests Council Officers to develop a new graffiti policy for consideration at the next appropriate SGS meeting, that draws upon:*
  - a) *The policy framework drafted by the University of Notre Dame Public Policy Unit*
  - b) *The City of Melbourne's Graffiti Management Plan and Street Art Policy*
2. *Thanks the University of Notre Dame Public Policy students and Dr Martin Drum for their work.*

## COMMENT

The City's current Graffiti Policy is outdated and is in need of review. In developing this policy, the work undertaken by the students at Notre Dame (refer Attachment 1) and the graffiti management plan developed by the City of Melbourne was considered.

The desired outcome of the request for a policy update is to have a system that enables the City the ability to retain unauthorised works on both private and public property, where it is considered that it has artistic or cultural merit. To do this quickly and efficiently, it is important to have a responsible officer to decide on whether a work has artistic or cultural merit, whether it should be retained even though it is an unauthorised work and then to give direction to the graffiti removal team in a timely manner.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

There are no financial costs in relation to this policy.

### **Legal**

Nil

### **Operational**

The Community Development Directorate responsible for public art will work closely with the Technical Services Directorate, who are responsible for graffiti removal.

### **Organisational**

The responsibility for graffiti removal remains with Technical Services and the decisions around removal of graffiti that may be considered worthy of keeping will sit with Community Development.

## **CONCLUSION**

A clear policy on decision making around retention or removal of graffiti based on artistic merit is recommended in this updated policy. Research by Notre Dame students on the matter of graffiti in Fremantle as well as the way the City of Melbourne treats graffiti management have been considered in the development of this policy.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Notre Dame University students undertook a project that examined graffiti in Fremantle and the issues in graffiti removal and the retention of pieces that could be considered as urban street art.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## OFFICER'S RECOMMENDATION

The updated graffiti policy SG12 as attached is adopted.

**Cr J Strachan MOVED** an amendment to the Officer's Recommendation to include the following wording:

**The updated graffiti policy SG12 as attached is adopted *for the purpose of community consultation.***

**MOVED: Cr J Strachan**

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## COMMITTEE RECOMMENDATION

**MOVED: Cr J Strachan**

**The updated graffiti policy SG12 as attached is adopted for the purpose of community consultation.**

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

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

To include the following words to the end of the Committee recommendation:

*'for the purpose of community consultation'.*

Cr D Thompson vacated the chamber at 6.46 pm during the following item and returned at 6.47 pm prior to determination.

**SGS1210-10 YOUTH ACTIVITY AND SKATE PLAZA LOCATION – ESPLANADE RESERVE**

<b>DataWorks Reference:</b>	023/032; 148/015
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Marisa Spaziani, Director Community Development
<b>Actioning Officer:</b>	Mike Pforr, Coordinator Community Development
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Attachment 1 – Advantages and Disadvantages table Attachment 2 – Aerial Map

**EXECUTIVE SUMMARY**

**Four locations on the Esplanade Reserve ('Reserve') have been identified for consideration for a proposed youth activity and skate area.**

**The advantages and disadvantages of each location have been outlined with a decision on the preferred location required by Council for the project to proceed to design and construct stage. Community engagement will be part of the design process.**

**BACKGROUND**

At the Council meeting of 25 July 2012, \$600,000 was allocated in the budget for the development of a youth activity and skate plaza facility at the Esplanade Reserve.

The current Esplanade Master Plan (adopted in April 2009), includes removal of the previously recommended skate facility from the Reserve and relocating it into the adjacent Esplanade car park number 11 on Marine Terrace next to the Italian Club.

Staff considered a number of possible locations across the southern section of the Esplanade Reserve, inclusive of the current adopted location as per the 2009 Esplanade Master Plan.

Once a location is decided, a design process can be commenced to achieve the creation of a space that is accessible by the broader youth and community user groups and is considerate of the strong skating culture that already exists in Fremantle.

**COMMENT**

For each location 1 to 4 (refer Attachment 2), a summary of advantages and disadvantages have been detailed in a table for each location (refer Attachment 1).

The table includes feedback from key internal staff and the WA representative of Skateboarding Australia. Broad youth and community engagement will occur at the design stage of the project.

All areas considered are located in the southern region of the Reserve as this region has less heritage value. The locations identified in the southern half of the reserve are in keeping with the current active recreational usage.

Initial research indicated that Areas 3 and 1 were favoured over Areas 2 and 4. These two sites aligned most closely with the draft Master Plan. Area 3 presented the least conflict or issues in utilising the site while still providing scope for a diverse design. The main concern with Area 1 is the present location of the Skywheel, however this can be moved at a cost.

The Skateboarding Australia representative encouraged consideration of the locations that were larger in size so that more diverse structures can be considered without being restricted by the area available. This will be important when trying to accommodate multiple wheeled sports and different levels of experience.

Areas 2 and 3 present better opportunities for a potential skate facility because of size and being surrounded by grass, thus integrating into the reserve better than the large size offered in Area 4. These areas also provide closer proximity to the existing children's play area, offering parents with both young and older children the ability to have sight lines between both locations.

All locations would aim to provide features that attract multiple user groups: skaters, bmx, scooters and parkour features designed into the landscape. Other recreation features can be considered such as a 3-on-3 basketball court, a new or relocated outdoor ping pong table and potential stage area. All locations will consider lighting for security and safety purposes. Regardless of location, Dismantle should be relocated next to the skate park to create a stronger youth activity hub.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Each of the four sites will have cost implications to make the site usable:

Area 1	Relocating the Skywheel: \$6,000 — \$10,000; Reticulation: \$15,000 — \$20,000; Replanting new growth pines: \$75,000 — \$150,000 or Removing new growth pines: \$3,000 Total minimum expense: \$24,000 — \$33,000
Area 2	Reticulation: \$50,000
Area 3	Reticulation: \$25,000 — \$30,000
Area 4	Loss of parking revenue: ~\$180,000 per year

As \$600,000 is budgeted for the project, these expenses may reduce the potential size or features of the facility. Lotterywest funding will be sought, however, their decision making timeframe is four to five months. Lotterywest funding would only be available at construction stage.

To enable the project to begin as soon as possible, a 'design and build' contract will be sought with the sole and preferred providers as listed by WALGA.

### **Legal**

A trading agreement is in place for two years more with the Observation Skywheel. Moving the Skywheel would need to be negotiated if Area 1 is selected.

### **Operational**

Nil

### **Organisational**

The location of the skate facility will affect the detailed designs of the adopted Master Plan of 2009. The plan is awaiting this decision before further progress continues.

## **CONCLUSION**

A new youth activity facility of this scope will create many advantages for young people and families in Fremantle. For the skateboarding community, this facility has the capacity to become the feature park on the WA calendar for skating and BMX events and competitions.

Each site has its advantages and disadvantages and will need to be carefully considered.

## **STRATEGIC AND POLICY IMPLICATIONS**

City of Fremantle Strategic Plan 2010 – 2015

Character: Greater engagement with youth and more youth activities and facilities.

City of Fremantle Youth Plan 2012 – 2015

Strategy 2 Provide spaces in the City of Fremantle that are welcoming and friendly for young people.

Action 2.8 Explore opportunities to improve the Esplanade as a youth friendly space.

## **COMMUNITY ENGAGEMENT**

Community engagement on the location will not be sought as conceptual designs will only be available for a location, once a location is selected.

Consultation on technical design aspects will be conducted during the October holidays with skateboarders and parkour users. Their initial feedback will influence conceptual designs which will be used for broader public youth and community engagement.

A register of interest is being set up on the community engagement section of the website.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Area 1/2/3/4 is the preferred location for the youth activity and skate plaza with the 2009 adopted Esplanade Reserve Master Plan amended to include this location.

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

***The general Area 2 is the preferred location for the youth activity and skate plaza with the 2009 adopted Esplanade Reserve Master Plan amended to include this location.***

**MOVED: Cr J Strachan**

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## COMMITTEE RECOMMENDATION

**MOVED: Cr J Strachan**

**The general Area 2 is the preferred location for the youth activity and skate plaza with the 2009 adopted Esplanade Reserve Master Plan amended to include this location.**

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

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

To identify the general area around Area 2 as the preferred location of the skate park.

## **REPORTS BY OFFICERS (COMMITTEE DELEGATION)**

Cr T Grey-Smith vacated the chamber at 7.04 pm during the following item and returned at 7.05 pm prior to determination.

### **SGS1210-2 TENDER FOR THE HIRE OF PLANT AND ROAD CONSTRUCTION MACHINERY FCC388/12**

<b>DataWorks Reference:</b>	135/001
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Peter Pikor, Director Technical Services
<b>Actioning Officer:</b>	Lionel Nicholson, Manager City Works
<b>Decision Making Authority:</b>	Committee
<b>Agenda Attachments:</b>	Schedule of rates

## **EXECUTIVE SUMMARY**

The implementation and delivery of the City's annual works programs requires the hire of additional construction plant and equipment. Tenders have been called for this plant hire and following an evaluation of submissions by the City's internal major procurement approval panel has endorsed the recommendation that a panel of contractors provide the service of hire of plant and road construction machinery for a two year period. A consumer price index adjustment to rates will be accepted for the second year.

As the estimated total cost of the contract over this period will exceed the Chief Executive Officer's delegated authority, this tender is submitted for the Committee's endorsement.

## **BACKGROUND**

The City is required to hire construction plant and equipment and utilise specialised contractors for the operation of such equipment on a casual basis to assist with the delivery of the City's capital and operations works programs. In order to meet the requirements of the Local Government Act, City policies and to simplify the procedure of procuring such services, tenders were called for suitably qualified contractors to provide casual hire of plant and equipment.

The tender was advertised in the West Australian Newspaper on Wednesday 22 August 2012 and closed on Friday 7 September 2012.

## **COMMENT**

Tender documents were received from nine tenderers; Coates Hire, Executive Plant Hire, Abercrombie Earth Moving, Breakwest Hire, S & B Skidsteer Services, Allwest Plant Hire, Ground Support Systems, P & L Radonich Family Trust and Trenchbusters Plant Hire.

Eight tenders were considered to be conforming and the submission from Coates Hire was considered to be non-conforming.

The tender specifications allowed for submissions to be for all or part of the equipment specified.

Tender submissions were assessed against the selection criteria as set out in the specifications. Tenderers were required to address all selection criteria in detail in order to demonstrate both their qualifications and experience supplying the various items of equipment. The selection criteria were:

- a) Methodology
- b) Experience
- c) Resources
- d) References
- e) Pricing

The pricing assessment was based on an eight hour day. Tenderers hourly rates including mobilisation and travel costs are shown as per the price schedule in Attachment 1.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Budget is available in capital and operating budgets. Estimated expenditure is forecast to be approximately \$440,000 per annum.

### **Legal**

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.

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

The City's internal Major Procurement Approval Panel met on 25 September 2012 and endorsed the recommendation that the tender be awarded for hire of plant and road construction machinery equipment as follows:

- S & B Skidsteers is awarded the skidsteer wet hire.
- P & L Radonich Family Trust is awarded 6 and 8 wheel tippers.
- Ground Support Systems is awarded 20 tonne self propelled multi wheel roller dry hire, 20 tonne self propelled multi wheel roller wet hire, 20 tonne excavator wet hire and 30 tonne excavator wet hire.
- Executive Plant Hire is awarded 3 tonne self propelled multi wheel roller dry hire, 3 tonne twin drum roller dry hire, 5 tonne twin drum roller dry hire and front end loader dry hire.
- Abercrombie Earth Moving is awarded the 1.5 tonne excavator including rock breaker wet hire and 4 tonne excavator wet hire.

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Urban Renewal and Integration by providing a great place to live, work and play, through growth and renewal.

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## COMMITTEE DECISION

**MOVED: Cr J Strachan**

The Strategic and General Services Committee accepts the following panel of tenders for tender FCC388/12 hire of plant and road construction machinery equipment for a two year period 1 November 2012 to 31 October 2014 as follows:

1. S & B Skidsteers for skidsteer wet hire
2. P & L Radonich Family Trust for 6 and 8 wheel tippers
3. Ground Support Systems for 20 tonne self Propelled multi wheel roller dry hire, 20 tonne self propelled multi wheel roller wet hire, 20 tonne excavator wet hire and 30 tonne excavator wet hire.
4. Executive Plant Hire for 3 tonne self propelled multi wheel roller dry hire, 3 tonne twin drum roller dry hire, 5 tonne twin drum roller dry hire and front end loader dry hire.
5. Abercrombie Earth Moving for 1.5 tonne excavator including rock breaker wet hire and 4 tonne excavator wet hire.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

**SGS1210-3 RESIDENTIAL RECYCLING COLLECTION TENDER FCC346/12**

**DataWorks Reference:** 135/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 10 October 2012  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Stuart Edwards, Acting Manager City Works  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Residential Recycling Collection Evaluation

**EXECUTIVE SUMMARY**

The City currently provides a fortnightly domestic recycling service for residents with this service contracted out. There is now a need to call for tenders for this service. In this regard, tenders have been called utilising the Western Australian Local Government Association's preferred supplier contract. Following an evaluation of submissions which has been endorsed by the City's internal major procurement approval panel, it is recommended that the tender submitted by Perthwaste be accepted for the collection of domestic recyclable waste. The tenderer has the necessary experience and resources to perform the works, complying with the tender specifications.

As the estimated total cost of the contract over the three year period will exceed the Chief Executive Officer's delegated authority, this tender is submitted for Council's endorsement.

**BACKGROUND**

Quotations were invited from suitably qualified and experienced contractors through the WALGA preferred suppliers list of vendors to collect domestic recyclable waste from City of Fremantle residences from 1 October 2012 to 30 September 2015 with an option to extend to 20 March 2017, with annual CPI price adjustment in accordance with the WALGA contract.

**COMMENT**

The City's tender request was advertised on the WALGA e-quotes website on Wednesday 29 August 2012 and closed at 5:00pm Wednesday 12 September 2012 requesting the collection of domestic recyclable waste from City of Fremantle residences for a three year period with a 18 month extension option. The tender specification included an option to initiate a weekly collection in future years subject to additional budget funding and contractor agreement, if required within the contract period.

Submissions were received from the following two contractors:

- Perthwaste
- Transpacific - Cleanaway

The specifications and accompanying documents stated the criteria upon which the evaluation of the tenders would be based, namely:

1. Tendered price
2. Methodology
3. Skills and experience of key personnel
4. Resources
5. References

Tenderers were requested to submit written details of how they would achieve the requirements of the selection criteria.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The City's current annual budget is \$336,882. The preferred tenderer is priced at \$331,459.70 for the first year and is therefore within budget expectations.

### **Legal**

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.

### **Operational**

If this service is not provided, domestic waste collections will not be undertaken causing significant disruption to the community.

### **Organisational**

Nil

## **CONCLUSION**

The tender submitted by Perthwaste has been endorsed for acceptance by the City's internal major procurement approval panel which met on 25 September 2012.

## **STRATEGIC AND POLICY IMPLICATIONS**

This item has a connection to the Strategic Plan through Strategies 1.2.3 (Provide services that support and promote a high standard of public health) and 3.6.2 (Provide an integrated approach to waste management).

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## COMMITTEE DECISION

**MOVED: Cr J Strachan**

**That the Strategic and General Services Committee accepts the tender submitted from Perthwaste for the collection of domestic recyclable waste for the period 1 October 2012 to 30 September 2015 with annual CPI price adjustment, with an option to extend to 20 March 2017.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## **REPORTS BY OFFICERS (COUNCIL DECISION)**

### **SGS1210-4 REPORT FROM PARKING ACTION GROUP ON PROPOSED PARKING CHANGES**

<b>DataWorks Reference:</b>	091/008, 039/025
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	John Flindell, Commercial Parking Coordinator
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Wayfinding signage proposed location map Proposed real time bay availability sign

## **EXECUTIVE SUMMARY**

The Parking Action Group (PAG) is forwarding its first set of recommendations for proposed changes to operational parking issues in line with the Instrument of Appointment from November 2011.

The proposed changes seek to address the perception of lack of parking in Fremantle CBD and behaviour change to provide free parking periods at Queensgate and Parry Street car parks to encourage off-street parking and free up on-street parking availability. These changes are also aimed at providing an incentive for improved economic activity.

The PAG also confirms support for the implementation of real time availability signage and way-finding signage to improve legibility and traffic flow for visitors seeking parking in Fremantle.

## **BACKGROUND**

In November 2011 a Chief Executive Officer working group was established to review operational parking issues within the CBD of Fremantle. The Parking Action Group was set up for the following purposes;

On-street parking:

- Consistency of on-street parking time limits and cost.
- Mobility around street parking with a single ticket
- Consideration of free parking periods.
- Night time paid parking time limit.
- Adequacy of provision for motorcycle/scooter bays.
- Allowance and / or payment options for alfresco dining use of bays.
- Maximum bays per street for alfresco dining.
- Residential Parking Permit conditions for home parking.
- Residential Parking Cards for CBD parking providing set hours per year.

Off-Street Parking:

- Time period expectation for off-street parking.
- Transferrable tickets for different parking stations.
- Signage for bay availability at City entrances.
- Locations of current off-street sites.
- Consideration to remove parking from Henderson Street Mall.

General matters:

- Provision of loading zones being used as general parking after certain hours;
- Provision of bus bays; and
- Provision of cars with pram bays.

As the PAG met, it reviewed a quantity of information in relation to parking patterns, average length of time vehicles parked in the various locations, remaining capacity within areas, in particular off-street capacity and time restrictions around the CBD. It became apparent during the review that there was some unmet capacity of parking in several off-street locations – in particular Queensgate and Point Street. Car Park number 1 (Parry Street near the Fremantle Prison) was also considered as a primary car park.

Consideration was given to whether the unmet capacity in these car parks was a result of understanding of legibility or the perception that these car parks were more expensive than the on-street alternative. This may also be feeding the perception that parking in Fremantle is difficult as visitors may not be considering all of the available options when making their choice of where to park.

Not all of the actions listed in the Instrument of Appointment have been finalised in the current proposal. Further review will continue once council has considered the current recommendations.

A separate process has been commenced to consider strategic parking issues within the CBD.

## **COMMENT**

### *Parking Perception/Legibility/Way-Finding*

The PAG acknowledges there is a perception of parking being difficult to find in Fremantle and considered how to improve the legibility for visitors to find appropriate parking. The City owns or manages approximately 4,984 parking bays around the CBD. This is made up of 1,034 on-street bays and 3,950 off-street bays.

The Economic Development Strategy recommended way-finding signage to achieve legibility and traffic flow in 2010. The PAG endorsed this recommendation and supported an allocation being placed in the 2012/13 budget to provide for the installation of real time parking availability information and way-finding signage at the entrances to the CBD and then within the CBD to provide for improved decision making for visitors. An allocation of \$300,000 has been placed in the current budget for this purpose.

The contract for these works has recently been awarded to Wilson Technologies and plans are currently being finalised on design, locations and installation. Planning has focussed on having the signage installed before the Christmas trading period, although work required from a secondary party may delay the scheduling of the real time availability signage. These works will provide real time bay availability for Queensgate, Collie Street and Parry Street car parks as well as directional signage for the different precincts around the Fremantle CBD.

A copy of the site map for this signage and a draft of what a real time availability sign will look like are shown on Attachment 1.

Also being undertaken to improve legibility is the development of a smart phone application ('app') to aid in visitor information and provide the ability for visitors to download information and messages in real time. It is envisaged that the app will also be available prior to the Christmas trading period.

#### *Behaviour Change to Encourage Off-Street Parking*

One of the real challenges for the City is to ensure that changed behaviour is encouraged so that visitors to Fremantle begin to use more of the off-street parking alternatives, especially for longer period parking. To achieve this, it is acknowledged that the perception of cost needs to be addressed. The PAG has therefore considered one hour and two hour free parking periods to provide encouragement for change. This would be provided in adoption of a first hour or first two hours free, then payment for subsequent hour/s.

If successful, this change to better use of off-street parking should also work to free up more availability for on-street parking so that visitors needing to come into Fremantle for shorter periods should be able to find on-street parking more available. This would also improve the negative perception of finding parking in Fremantle.

When considering this option, the PAG was mindful that the provision of a free period is to encourage visitors looking to undertake economic type activity within the CBD, whether that is for entertainment, retail or general business. It is felt that two hour parking may see a trend for non-commercial type activity being used at the expense of visitors undertaking commercial type activity. For this reason, the recommendation is to provide first hour free parking. This can be reconsidered into the future once a sense of whether behaviour change can be evaluated.

It is proposed this provision is introduced at the Queensgate and Parry Street car parks. The average occupancy for Queensgate Car Park during the week and Saturdays reaches 400 to 500 bays, leaving approximately 400 to 300 bays available at peak period (total bays is 830). The average for Sundays peaks around the 85% full mark (85% full being the peak occupancy which is generally accepted for people to perceive it difficult to find a bay within the car park). The average occupancy for Parry Street car park during the week reaches 60 at peak period leaving approximately 120 bays available (total bays is 172). This average increases to a peak of 120 on Fridays and a peak of 150 on the weekend, this is mainly attributed to the Fremantle Markets being open.

To lessen the impact on forgone revenues from this change, it is proposed to increase Queensgate and Parry Street rates to \$2.00 per hour after the first free hour. This is an increase of 40 cents per hour on the current fee.

*On-Street Parking – Improving availability*

The proposal from the PAG is to also improve availability of on-street parking for short term visits to the City. This may also improve the perception that parking is difficult to find in Fremantle and provide convenience of parking for the short stay.

To support the encouragement for off-street parking and maintain the revenue base from parking so as not to impose any loss of revenue from free period parking on property rates, it is proposed to increase on-street parking fees to between \$2.00 and \$2.20 per hour, depending on location. This is also an increase of 40 cents per hour.

Visitors will then have the option of choosing the convenience of street parking for short stays with the lower cost of off-street parking for longer stays. The visitor can also chose off street parking for short stays as well, getting the hour or first hour free.

*Extension of half-hour free parking to the east end*

The east end of the City is acknowledged as needing consideration to support economic activity and also to ensure that activation of the area is maintained. Whilst land planning for this area will see great new redevelopment of property in this location, this will occur over time and the Parking Group is proposing that in the mean time the extension of the half hour free parking system on the west end of High Street be extended to cover the east end as well. The proposal is for the east end of High Street (from Queen Street to Parry Street) to provide half hour free parking. It is also proposed this half hour free parking be extended into Adelaide Street (between Queen Street and Parry Street). This parking will work on the same terms as the west end of High Street in that parking will be restricted to half hour times as well. It is intended that the half hour free parking will cease for night parking and fee paying night parking will remain in these locations.

*On-Street Night Parking Changes – Removal of Time Restrictions*

Consideration was also given to the business community suggestions that the 3 hour time limit for night parking is too restrictive. The PAG proposes that this cap can be lifted to allow for unlimited night parking. The recommendation is that night parking is provided at an hourly fee of \$2.00 per hour up to a maximum of \$4.00 regardless of whether 2 or more hours parking is purchased. For \$4.00, a visitor can park all night.

*Car Park 13 (Spicer Site)*

This car park is one of the most popular car parks in the CBD. It is always busy and attracts constant traffic searching for an available bay. Visitors seem to try this location prior to considering the adjacent Queensgate site. It is proposed that the City look at increasing parking fees for this site to \$2.20 per hour so as to improve traffic flow around this location and ensure that the Queensgate option becomes a more attractive option for visitors.

*All Day Parking and Residential Permits – No Change*

The PAG has not proposed any changes to the fees for all day parking with these changes. It is considered that the changes being proposed are about assisting in the revitalisation and economic activation of Fremantle, to provide changed behaviour for parking for visitors and therefore the fees for all day parking, essentially for people working in Fremantle, are to remain unchanged.

This is also the case for residential parking permits. Currently, the City provides opportunity for residents to register their vehicle and receive entitlement to free on-street parking periods in the morning and afternoon. The proposal does not change this.

*Comparison with Other Local Government Parking Fees*

Below is a schedule of parking fees in other regional centres in the metropolitan area.

	City of Fremantle - 2012-13 Fees	City of Fremantle - Proposed fees	City of Perth	City of Vincent	Town of Cambridge	City of South Perth	City of Subiaco	City of Joondalup
<b>On Street Parking</b>								
<b>Fee Range</b>								
Hourly Fee	\$1.60 to \$1.80	\$2.00 to \$2.20	\$3.00 to \$3.60	\$1.20 to \$3.00	\$1.20 to \$2.00	\$2.00 to \$2.20	\$1.00	\$0.50 to \$1.10
All Day Fees			-	-	\$8.00	-	\$6.00	\$2.50 to \$3.50
Provides 1 hour free parking	No	No	No	Yes	No	No	No	No
<b>Off Street Car Parks</b>								
<b>Fee Range</b>								
Hourly Fee	\$1.10 to \$1.80	\$1.10 to \$2.00	\$2.10 to \$4.70	\$1.20 to \$2.20	\$1.20	\$2.00 to \$3.00	\$1.00 to \$1.80	\$0.50 to \$0.90
All Day Fees	\$5.00 to \$8.50	\$5.00 to \$8.50	\$10.30 to \$20.30	\$9.00 to \$16.00	\$8.00	\$6.00 to \$18.00	-	\$2.50 to \$3.50
Provides 1 hour free parking	No	Yes	No	Yes	No	Yes	Yes	No

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The financial implications of the proposed changes are difficult to quantify. Generally, it is anticipated there will be a decrease in parking revenue but the PAG is mindful that the proposals should not draw on property rates to subsidise any decrease and that there should be sufficient incentive to change behaviour and use the off-street parking option more. It is therefore also recommended that on-street fees be increased moderately to support the off-street changes. Any adjustment in revenue streams will be reviewed at mid-year budget stage.

Visitors will have the option of choosing off-street parking or on-street parking for their short term stay.

A budget allocation of \$300,000 for way-finding signage has been provided as per the current budget. It is estimated that street signage changes to reflect the changes proposed within this report would cost \$40,000.

### **Legal**

Section 6.16 (3) of the Local Government Act 1995 allows changes to fees and charges to be made outside of the annual budget process.

Section 6.19 of the Act requires the local government to;

*Give local public notice of —*

*(a) its intention to do so; and*

*(b) the date from which it is proposed the fees or charges will be imposed.*

### **Operational**

It will take up to six weeks to implement all of the proposed changes. This will require changes to current street signage and ticket machine programming, construction and installation of new real time availability signage and way-finding signage.

The need to engage with a third party to assist in the real time availability signage may see this part extended beyond the six weeks.

### **Organisational**

The proposed changes support the Economic Development Strategy 2011-2015.

## **CONCLUSION**

The proposed changes to operational parking aspects of the CBD are to provide for greater legibility, changed behaviour in favour of off-street parking for longer term parking and to improve on-street parking for short term convenience. These changes are also provided to aid in reducing the perception that parking is difficult to find in Fremantle and encourage parking for economic purposes.

## **STRATEGIC AND POLICY IMPLICATIONS**

Supports the City of Fremantle Strategic Plan 2010-2015.

## **COMMUNITY ENGAGEMENT**

This will occur through engagement with selected stakeholders.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr J Strachan**

**Council support the following proposed changes to operational parking within the Fremantle CBD and approve the advertising of proposed fee changes in accordance with the Local Government Act 1995:**

- 1. Provide the following changes to off-street parking fees from 1 December 2012.**

- a) Queensgate Car Park – First hour free between 7am and 5pm Monday to Sunday, subsequent hour/s at \$2.00 per hour.**

	<b>2012-13 Fees</b>	<b>Proposed Fees</b>
<b>Queensgate Parking Station (No. 9)</b>		
<b>Hours of Operation: (Unless otherwise advertised at the Station) 7:00 a.m. to Midnight Monday to Thursday 7:00 a.m. to 8.00 a.m. Friday and Saturday 8.00 a.m. to Midnight Sunday</b>		
<b>Parking Fees: (Unless otherwise advertised at the Station)</b>		
<b>Fee per hour or part thereof,</b>	<b>\$1.60</b>	<b>\$2.00</b>
<b>From 8.00 a.m. to 5.00 p.m. Monday to Sunday inclusive -</b>		<b>1st hour FREE</b>
<b>After 5.00 pm Sunday to Thursday inclusive</b>		
<b>Fee per hour or part thereof</b>	<b>\$1.60</b>	<b>\$2.00</b>
<b>To a maximum of</b>	<b>\$4.80</b>	<b>\$4.80</b>

- b) Car Park 1 – first hour free between 8am and 5pm Monday to Sunday, subsequent hour/s at \$2.00 per hour.

	2012-13 Fees	Proposed Fees
<b>Parry Street Car Park (No. 1)</b>		
<b>Hours of Operation:</b>		
<b>From 8.00 a.m. to 1.00 a.m. Monday to Sunday inclusive -</b>		
<b>Fee per hour or part thereof</b>	<b>\$1.60</b>	<b>\$2.00</b>
<b>From 8.00 a.m. to 5.00 p.m. Monday to Sunday inclusive -</b>		<b>1st hour FREE</b>

- c) Car Park 13 – Hourly fee to be \$2.20 per hour.

	2012-13 Fees	Proposed Fees
<b>The Malls Car Park (No. 13)</b>		
<b>Hours of Operation:</b>		
<b>From 8.00 a.m. to 1.00 a.m. Monday to Sunday inclusive -</b>		
<b>Fee per hour or part thereof</b>	<b>\$1.80</b>	<b>\$2.20</b>
<b>Henderson Street Car Park 13A</b>		
<b>Hours of Operation:</b>		
<b>From 8.00 am to 1.00 a.m. Monday to Sunday inclusive -</b>		
<b>Fee per hour or part thereof</b>	<b>\$1.80</b>	<b>\$2.20</b>

**2. Provide the following changes to on-street parking fees from 1 December 2012:**

d)

<b>PART 1 METERED AND TICKET ISSUING MACHINE STREET ZONES  HOURS AND FEES</b>		<b>2012-13 Fees</b>	<b>Proposed Fees</b>
<b>PART 1A FEES FOR VEHICLES (EXCLUDING MOTORCYCLES)</b>			
<b>1</b>	<b>15 Minute Zone</b>	<b>\$0.90</b>	<b>\$0.90</b>
<b>2</b>	<b>30 Minute Zone</b>	<b>\$1.40</b>	<b>\$1.60</b>
<b>3</b>	<b>1 Hour Zone</b>	<b>\$1.80 per hour</b>	<b>\$2.20 per hour</b>
<b>4</b>	<b>2 Hour Zone</b>	<b>\$1.80 per hour</b>	<b>\$2.20 per hour</b>
<b>5</b>	<b>3 Hour Zone</b>	<b>\$1.60 per hour</b>	<b>\$2.00 per hour</b>
<b>9:00 a.m. to 5.00 p.m. - Monday to Sunday inclusive.</b>			

a)

<b>EVENING FEES</b>	<b>Hourly fee to max \$2.00</b>	<b>Hourly fee \$2.00 per hour to max \$4.00</b>
<b>5:00 p.m. to 1.00 a.m. - Monday to Sunday inclusive.</b>		

**3. Provide half hour timed free parking to Adelaide Street and High Street, between Queen Street and Parry Street between 9am and 5pm from 1 December 2012.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## **SGS1210-6      FREMANTLE LEISURE CENTRE POOL HEATING OPTIONS**

**DataWorks Reference:** 078/026  
**Disclosure of Interest:** Nil  
**Meeting Date:** 10 October 2012  
**Previous Item:** C1102-3  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Alex Hyndman Sustainability Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Pool heating options report prepared by Energy Made Clean.

### **EXECUTIVE SUMMARY**

The City has reviewed a number of low carbon pool heating technologies for the Fremantle Leisure Centre (FLC). This item provides a brief synopsis of the options that were investigated and recommends that the City proceed with a hybrid system including cogeneration and shallow geothermal sourced heat pump.

### **BACKGROUND**

The City has been investigating renewable and low carbon heating options for the FLC since 2005. The current strategic plan includes an action to 'implement first stage to heat the FLC's pools with alternative energy sources/s'.

The City has allocated \$1.2 million towards energy efficient upgrades for the FLC in this year's budget. The main focus of this is to install low carbon pool heating. Also included in the scope is for more sophisticated energy and water monitoring and upgrades to the pumps to make them more energy efficient.

The technology selection for the low carbon pool heating was based on a consultants' report prepared by Energy Made Clean. This investigated a number of different heating technologies and concluded that a mixture of technologies would be the most efficient.

The consultant's evaluation report is shown on Attachment 1.

## COMMENT

The following table shows the technologies that were investigated along with some of their advantages and disadvantages.

Technology	Pros	Cons
Direct heating using deep geothermal sourced water	Very good carbon abatement. High temperature source means no heat pump is required.	High cost, not justified for the level of heating required.
Ground sourced heat pump (GSHP)	Relatively simple and cost effective technology.	Lack of local expertise.
Shallow geothermal sourced heat pump ("shallow geothermal")	Most cost effective heat source. More efficient than ground sourced heat pumps.	Lack of successful local case studies.
Air sourced heat pump	Cheap.	Not as efficient as other heat pump options.
Gas fired cogeneration	Generates cheap electricity and heat - pool complexes are the "poster child" example of where to install cogeneration units.	Operation is directed by electricity consumption as well as heat load. Regulatory and commercial issues exporting electricity to the grid.
Solar thermal	Near zero operating costs. Cheap	Not cost effective to provide heat in winter, when it's most required.
Solar PV	Near zero operating costs. Iconic	Not a source of heat and can be progressed independently of pool heating.

The report concluded that a mix of technologies presented the most favourable options.

In the final assessment, the main choice was to use cogeneration as well as either GSHP or shallow geothermal. The cogeneration would provide electricity and waste heat, whilst the heat pump would provide additional heat.

When comparing the two heat pump options, shallow geothermal performs slightly better in most perspectives — capital costs, operational savings and energy efficiency. The main benefit that the GSHP has over shallow geothermal is that it requires simpler drilling equipment, which reduces procurement risk and the consequence of a bore failure. On the balance, it is felt that shallow geothermal is the preferred option.

If the City were to include both GSHP and shallow geothermal, any efficient operating mode would preferably use the shallow geothermal to capacity before turning on the GSHP. This would leave the GSHP being used only when the shallow geothermal was operating at 100% — even in this case a more efficient outcome would have been to just install a larger shallow geothermal unit.

## **RISK AND OTHER IMPLICATIONS**

### **Financial and environmental**

Funding of \$970,000 has been allocated in this year's financial budget for the capital expenditure for the heating of the FLC pool. The expected benefits of the pool heating aspect of this project will be to save 463 tonnes of greenhouse gases per year. It will also pay for itself in 7 years and result in the City being \$400,000 better off.

### **Legal**

There will be grid connection issues for any of the electrical generation options.

### **Operational**

Any of these options will be more complicated than the existing set up which uses only a gas boiler. FLC staff are closely involved in the design of the system to ensure that it is as easy to operate as possible.

### **Organisational**

Nil

## **CONCLUSION**

Following a detailed assessment of various options for the heating of the FLC pool, the preferred heating system is for a hybrid of shallow geothermal and cogeneration. The expected benefits will be a reduction in greenhouse gases each year and significant cost savings.

## **STRATEGIC AND POLICY IMPLICATIONS**

This action is listed as an imperative in the strategic plan.

## **COMMUNITY ENGAGEMENT**

No consultation has been undertaken for this particular project.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

**That Council endorse a hybrid technology mix for the low carbon pool heating at the Fremantle Leisure Centre as the preferred technology – being a cogeneration unit combined with a shallow geothermal sourced heat pump.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

**SGS1210-7 NOTICE OF MOTION - CR RACHEL PEMBERTON - BUS  
REDIRECTION TRIAL**

**DataWorks Reference:** 097/004; 167/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 10 October 2012  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Peter Pikor, Director Technical Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**ELECTED MEMBER SUMMARY**

There are currently more than 800 bus movements along the Cappuccino Strip every day.

Since the road works and associated bus redirection commenced, I have had feedback from various sources that the reduction in traffic noise and fumes has greatly improved the amenity, safety and enjoyment of the area. There is little reason for the buses to go through the social centre of town. The temporary stops on Parry Street are only approximately 100 metres from the existing stop outside the Fremantle Markets on South Terrace, thus it is not that much further to walk.

By continuing to run the CAT Bus on the Cappuccino Strip, it will ensure that those with mobility concerns and visitors will still have good access to the strip and other key city destinations. The CAT bus will also enable easy connections to the transit bus routes via the train station and the stops outside the hospital. However this will reduce the bus movements along the strip to once every 10 - 15 minutes in each direction.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**NOTICE OF MOTION**

That Council requests that the Public Transport Authority (PTA) continues the current service deviation of bus routes 98, 99, 511, 513, 520, 530, 531, 532, 825 and 920 in place due to road works underway on the 'Cappuccino Strip' (Market Street and the northern end of South Terrace) be continued as a trial over summer.

The CAT bus will resume its route along the cappuccino strip as soon as possible.

The buses - Routes 98, 99, 511, 513, 520, 530, 531, 532, 825 and 920 - will to continue to divert along Parry Street, Elder Street and Phillimore Street (as outlined on the PTA website) from the beginning of the Fremantle Festival (Sunday 28 October 2012) until the end of the Street Arts Festival (Easter Monday 2013).

During the trial, evidence will be collected to monitor the impact of the bus diversion on:

- the effect on traffic flow in the CBD
- bus passengers
- traders
- community feedback.

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

**The results of the trial to be considered as part of the Activity Centre Structure Planning process.**

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## COMMITTEE RECOMMENDATION

**MOVED: Cr J Strachan**

That Council requests that the Public Transport Authority (PTA) continues the current service deviation of bus routes 98, 99, 511, 513, 520, 530, 531, 532, 825 and 920 in place due to road works underway on the 'Cappuccino Strip' (Market Street and the northern end of South Terrace) be continued as a trial over summer.

The CAT bus will resume its route along the cappuccino strip as soon as possible.

The buses - Routes 98, 99, 511, 513, 520, 530, 531, 532, 825 and 920 - will to continue to divert along Parry Street, Elder Street and Phillimore Street (as outlined on the PTA website) from the beginning of the Fremantle Festival (Sunday 28 October 2012) until the end of the Street Arts Festival (Easter Monday 2013).

During the trial, evidence will be collected to monitor the impact of the bus diversion on:

- the effect on traffic flow in the CBD
- bus passengers
- traders
- community feedback.

The results of the trial to be considered as part of the Activity Centre Structure Planning process.

**CARRIED: 6/0**

For	Against
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

## REASON/S FOR CHANGE TO NOTICE OF MOTION

To add the following words to the Notice of Motion:

'The results of the trial to be considered as part of the Activity Centre Structure Planning process'.

**SGS1210-8 PROPOSAL TO MEASURE IMPACT OF PLASTIC BAG REDUCTION  
LOCAL LAW 2012**

**DataWorks Reference:** 039/074  
**Disclosure of Interest:** Nil  
**Meeting Date:** 10 October 2012  
**Previous Item:** SGS1209-8  
**Responsible Officer:** Philip St John, Director Planning and Development  
**Actioning Officer:** Alex Hyndman, Sustainability Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

The City has released the proposed Plastic Bag Reduction Local Law for public comment. This report presents a costed methodology for measuring the impact of the proposed local law. In effect, it involves taking a small sample of each waste and litter stream and counting the bags in that sample. This will allow the total number of bags in each stream to be determined. About half the plastic bags are thought to originate with supermarkets – so they will also be asked to voluntarily provide details of the number of plastic bags that they provide to their customers.

**BACKGROUND**

On 12 of September 2012, Council resolved:

1. *That the Plastic Bag Reduction Local Law 2012, as included in Attachment 1, be approved for public consultation. The purpose of the proposed local law being to “reduce the use of plastic shopping bags within the City of Fremantle”. The effect of the proposed local law would be to “prohibit retailers from providing single use plastic shopping bags and require retailers to charge a minimum fee of 10 cents for each alternative shopping bag provided to shoppers”.*
2. *That the Plastic Bag Free City Stakeholder Liaison Working Group be adjourned pending successful implementation of the local law. If the local law is successfully gazetted, then the Working Group is to reconvene to provide advice to the City on a communications strategy.*
3. *That a further report be brought to Council with a costing and methodology for the effect of the local law (if successfully introduced) through;*
  - a) *Pre and post analysis of numbers of plastic bags in the domestic waste stream.*
  - b) *Pre and post analysis of numbers of plastic bags in the litter stream.*

This item is the further report pertaining to a costing and methodology to measure the effect of the proposed local law.

## COMMENT

The City has released the proposed Plastic Bag Reduction Local Law for public comment. If the law is successfully enforced, it will have the effect of prohibit retailers from providing single use plastic shopping bags and require retailers to charge a minimum fee of 10 cents for each alternative shopping bag provided to shoppers. The objective of this is to reduce the amount of plastic shopping bags that flow through both the waste and the litter stream.

In order to measure the impact of this law, it will be necessary to monitor the number of single use plastic shopping bags and alternative shopping bags, both before and after the law is passed.

City officers have identified a number of opportunities in the lifecycle of these bags that could be counted. The table below lists these opportunities, what each measurement would indicate and how they can be measured.

Data source	Indicative of	Collection method
Municipal solid waste (MSW - green bin contents)	Total number of plastic bags passing through the waste system	Waste audit
Domestic recycling (yellow bin contents)	Total number of plastic bags passing through the waste system	Waste audit
Manually collected street litter	Plastic bags in litter stream	Manual count
Road sweepings	Plastic bags in litter stream	Manual count
Street "litter" bins	Total number of plastic bags passing through the waste system	Waste audit
Supermarket bag purchases	Total number of plastic bags in our district	Voluntarily provided by supermarkets

The City does not collect all commercial waste so cannot access it as readily as domestic waste and litter. The commercial waste stream was also not included in the Council resolution which wanted the impact of the proposed local law on the domestic and litter streams to be assessed. Commercial waste will therefore be excluded from the audit.

### *Waste Audit*

In 2011, a waste audit was conducted at SMRC for the purposes of informing a potential waste education campaign. This highlighted that waste is very poorly separated by Fremantle residents. Despite the relatively crude approach that this audit entailed, it showed that Fremantle residents' separation behaviour was only marginally better than SMRC averages. The similarity between Fremantle and SMRC data provides a reasonable level of confidence in the data. This original audit allowed the City to develop the skills necessary to conduct more audits and another audit is planned for the 2012 Fremantle Festival.

A 2012 waste audit is intending on sourcing a small amount of waste from various collection routes, allowing a statistically valid assessment of aggregate waste and an indicative indication of any differences between each suburb. The scope of the audit has been expanded to include a small sample of street litter and that single use plastic shopping bags and alternative shopping bags should be counted. This could be done within the existing Sustainability Initiatives budget.

In order to collect 'post' data, the waste audit would need to be completed in 2013 and ideally 2014 as well. A budget of \$10,000 for each year would allow this to happen. It should be noted that this would also provide other information, such as any impact that the City or SMRC education programs are having on our residents' behaviour and allow a longer time series to be collected which will allow more detailed statistical analysis to be done around any future waste programs that the City offers.

### *Manual counts*

There are two broad sources of street litter that can be manually counted. The first of these is the road sweepers. These collect about 400 tonnes per year of waste – mostly sand and leaves. In order to count the number of plastic bags in this stream, it would be possible to empty one week's worth of collections onto a hard stand and manually count them.

There are also staff from Parks and Landscape and Waste business units which collect litter by hand. They could be asked to tally how many plastic bags they collect for a given week.

### *Supermarket information*

Shoppers gain most of their plastic bags from supermarket. Of the 6 billion plastic bags used each year in Australia, 3.3 billion are thought to be provided by supermarkets. This represents a disproportionately large contribution from just 5 retailers.

These retailers have been asked through the Chamber of Commerce to comment on the proposed Plastic Bag Local Law 2012 and also if they would be willing to provide data relating to their plastic bag throughput.

They will also be asked to provide sales data on products such as bin liners, sales of which may increase if single use plastic shopping bags are no longer available to be reused for these purposes.

### *Quality and other considerations*

The accuracy of this exercise will be limited by several factors. Some of these can be accounted for relatively easily, others will be harder to control. Ireland reportedly saw a 90% reduction in the number of plastic bags in the first 5 months of its plastic bag levy being implemented – even a much smaller change should be clearly evident using the analytical tools that the City has access to.

Some of the factors that have been considered are:

- Sample size - in order to keep costs to a reasonable level, it will be necessary to only take a small sample of each waste and litter stream. The smaller the sample size the less statistically valid the results will be.
- Seasonal variation – it is well known that waste levels and compositions vary throughout a year. In order to minimise this risk, the samples will be taken at the same time of the year. This will also help address any impacts from public holidays.
- Weather impacts (eg strong winds increasing the litter stream) - if the City commits to a certain time of year, this will remove some, but not all of the risk of changes in the weather. To counteract this, the weather will be noted when the samples are taken.
- Geographic variation - to account for geographic differences the street litter bins, MSW and recycling audits will be taken over a range of areas. The street sweepings and manual collections will be taken over the same area each time.
- Not all waste generated in Fremantle is from Fremantle retailers - many residents will shop outside of Fremantle. This means that there will be some plastic bags in the litter and waste streams that come from outside of Fremantle. This will need to be considered when analysing any results. It should also be noted, that not all of the impact of the local law would be seen in Fremantle.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The budget cost for this exercise has already been built into the 2012-13 budget. In subsequent years, a cost of \$10,000 should be set aside to ensure that a rigorous waste audit can be completed.

### **Legal**

Nil

### **Operational**

There will be staffing impacts associated with manually counting plastic bags in the litter and road sweeping streams. It is felt that these can be provided within existing resources.

### **Organisational**

Nil

## **CONCLUSION**

The City is taking a leadership position by proposing the Plastic Bag Reduction Local Law 2012. In order to be able to advocate for broader implementation of this local law, it will be worthwhile to quantify the impacts that it has. This item proposes to measure the impact that the local law has on the number of plastic bags in the litter and waste streams through direct measurement of a sample of each stream – both before and after the proposed local law is enacted. This should provide sufficiently accurate information to evaluate the success or otherwise of the local law.

## **STRATEGIC AND POLICY IMPLICATIONS**

Council resolved to become a Plastic Bag Free City. The measures recommended in this report will allow the City to measure the success of otherwise of the associated local law.

## **COMMUNITY ENGAGEMENT**

No community engagement has been conducted, or is recommended to be conducted, pertaining to the bag counts.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr J Strachan**

- 1) The City count the number of single use plastic shopping bags and alternative shopping bags in a sample of:**
  - i. municipal solid waste**
  - ii. domestic recycling**
  - iii. street litter bins**
  - iv. road sweepings and**
  - v. manually collected street litter.**

**These counts are to be conducted before the local law is gazetted. If the local law is successfully enacted, then the counts are to be repeated at least once after the local law is enacted.**

- 2) \$10,000 be considered for inclusion in both the 2013/14 and 2014/15 budgets, to allow the counts listed in item 1 to be conducted.**
- 3) A report be brought back to Council after each count has been conducted informing Council of the results.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

**SGS1210-9 NATIONAL HOTEL PROPOSAL FOR FOOTPATH UPGRADE AND  
EXTENSION FOR ALFRESCO DINING**

**DataWorks Reference:** 067/009  
**Disclosure of Interest:** Nil  
**Meeting Date:** 10 October 2012  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Lionel Nicholson, Manager City Works  
**Decision Making Authority:** Council  
**Agenda Attachments:** Proposed upgrade and extension plan for footpath

**EXECUTIVE SUMMARY**

The architect associated with the National Hotel restorations has proposed an upgrade to the section of footpath adjacent to the hotel in High Street at the Market Street intersection, prior to formal submission of an application for an alfresco dining licence. While the application of a licence for alfresco dining will need to be addressed through the Environmental Health department within the City, the licence is likely to be supported in line with Council's policy D.B U8 on outdoor eating.

The proposed upgrade to the footpath will involve a minor extension into the existing High Street pavement, thereby marginally reducing the road width for vehicular traffic at the Market Street signalised intersection. Based on a review of the plans and assessment of vehicular turning swept paths at this intersection, the proposal is considered acceptable, provided adequate protection is implemented to reduce the risk to patrons dining at this location.

It is considered that the application can be supported provided all the required works are undertaken to the satisfaction of the City and at the owners cost.

**BACKGROUND**

As part of the National Hotel redevelopment it has been indicated that the owners will be seeking approval for the use of the adjacent footpath area in High Street to allow for alfresco dining. This is a relatively common occurrence within the central business district and a number of restaurants have alfresco licences, with the issue of licences falling under the control of the City's Environmental Health section.

However, unlike a number of other alfresco licences, the proposed use of the footpath at this location will necessitate a minor extension to the footpath area into the existing High Street pavement to allow for this activity as follows:

- The proposed dining area will result in extending the footpath into the existing road pavement by 600 mm.
- The proposed area will also encompass an existing loading zone.

The submission states that all changes associated with the works will be at the owner's cost.

## **COMMENT**

This section of High Street provides for one way traffic and the main concern with the proposed extension is that there will still be adequate turning space for large vehicles (ie trucks) travelling on the western side of Market Street and turning left into High Street at the traffic lights. An assessment of the turning circle applicable for these vehicles including refuse truck standards, show that it does allow for sufficient space to safely make these turns at this location and therefore from a technical point of view, there is no impediment to allowing the footpath extension. While noting this, it should be added that extra protection for pedestrians and diners is also advisable in this area. The preferred stance is that bollard protection should be provided to the area to further reduce the risk of errant driving.

With regard to the extension encroaching into the existing designated kerbside loading zone, it is noted that the proposal will include relocation of the loading zone into the next available parking space along High Street. This will mean the loss of a parking space at this location, however this is deemed to be acceptable and it is anticipated that there should be no significant impact on nearby businesses with the reduction of potential customers due to the loss of a parking bay offset by likely increased foot traffic and alfresco dining patronage.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

There are no specific budget implications for approval of the proposed footpath extension works as all costs will be met by the National Hotel owners.

### **Legal**

The City can approve works in the road reserve in accordance with the Local Government Act.

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

An application has been made to extend the footpath in High Street outside of the National Hotel to allow for alfresco dining. It is considered that the proposal for alfresco dining at this location has merit and therefore this minor footpath extension can be supported, provided all of the required works are to the City's requirements and at the owner's cost.

## STRATEGIC AND POLICY IMPLICATIONS

Nil

## COMMUNITY ENGAGEMENT

There has been no community engagement on this proposal. It is to be noted that the existing loading bay will be relocated to in front of the National Bank and a parking space will be removed.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr J Strachan**

**That Council approves the proposed extension of the footpath into the existing High Street pavement road pavement to allow for alfresco dining as shown on the concept in Attachment 1, subject to:**

- 1. The applicant / property owner submitting detailed engineering plans of the proposed footpath modification works and meeting all costs of the works including any public utility services requirements that maybe necessary.**
- 2. The works being constructed in accordance with the City's standards, specifications and policies.**
- 3. Protective measures, including bollards for the alfresco dining area, be implemented and finalised to the satisfaction of the Director Technical Services.**
- 4. All required works to be completed to the satisfaction of the Director Technical Services prior to alfresco dining becoming operational at this location.**
- 5. An application being made by the property owner for an alfresco dining licence at this location.**

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

At 7.26 pm Cr J Strachan declared an impartiality interest in item number SGS1209-11 and was absent during discussion and voting of this item.  
At 7.26 pm, Cr Tim Grey-Smith, the Deputy Presiding Member assumed the chair.

**SGS1210-11 LEASE - KULCHA THEATRE - PORTION OF EVAN DAVIES  
BUILDING - LEVEL 1, 13 SOUTH TCE, FREMANTLE**

<b>DataWorks Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	10 October 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Nadine Weller, Acting Property Coordinator
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Nil

## **EXECUTIVE SUMMARY**

Kulcha currently sub leases the entire first floor of 13 South Terrace, Fremantle from DOME Coffee Australia who lease the premises from the City of Fremantle.

As DOME Coffee Australia has surrendered their original lease in favour of an extended term and area consisting of only the ground floor portion of 13 South Terrace, Kulcha has approached the City of Fremantle for a direct lease for the entire first floor level.

The proposal is for a term of ten (10) years with a commencing rental of \$40,000 per annum plus GST from 1 July 2011. Over the term, a set annual increase of \$1,000 per annum will bring the tenancy up to the market valuation of \$49,000 plus GST by the end of the lease.

## **BACKGROUND**

Dome Coffee Australia signed a lease with the City of Fremantle effective as of 1 February 1994 for a term of ten (10) years and an option of ten (10) years expiring as of 31 January 2014. The leased area consisted of the ground floor (218m<sup>2</sup>) and first floor (272m<sup>2</sup>).

A sub lease was signed for the use of the entire first floor (272m<sup>2</sup>), between DOME Coffees Australia and Kulcha Theatre and the City of Fremantle, effective 25 November 1996 for a period of seven (7) years, four (4) months (less one day) with two further terms of five (5) years each (1 February 2004 to 31 January 2009 and 1 February 2009 to 31 January 2014).

DOME Coffee Australia has now surrendered their current lease as of 1 December 2010 and entered into a new lease with the City of Fremantle for only the use of the ground floor of 13 South Terrace (218m<sup>2</sup>) effective 1 December 2010.

Kulcha approached the City for a direct lease at the proposed rental of \$40,000 per annum for a ten (10) year term with a fixed annual increase of \$1,000 per annum.

Due to delays in the lease negotiations with DOME, it has been calculated that Kulcha owe \$34,560 plus GST in unpaid rent. As DOME has surrendered their lease for the area sub let to Kulcha, this rent is now payable to the City of Fremantle.

It is proposed that Kulcha follow the suggested payment schedule over 10 years to cover all outstanding debts and bring the rent payable up to market valuation;

- First year: rental, \$40,000 per annum plus GST - \$3,333.33 plus GST per month and \$288 plus GST per month towards previous outstanding rental debts. **TOTAL - \$3,621.33 plus GST per month.**
- Second year: rental, \$41,000 per annum plus GST - \$3,416.66 plus GST per month and \$288 plus GST per month towards previous outstanding rental debts. **TOTAL - \$3,704.33 plus GST per month.**
- Tenth year rental, \$49,000 per annum plus GST - \$4,083.33 plus GST per month and \$288 plus GST per month towards previous outstanding rental debts. **TOTAL - \$4,371.33 plus GST per month**

## COMMENT

Due to the drawn out process of receiving the signed surrender of lease documents from DOME Coffee Australia, the City has not been in the position to open discussions regarding a new lease with Kulcha before now.

The outcome of the delay has been that DOME ceased invoicing Kulcha for rent under the sub lease as the surrender lease document is dated 1 December 2010 and as Kulcha had no lease with the City, no rental charges could be invoiced, therefore the backdated rental needs to be addressed with any new lease documentation. Kulcha acknowledges the debt owed and accepts that the amount owed will not differ due to the new lease start date of 1 July 2011 with the City of Fremantle.

DOME Coffees Australia has also advised that Kulcha has outstanding outgoings owing to DOME from the sub lease prior and after the effective surrender lease date. The City is currently awaiting a breakdown of these arrears, however this matter should be held separately to any lease negotiation directly with Kulcha.

Kulcha have advised that their board wishes to move forward with plans to 'rebrand' Kulcha, which includes plans to change and upgrade at the 13 South Terrace premises. In order to proceed, Kulcha requires a secure term of tenure from the City.

## RISK AND OTHER IMPLICATIONS

### Financial

The City will ultimately retain a market rental for the first floor of 13 South Terrace, Fremantle.

**Legal**

Nil

**Operational**

Nil

**Organisational**

Nil

**CONCLUSION**

Negotiations with Kulcha surrounding a new lease has shown the community based business is willing to put a plan in place to maintain a commercial lease with the City of Fremantle and take on the obligations of outstanding debts owed.

Kulcha has been honest with their financial abilities when approaching this lease and eager to have documentation in place directly with the City of Fremantle to ensure they can proceed with plans to revitalise the premises to coincide with their new branding of Kulcha as a business.

**STRATEGIC AND POLICY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

Council approves a 10 year lease to Kulcha for the first floor of 13 South Terrace, Fremantle (Evan Davies Building) commencing at \$40,000 per annum plus GST with the proposed back rent component of \$3456 per annum plus GST.

**Cr T Grey-Smith MOVED** an amendment to the Officer's Recommendation to include the following wording:

**Council approves a 10 year lease to Kulcha for the first floor of 13 South Terrace, Fremantle (Evan Davies Building) commencing at a discounted rental of \$40,000 per annum plus GST with the proposed back rent component of \$3456 per annum plus GST.**

**CARRIED: 5/0**

For	Against
Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

#### **COMMITTEE RECOMMENDATION**

**MOVED: Cr T Grey-Smith**

**Council approves a 10 year lease to Kulcha for the first floor of 13 South Terrace, Fremantle (Evan Davies Building) commencing at a discounted rental of \$40,000 per annum plus GST with the proposed back rent component of \$3456 per annum plus GST.**

**CARRIED: 5/0**

For	Against
Cr Tim Grey-Smith Cr David Hume Cr Bill Massie Cr Ingrid Waltham Cr Doug Thompson	

At 7.38 pm the Presiding Member reassumed the chair.

**CONFIDENTIAL MATTERS**

Nil

**CLOSURE OF MEETING**

**THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.39 PM.**

## SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Community Engagement Policy in December 2010 to give effect to its commitment to involving citizens in its decision-making processes.

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

Effective community engagement 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.

How consultative processes work at the City of Fremantle	
<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 council appointed working groups, its community precinct system, and targeted community engagement 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 bi-ennial 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 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

How consultative processes work at the City of Fremantle	
	clearly outline from the outset any constraints or limitations associated with the issue.
<b>Decisions made for the overall good of Fremantle</b>	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.
<b>Diversity of view on most issues</b>	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.
<b>City officers must be impartial</b>	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.
<b>City officers must follow policy and procedures</b>	11 The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard.

**How consultative processes work at the City of Fremantle**

<b>Community engagement processes have cut-off dates that will be adhered to.</b>	<p>1 As City officers have the responsibility to provide</p> <p>2 objective, professional advice to decision-makers,</p> <p>. they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, community engagement 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 community input is involved, the Council is the decision-maker and this affords community members the opportunity to make input after the cut-off date via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.</p>
<b>Citizens need to check for any changes to decision making arrangements made</b>	<p>1 The City will take initial responsibility for making</p> <p>3 citizens aware of expected time-frames and</p> <p>. 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 the City's website, checking the Fremantle News in the Fremantle Gazette or inquiring at the Customer Service Centre by phone, email or in-person.</p>
<b>Citizens are entitled to know how their input has been assessed</b>	<p>1 In reporting to decision-makers, City officers will in</p> <p>4 all cases produce a community engagement</p> <p>. outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</p>
<b>Reasons for decisions must be transparent</b>	<p>1 Decision-makers must provide the reasons for</p> <p>5 their decisions.</p> <p>.</p>
<b>Decisions posted on the City's website</b>	<p>1 Decisions of the City need to be transparent and</p> <p>6 easily accessed. For reasons of cost, citizens</p> <p>. making input on an issue will not be individually notified of the outcome, but can access the decision at the City's website under 'community engagement' or at the City Library or Service and Information Centre.</p>

### 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.



# MINUTES ATTACHMENTS

## Strategic and General Services Committee

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Wednesday, 10 October 2012, 6.00 pm

## ITEM SGS1210- REPLACEMENT ATTACHMENT 3 ATTACHMENT 2 - CURRENT GRAFFITI POLICY SG12



### Policy

#### SG12 – Graffiti and unauthorised urban art

<b>Type:</b>	Strategic
<b>Legislation:</b>	<i>Criminal Code Act Compilation Act 1913</i> Public Transport Authority Regulations Act 2003 Planning and Development Regulations 2009 Rail Freight System (Corridor Land) Regulations 2000
<b>Procedure:</b>	<a href="#">19 SWP - Graffiti (minor works)</a> <a href="#">20 SWP - Graffiti removal (high pressure)</a>
<b>Delegation:</b>	NA
<b>Other related document:</b>	NA

### Objective

To enable the City to promote a vibrant street art culture whilst continuing its approach to removing any undesirable forms of graffiti from public spaces and private property.

### Policy

The City, together with the state government, aims to work with young people to develop graffiti reduction programs and to promote responsible street art.

*Graffiti* refers to the illegal activity of defacing private and/or public property without the consent of the property owner and considered destructive, offensive or of no value to the community. Graffiti is considered any act in the form of;

- marking
- painting
- tagging
- sketching

*Urban art* is considered to be:

- works which may have artistic or cultural merit and adds to the community of Fremantle.
- works undertaken with materials which do not compromise the visual aesthetics of specific precincts within Fremantle, such as buildings which have heritage value.

#### **Determination of graffiti and/or urban art**

- All graffiti and/or urban art is to be assessed by the City's graffiti removal team and photographs be taken, within 24-48 hours of it being reported to the City.
- All unauthorised works deemed to have potential as urban art, as outlined in this policy, is to be forwarded to the director community development for a decision to remove or retain.

#### **Removal of graffiti**

- Works clearly identified as graffiti is removed immediately, with priority given to graffiti deemed offensive and/or obscene.
- If the works is located at a private property, the city is to contact the owner of the private property to discuss the removal of the graffiti.
- Graffiti on heritage buildings and places is removed under the guidance of expert heritage advice.

#### **Retention and/or removal of urban art**

- The director community development, as required, liaises with the City's public art officer, to determine and to provide instructions to the City's graffiti removal team in relation to the removal or retention of the unauthorised works.
- If the unauthorised works is deemed to have cultural and/or artistic merit and is considered worth retaining, the owners of the private property are notified.
- Unauthorised urban art cannot be approved for retention without the consent of the property owners.
- Should the private property owners wish for the unauthorised urban art to be removed, the City's graffiti removal team are to remove the unauthorised works.

**Responsible directorate:** Community development  
**Reviewing officer:** Director community development  
**Policy adopted:** 22 November 1999 (SDRCP87)  
**Policy amended:**  
**Next review date:** October 2015