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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 16 September 2015 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01 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 Andrew Sullivan  Presiding member / South Ward
Cr David Hume    Deputy Presiding member / Beaconsfield Ward
Cr Doug Thompson  North Ward
Cr Rachel Pemberton  City Ward
Cr Ingrid Waltham  East Ward
Cr Sam Wainwright  Hilton Ward

Mr Graeme Mackenzie  Chief Executive Officer
Mr Glen Dougall  Director City Business
Mr Lionel Nicholson  Acting Director Infrastructure & Project Delivery
Mr Phil Adams  Manager Infrastructure Projects
Mr Tom Griffiths  Manager Economic Development & Marketing
Mr Pete Stone  Manager Arts & Culture
Ms Jenaya Shepherd  Manager Strategic Projects
Ms Joanne Smith  Parks Manager
Mr Sam Bryce  Manager City Assets
Mr Alan Kelsall  Heritage Coordinator
Mr Alan Carmichael  Manager Finance
Mrs Tanya Toon-Poynton  Minute Secretary

There were approximately 7 members of the public and no members of the press in attendance.
APOLOGIES

Cr Simon Naber
Mayor, Brad Pettitt

LEAVE OF ABSENCE

Cr Dave Coggin

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

The following member of the public spoke in favour of the Officer’s Recommendation for item SGS1509-1:
Helen Hewitt
Michael Patroni

The following member of the public spoke in favour of the Officer’s Recommendation for item SGS1509-4:
Sharon Hu

The following member of the public spoke in favour of the Officer’s Recommendation for item SGS1509-9:
Ian Hutchinson

DISCLOSURES OF INTEREST BY MEMBERS

Cr A Sullivan declared a financial interest in item number SGS1409-1. Cr Sullivan has a client who owns property directly across the road from the proposed parklet at 5 Nairn Street.

Cr A Sullivan declared a financial interest in item number SGS1409-18. Cr Sullivan is a tenant in one of the buildings relevant to this item.
LATE ITEMS NOTED

SGS1509-19 – Acceptance of Funding for “Revealed – Emerging Aboriginal Artists” at Fremantle Arts Centre.

N1509-1 – Notice of Motion – Consideration of Assistance for the Fremantle Foundation – Cr Doug Thompson

N1509-2 – Notice of Motion – Carbon Tax Refund - Cr Doug Thompson

CONFIRMATION OF MINUTES

MOVED: Cr A Sullivan

That the minutes of the Strategic and General Services Committee dated 19 August 2015 as listed in the Council agenda dated 26 August 2015 be confirmed as a true and accurate record.

CARRIED: 6/0

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TABLED DOCUMENTS

SGS1509-1 - Parklet application 5 Nairn Street Fremantle - Alternative recommendation

SGS1509-7 Market Street Piazza permanent road closure - Amendment to Officer's Recommendation

SGS1509-8 - Leighton Kiosk greywater feasibility - Additional information
REPORTS BY OFFICERS (COMMITTEE DELEGATION)

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

At 6.04 pm Cr A Sullivan declared a financial interest in item number SGS1409-1 and was absent during discussion and voting of this item.

At 6.04 pm Cr David Hume assumed the chair.

SGS1509-1 PARKLET APPLICATION 5 NAIRN STREET, FREMANTLE

ECM Reference: 158/009
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: Nil
Responsible Officer: Lionel Nicholson, Acting Director Infrastructure and Project Delivery
Actioning Officer: Phillip Adams, Manager Infrastructure and Project Delivery
Decision Making Authority: Committee
Agenda Attachments: Proposed Parklet Plans, Site Photos and Cone of Vision

EXECUTIVE SUMMARY

The applicant on behalf of the owners of 5 Nairn Street has proposed that an al fresco ‘Parklet’ be located on the Road reserve fronting 5 Nairn Street.

In this application, the proposed Parklet will involve the installation of a semi-permanent fixed structure within the existing roadway. The proposed Parklet will take over 1 existing metered car parking bay, off-set by relocating this bay further east along the street. The Parklet will include the installation of timber and concrete seating, planter boxes, bicycle rack and street trees.

Based on a review of the plans indicating available width for vehicular traffic movement in this 2 way street and noting minimal detrimental effect on public infrastructure at that location, the proposal is considered acceptable from a traffic and design/compliance perspective. However, due to the location being in a high residential area with apartments overlooking the proposed installation, consultation with the residents has revealed that some of the residents do not support this Parklet.

BACKGROUND

The owners of 5 Nairn Street are seeking approval for the use of the road reserve area to allow for al fresco social activity. The proposed location fronts the site of a new small bar/eatery. It is a relatively common occurrence within Fremantle to have al fresco structures for the purpose of dining, social activity and activation of the streetscape.
The use of the existing road reserve in this manner has been identified as one of the ways in which a Parklet may be introduced into the streetscape. The use and origin of the term ‘Parklet’ was introduced and expanded upon in council item PSC1304-59 of 24 April 2013, and subsequently adopted as policy PO-0019. The intention of having Parklets is to allow businesses to apply for approval for temporary (initially up to two years) use of the road or parking space directly in front of the business for al fresco dining, bicycle parking or public green space and seating.

COMMENT

Nairn Street provides for two way vehicular traffic and the impact of the extension of the proposed al fresco dining area into the existing road reserve has been examined.

While the proposed installation of the Parklet is acceptable for normal traffic movement and does not unduly interfere with the usual functioning of other public infrastructure (such as drainage), the applicant will need to meet those principles contained in council policy PO-0019 – Parklets. Of particular relevance are the following items, as well as other considerations:

- That any approval allows for an initial installation period of 2 years, with any future extension to be granted only with council approval at the end of that period.
- That all costs associated with the construction, maintenance and removal of a Parklet must be borne by its proponent, and proponents must lodge a bond with the City to cover the cost of any removal/reinstatement works which the City may have to carry out due to default on the part of the proponent. In this instance the estimate for the bond lodgement value is $20 000 to cover the removal and reinstatement cost.
- That applicant for Parklets must hold appropriate current public indemnity insurance.
- That there is a presumption against covered structures being erected as part of Parklets.
- That the Parklet be confined to the frontage of the property and does not extend into the frontage of adjoining properties.
- That the specifications for the construction of the Parklet and protection measures for diners and pedestrians are implemented and finalised to the satisfaction of the Director of Infrastructure and Project Delivery, with all physical services to be completed prior to al fresco operations commencing.
- The location and design of the Parklet is not likely to negatively impact upon the amenity of occupiers in buildings in close proximity to the Parklet.

RISK AND OTHER IMPLICATIONS

Financial

There are no financial implications to the City if the metered car bay is relocated. If the relocated car bay is not supported, the City would lose up to $3 800 per annum.
Legal
All works will be conducted to meet our statutory requirements including works within a road reserve.

Operational
Resources are available to process this application and undertake ongoing monitoring.

Organisational
This assessment is guided by the Parklet Policy.

CONCLUSION
An application has been made to install a Parklet into the road pavement fronting 5 Nairn Street to allow for al fresco social activity. It is considered that the proposal for an al fresco Parklet at this location is unsuitable due to its proximity to local residents.

STRATEGIC AND POLICY IMPLICATIONS
The Parklet Policy and the City’s objective is to add to the vitality of Fremantle and improve the pedestrian amenities.

COMMUNITY ENGAGEMENT
Advice on the proposal has been given to adjoining property owners and the opportunity has been made for them to comment on the proposal at the Strategic and General Services Committee meeting of 16 September 2015.

Consultation of surrounding apartments has indicated strong objections to the proposal

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority
OFFICER'S RECOMMENDATION

MOVED: Cr D Hume

The Strategic and General Services Committee acting under delegation 1.1 reject the application for Parklet at 5 Nairn Street, Fremantle due to not meeting the requirements of clause 1.2 of the Parklet Policy.

Lost: 0/5

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Cr R Pemberton MOVED the following alternative recommendation:

COMMITTEE RECOMMENDATION

The application for Parklet at 5 Nairn Street, Fremantle be accepted and referred to the Ordinary meeting of Council on Wednesday, 23 September 2015 for consideration.

CARRIED: 5/0

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REASON FOR CHANGE TO OFFICER'S RECOMMENDATION

A parklet in the location would have little additional impact on neighbours since there is already outdoor dining at this business. The proposed planting as part of the parklet will also create a buffer to reduce impacts upon nearby residents.
Cr A Sullivan returned to the meeting at 6.19 pm and resumed the chair.

REPORTS BY OFFICERS (COUNCIL DECISION)

SGS1509-4 PARKLET APPLICATION 3 PAKENHAM STREET, FREMANTLE

ECM Reference: 158/009
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: Nil
Responsible Officer: Lionel Nicholson, Acting Director Infrastructure and Project Delivery
Actioning Officer: Phillip Adams, Manager Infrastructure Projects
Decision Making Authority: Council
Agenda Attachments: Parklet design drawings and supporting documents

EXECUTIVE SUMMARY

The licensee of 3 Pakenham Street has proposed that an al fresco ‘Parklet’ be located on the Road reserve fronting 3 Pakenham Street.

In this instance, the proposed Parklet will involve the installation of a semi-fixed structure within the existing roadway outside the premises taking over a no parking area bay. The no parking area bay was put in to allow vehicles from the opposing building to exit. This exit is no longer in use. Based on a review of the plans indicating available width for vehicular traffic movement in this one way street and noting minimal detrimental effect on public infrastructure at that location, the proposal is considered acceptable.

BACKGROUND

The licensee of 3 Pakenham Street supported by the owners management company are seeking approval for the use of the road reserve area to allow for al fresco social activity. It is a relatively common occurrence within Fremantle to have al fresco structures for the purpose of dining, social activity and activation of the streetscape.

The use of the existing road reserve in this manner has been identified as one of the ways in which a Parklet may be introduced into the streetscape. The use and origin of the term ‘Parklet’ was introduced and expanded upon in council item PSC1304-59 of 24 April 2013, and subsequently adopted as policy PO-0019. The intention of having Parklets is to allow businesses to apply for approval for temporary (initially up to two years) use of the road or parking space directly in front of the business for al fresco dining, bicycle parking or public green space and seating.

COMMENT

Pakenham Street provides for one way vehicular traffic and the impact of the extension of the proposed al fresco dining area into the existing road reserve has been examined.
While the proposed installation of the Parklet is acceptable for normal traffic movement and does not unduly interfere with the usual functioning of other public infrastructure (such as drainage), the applicant will need to meet those principles contained in council policy PO-0019 – Parklets. Of particular relevance are the following items, as well as other considerations:

- That the approval allows for an initial installation period of 2 years, with any future extension to be granted only with council approval at the end of that period.
- That all costs associated with the construction, maintenance and removal of a Parklet must be borne by its proponent, and proponents must lodge a bond with the City to cover the cost of any removal/reinstatement works which the City may have to carry out due to default on the part of the proponent.
- In this instance, the proponent has requested council waive the bond of $1,500 sighting that this is the proponent’s new business and it is unable to fund the bond at present. The bond should be reviewed in 6 months once the business has been established.
- That applicant for Parklets must hold appropriate current public indemnity insurance.
- That there is a presumption against covered structures being erected as part of Parklets.
- That the Parklet be confined to the frontage of the property and does not extend into the frontage of adjoining properties.
- That the specifications for the construction of the Parklet and protection measures for diners and pedestrians are implemented and finalised to the satisfaction of the Director of Infrastructure and Project Delivery, with all physical services to be completed prior to al fresco operations commencing.

**RISK AND OTHER IMPLICATIONS**

**Financial**
If bond costs are waived, the City would be responsible for the removal of the Parklet structure should the applicant default on their license agreement.

**Legal**
All works will be conducted to meet our statutory requirements including works within a road reserve.

**Operational**
Resources are available to process this application and undertake ongoing monitoring.

**Organisational**
This assessment is guided by the Parklet Policy.
CONCLUSION

An application has been made to install a Parklet into the road pavement fronting 3 Pakenham Street to allow for al fresco social activity. It is considered that the proposal for an al fresco Parklet at this location is suitable and that the designers have addressed the City’s policy recommendations.

STRATEGIC AND POLICY IMPLICATIONS

The Parklet Policy and the City’s objective is to add to the vitality of Fremantle and improve the pedestrian amenities.

COMMUNITY ENGAGEMENT

Advice on the proposal has been given to adjoining property owners and the opportunity has been made for them to comment on the proposal at the Strategic and General Services Committee meeting of 16 September 2015.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

The Strategic and General Services Committee acting under delegation 1.1 approves the proposed Parklet on the existing Pakenham Street pavement road reserve fronting 3 Pakenham Street to allow for alfresco social activity as shown on the concept in Attachment 1.

Council waive the bond of $1 500 and review in 6 months once the business has been established.

Cr R Pemberton MOVED an amendment to the Officer’s Recommendation to remove the following wording:

Council waive the bond of $1 500 and review in 6 months once the business has been established.

CARRIED: 5/1

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REASONS FOR CHANGE TO OFFICER’S RECOMMENDATION

The committee was of the view the bond was not a significant outlay for the applicant.

COMMITTEE DECISION

The Strategic and General Services Committee acting under delegation 1.1 approves the proposed Parklet on the existing Pakenham Street pavement road reserve fronting 3 Pakenham Street to allow for alfresco social activity as shown on the concept in Attachment 1.

CARRIED: 6/0

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Note: As the recommendation to waive the fee has been voted down as part of the decision, the Committee have delegated authority to approve the parklet application.
SGS1509-12 FREMANTLE SUBMISSION PROPOSALS FOR PERTH BICYCLE NETWORK FUNDING SCHEME

ECM Reference: 165/008
Disclosure of Interest: Nil
Meeting Date: 16/09/15
Previous Item: Nil
Responsible Officer: Lionel Nicholson, A/Director Infrastructure and Project Delivery
Actioning Officer: Phillip Adams, Manager Infrastructure Services
Decision Making Authority: Council Committee
Agenda Attachments:
1) Canning Hwy & Queen Victoria St – Signalised Junction for Bike & Pedestrian Crossing
2) Canning Hwy - Bike & Pedestrian Path - Queen Victoria St to East St
3) Queen Victoria St & Parry St – Intersection Upgrade
4) Douro Rd – Cycle Lanes
5) Hampton Rd & Wray Ave – Intersection Upgrade
6) Stirling Hwy & Harvest Rd – Bike & Pedestrian Crossing Upgrade
7) Elder Pl – Queen St to bus exit - Widening existing Bike Lane

EXE
CUTIVE SUMMARY

Applications for the Perth Bicycle Network funding scheme will open in September for consideration in the 2016-17 program. The scheme represents an excellent opportunity for the City of Fremantle to implement cycling infrastructure. Identified projects under consideration and being developed for the current submission include;

- Cycling Connection through the Canning Highway and Queen Victoria Street intersection at the Fremantle traffic bridge.
- A shared path along the north verge of Canning Highway from Queen Victoria Street to East Street.
- Cycle connections through Adelaide Street, Queen Victoria Street and Parry Street.
- Cycle lanes on Douro Road from South Terrace to Hampton Road.
- Cycle Connection on Hampton Road through the Wray Avenue intersection.
- Widening the non-signalised crossing point on Stirling Highway at Harvest Road.
- Elder Place widening existing bike lane and providing head start box at Fremantle Train Station exit (on Elder Place).
- Additional Bike Lane separators.
- Update City of Fremantle Bike Plan.
The total current design stage estimates for the above projects is $1,303,500 of which $651,750 will need to be provided for by council if the submissions are successful.

BACKGROUND

The Perth Bicycle Network (PBN) is a series of cycling routes comprising of on-road, path and end-of-trip infrastructure.

The PBN is coordinated by the Department of Transport and forms part of a strategic and integrated transport network being developed for our city, during this time of growth.

The Perth Bicycle Network (PBN) Grants Program is a State funding initiative to assist local governments in the Perth metropolitan area for the planning and implementation of the metropolitan component of the Western Australian Bicycle Network (WABN). The intention is to fund projects that deliver the greatest increase in participation of cycling for transport purposes, thereby reducing congestion and enhancing the efficiency of Perth’s transport system.

The funding of approximately $1.3M is split over 3 main categories;
- Category 1: Local Bike Plans ($230k allocation)
- Category 2: Path and On-Road Projects ($1 million allocation)
- Category 3: End of Trip and Innovative Projects ($100k allocation)

All projects are based on a 1:1 funding scenario with a maximum of half the cost of the projects paid for by the Department of Transport through the Active Transport PBN scheme.

COMMENT

A brief description of the projects is given below. Where possible these projects overlap with other road improvement initiatives such as Black Spot proposals.

*Cycling Connection through the Canning Highway and Queen Victoria Street intersection at the Fremantle traffic bridge* $235,000 (Attachment 1)
This project aims to provide cycle path access shared with the pedestrian facilities across the Canning Highway western leg and Queen Victoria Street northern leg. At present the pathway for pedestrians and cyclists is not clear with insufficient protection from the busy traffic at this intersection. The project includes bicycle lanterns at the crossing points.

*A shared path along the western verge of Canning Highway from Queen Victoria Street to East Street* $86,000 (Attachment 2)
This shared path will connect from the Queen Victoria Street intersection project as proposed above, to the existing shared path within East Fremantle. The path will see the widening of the existing concrete footpath to 3.0m. Works also include pram ramp and signage adjustments.
Cycle connections through Adelaide Street, Queen Victoria Street and Parry Street $245 000 (Attachment 3)
The installation of cycle lanes on all approaches will allow continuous cycle lane connection through this intersection. Parry Street cycle lanes are established so this connection will help the link from Beach Street as an alternate route, under full control, into the City. The right turns from Parry Street into Queen Victoria Street and Adelaide Street will also be enhanced with advanced bike boxes on these approaches.

Cycle lanes on Douro Road from South Terrace to Hampton Road $350 000 (Attachment 4)
The substandard bike lanes on Douro Road will be widened to 1.5m from Daly Street to South Terrace. A shared path scenario will be installed from the Daly Street roundabout to Hampton Road. This connection is significant as it is part of the current bike plans’ proposed works. The connection also provides a good on road facility for the western section of Douro Road to the South Beach shared path.

Cycle Connection on Hampton Road through at Wray Avenue intersection $175 000 (Attachment 5)
Funding is being sought to contribute to this project which essentially completes the cycle lane connectivity through this intersection. The focus is Hampton Road cycle lanes continuity with Wray Avenue requiring a separate traffic calming scheme to create a slower speed environment for all road users.

Widening the non-signalised crossing point on Stirling Highway at Harvest Road $75 000 (Attachment 6)
Currently there are two points to cross Stirling Highway either side of Harvest Road. These pedestrian pathways have also been identified through cycle study for the North Fremantle area to be an important cycle crossing point. The proposal aims to make the crossings suitable for cycle and pedestrian use by widening the paths, redirecting their alignment and repurposing the redundant bus embayment on Stirling Highway and Harvest Road to both reduce the distance needed to travel across Stirling Highway and provide a convenient point to cross that does not require significant deviation by users.

Elder Place cycle lane enhancement and Head Start at Train Station exit $85 000 (Attachment 7)
Currently the eastbound cycle lane on Elder Place narrows towards the Fremantle Train Station bus exit. This project will widen the road here by relocating the kerb line further north. A head start box will also be provided at the signalised intersection allowing riders from Queen Street to access the bike lane during red phases.

Enhanced cycle lane separation $32 500
Based on the successful funding for this innovation project in 2015/16, further bike lane enhancements will be pursued in the next funding round. The focus of the previous project to be implemented this current year is intersection treatments and inside curves to reduce vehicle ingress into the cycle lanes within the CBD. The next iteration will use trials we have done already as well as interstate and local examples to further delineate existing straight lengths on cycle lane on the busier CBD roads.
Update Fremantle Bike Plan $20 000
The current City of Fremantle Bike Plan has been instrumental in prioritising cycle infrastructure throughout the city. The layout and content will need to be updated to reflect ongoing completion of major projects and update to current best practice. The update will not shift the current bike plan dramatically however will allow an appraisal of which elements are effective and relevant especially as a public document.

RISK AND OTHER IMPLICATIONS

Financial
The Perth Bicycle Network will commit, for successful projects, up to 50% of the total project cost. Should all projects be successful in attracting funding then a commitment of no less than $651 750 will need to be available for the projects in the 2016/17 financial year.

It should also be noted that all the costs are estimates based on preliminary designs. As such, there may be some change in the final costs as the designs are further refined.

Legal
All projects involving regulatory signage and line marking such as shared path signage need to be approved and installed by Main Roads Western Australia.

All work is designed and built to current best practice using advice from Main Roads WA where necessary.

Operational
Resources will be available to undertake detailed designs. Successful submissions will be programmed for construction in the 2016/17 year.

Organisational
- Fremantle Bike Plan 2014-2018
  - New works to form a continuous route on Lefroy Road as a strong east/west connector
  - Infrastructure that promotes cycling
- Integrated Transport Strategy 2015
  - Increase mode share for bikes
  - Create a cycle friendly city
- Fremantle Strategic Plan
  - Transport – Lead in the provision of environmentally and economically sustainable transport solutions

CONCLUSION
The annual PBN funding scheme represents an excellent opportunity for the City in terms of additional funding available for larger capital projects. The total estimated costs at this stage for the proposals is $1 303 500 of which up to 50% can be claimed through the funding scheme.
STRATEGIC AND POLICY IMPLICATIONS

The Fremantle Bike Plan 2014/18 and Integrated Transport Strategy both value sustainable transport options and promote the use of cycling to achieve this. Both these documents support the implementation of infrastructure and education and training.

COMMUNITY ENGAGEMENT

The nature of these capital works would forego a collaborative consultation process for each project. The projects will cause local disruptions limited to the immediate area during construction and this will be preceded by informative consultation or advanced warning of the works.

Successful projects will be advertised through City of Fremantle media to promote cycling.

For any works requiring changes to either private property or access and amenity for local residents, this will follow standard consultation to ensure those affected are informed of the changes prior to the commencement of works.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

1. Council endorses the current 2016/17 PBN proposals

   1. Cycling connection through the Canning Highway and Queen Victoria Street intersection at the Fremantle traffic bridge.
   2. A shared path along the western verge of Canning Highway from Queen Victoria Street to East Street.
   3. Cycle connections through Adelaide Street, Queen Victoria Street and Parry Street.
   4. Cycle lanes on Douro Road from South Terrace to Hampton Road.
   5. Cycle connection on Hampton Road through the Wray Avenue intersection.
   6. Widening the non-signalised crossing point on Stirling Highway at Harvest Road.
   7. Elder Place cycle lane enhancement and Head Start at Fremantle Train Station exit.
   8. Bike Lane separations in Fremantle centre and surrounds.
   9. City of Fremantle Bike Plan update
CARRIED: 6/0

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CARRIED: 6/0

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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

The following item number SGS1509-2 was MOVED and carried en bloc.

SGS1509-2   REALLOCATION OF CANTONMENT HILL SIGNAL STATION TENDER

ECM Reference: 135/001
Disclosure of Interest: NIL
Meeting Date: 16 September 2015
Previous Item: SGS 1507-3
Responsible Officer: Lionel Nicholson, Acting Director Infrastructure and Project Delivery
Actioning Officer: Samuel Bryce, Manager City Assets
Decision Making Authority: Committee
Agenda Attachments: Tender Withdrawal Letter - PRC Building Services Pty Ltd

EXECUTIVE SUMMARY

Tender FCC 447/15 is for the provision of maintenance and compliance works for the signal station at Cantonment Hill.

Based on the evaluation panel’s assessment of pricing and qualitative criteria, the City’s Major Procurement Approval panel had endorsed PRC Building Services Pty Ltd to conduct the works. The award of engaging PRC Building Services was approved by SGS Committee on 22 July 2015 and adopted by Council on 29 July 2015.

PRC have since presented a letter requesting to formally withdraw their tender submission for the Old Signal Station with immediate effect as they advised there was an error in their submission and they would not be able to deliver the project for the agreed sum.
With PRC Building Services withdrawn from the evaluation, Enviro Contracting Pty Ltd now offers the best value and is now the recommended tenderer to be awarded the contract.

The quoted price of $309,520.04 is within the allocated budget.

BACKGROUND

Tenders were invited in the West Australian Newspaper on Wednesday 6 May 2015 and closed on Friday 29 May 2015 at 2.00pm.

The works included:
- Replacement of balustrades and windows, including frames and doors.
- Repair of concrete cancer, fretted brickworks and minor plumbing works.
- Electrical works, including the replacement of light fittings, residual current devices, installation of exit signage and fire indicator panel.
- Removal and repair of the mast, including sand blasting and painting.

Offers were received from the following:

1. West Force Construction
2. Enviro Contracting
3. Safeway Building and Renovation Pty Ltd
4. ICS Australia Construction and Interiors
5. Perth Builders Pty Ltd
6. CPD Group
7. Connolly Building Company
8. A.E. Hoskins & Sons

COMMENT

Evaluation of the tenders was based on a weighting of 60% for qualitative criteria and 40% for pricing. The qualitative criteria included

- Methodology/demonstrated experience with heritage work – 20%
- Organisational capacity and specified personnel – 20%
- Demonstrated understanding of the project works – 20%
Table – Assessment scores

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<th>Quoter/Tenderer (Company Name)</th>
<th>Demonstrated Experience of Heritage Work</th>
<th>Organisational Capacity and Specified Personnel</th>
<th>Demonstrated Understanding of the Project</th>
<th>Price</th>
<th>Total Score</th>
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Based on the tender evaluation Enviro Contracting represent the best value for money for the works at the signal station.

**RISK AND OTHER IMPLICATIONS**

**Financial**

The budget for the works on the signal station is $350,000.00 and the contract price of $309,520.04 is still within budget and a sum for contingencies.

**Legal**

The obligations of local Governments in regards to tenders for providing goods or services apply, under Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996

**Operational**

The tender will deliver maintenance and compliance works for the signal station to be in an acceptable condition for use.

**Organisational**

Project maintenance and compliance activities under the tender will be coordinated by the City Assets business unit.

**CONCLUSION**

Enviro Contracting Pty Ltd is recommended to complete the project works over a period of 16 weeks and are the recommended tenderer after the late withdrawal of PRC Building Services Pty Ltd.
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

The process of awarding the tender does not require any specific community engagement outside of any advertising of tender, as the project work activities relate to internal maintenance of council owned properties.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

OFFICER’S RECOMMENDATION/ COMMITTEE DECISION

MOVED: Cr A Sullivan

1. Council accepts the tender submitted by Enviro Contracting Pty Ltd for the provision of maintenance and compliance works at the Cantonment Hill signal station for $309,520.04 (excluding GST) under Tender FCC 447/15.

CARRIED: 6/0

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The following item number SGS1509-3 was MOVED and carried en bloc.

**SGS1509-3 OVERDUE DEBTS REPORT**

**ECM Reference:** 085/002; 085/003  
**Disclosure of Interest:** Nil  
**Meeting Date:** 16 September 2015  
**Previous Item:** SGS1503-1 of 18 March 2015  
**Responsible Officer:** Glen Dougall, Director City Business  
**Actioning Officer:** Alan Carmichael, Finance Manager  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Summary of Overdue Debts above Threshold (Confidential Report)

**EXECUTIVE SUMMARY**

Council resolved that bi-annually (March and September) a report with a confidential attachment be proved to the Strategic and General Services Committee with details of overdue debts that exceed a threshold value of $10,000.

**BACKGROUND**

The report is part of a framework for the write off of bad debts that was endorsed by the Audit and Risk Management Committee on 16 December 2014 and referred to Council who endorsed the framework on 28 January 2015.

The framework endorsed is as follows:-

a) That bi-annually (September and March) a report with a confidential attachment in an agreed format is submitted to the Strategic and General Service's committee to receive under delegated details of overdue debts that exceed a threshold value.

b) That the threshold value for items to be reported for each debtor are debts overdue in excess of ninety (90) days and the combined value those debt(s) exceed $10,000. Rates debtors that remain a charge against the property are excluded from the requirement to report.

c) Two months after (i.e., November and May) the report in (a) has been submitted an item be submitted to Council via Strategic and General Services for approval to write off those debts that are considered bad or doubtful.

d) That once a recommendation is received from Department of Attorney General to write off monies referred to the Fines Enforcement Registry (FER) then an item is submitted to council within two months of the receipt of the recommendation.

In addition the format of the confidential report was to be as presented to council unless the Strategic and General Services Committee acting under delegated authority resolved otherwise.
COMMENT

Compared to the report presented in March 2015 the total value reported shows a material reduction with resolution of three large debts. With four debtors no longer appearing and one new debtor on the list, the number of debtors being reported has reduced.

The confidential attachment contains comment and background in relation to the debtors listed in the report.

RISK AND OTHER IMPLICATIONS

Financial

The budget implications can be addressed in two parts:-

1. **Cost of Credit Management.** If an organisation does not have good credit management then it will have negative budgetary impacts as cash will not be collected for the sales of goods and services made. It should be noted that even with good credit management, bad debts can still be incurred, but they normally arise within an environment where the risk and reward factors have been balanced to try and achieve the best outcome for the organisation. It is a requirement for completing annual financial statements that any potential bad debts are provisioned for and that is a cost to the budget in the year in which the provision is made.

2. **Cost to Budget of Writing off Bad Debts.** Generally this is budget neutral as the city provisions for potential bad and unrecoverable debts and the city has been doing so for many years in accordance with accounting standards. As a consequence, approvals to write off bad debts will generally result in the cost being written back against the provision with no net impact to the current budget.

Legal

Section 6.12 (1) (c) of the Local Government Act 1995 provides authority for the Council to write off outstanding monies.

Operational

The report is likely to highlight matters that have been or currently are the focus of operational activity.

Organisational

It is possible that some of the matters highlighted are linked to current and evolving organisational plans.

CONCLUSION

That the information be received.
STRATEGIC AND POLICY IMPLICATIONS
Nil

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required

OFFICER’S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr A Sullivan

That the Overdue Debt report for September, 2015, be received.

CARRIED: 6/0

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REPORTS BY OFFICERS (COUNCIL DECISION)

The following item number SGS1509-5 was MOVED and carried en bloc.

SGS1509-5  AUTHORISED OFFICER UNDER THE CITY OF FREMANTLE PROPERTY LOCAL LAW 2002

ECM Reference: 035/001
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: SGS1502-5
Responsible Officer: Glen Dougall, Director City Business
Actioning Officer: Matthew Piggott, Manager Field Services
Decision Making Authority: Council
Agenda Attachments: Property Local Law 2002

EXECUTIVE SUMMARY

The City of Fremantle Property Local Law 2002 (Property Local Law) was gazetted in 2002 and regulates activities that can be conducted on local government property. The local law applies throughout the district and in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.

The Council has need to appoint authorised persons in accordance with Section 9.10 of the Local Government Act 1995 and Clause 5.4 of the Property Local Law to perform the functions set out in Part 5, Division 2, 5.3(1) of the local law, in particular to;

“erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs.”

BACKGROUND

The Council have expressed through a notice of motion at the Council meeting held on 25 February 2015 that they wish to designate a bathing area at South Beach. A review of the approved authorisations under Part 5 Division 2 - Beaches section of the Property Local Law has revealed the authorisations relating to the Beaches section require updating.

COMMENT

Part 5 Division 2 of the Property Local Law reads as follows:

Part 5 – Matters Relating To Particular Local Government Property
Division 2 - Beaches
Powers of surf life saving club members
5.3 (1) Subject to subclause (2), the local government may authorise under section 9.10 of the Act the members of a surf life saving club to perform all or any of the following functions in relation to a beach -

(a) patrol any beach;
(b) carry out any activity on any beach;
(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
(e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

(2) Under subclause (1), the local government shall authorise only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(3) Under subclause (1), the local government may authorise members generally, or in relation to particular times, days or months.

Authorising other persons

5.4 (1) A local government may authorise, under section 9.10 of the Act, a person or classes of persons to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.

(2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorised.

(3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.

(4) Where the local government has authorised members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorisation is rendered ineffective when both are exercised.

The local government has not authorised any member of a surf lifesaving club to perform any of the functions under Clause 5.3, as this (South Beach) is not a patrolled beach.

One of the services provided by the City of Fremantle Rangers is to uphold community safety, which includes providing safe places for members of the community to swim. Therefore it is considered appropriate that the local government authorise the class of persons ‘Ranger’ and ‘Community Safety Ranger’ to perform all or any of the functions under Part 5, Division 2, Clause 5.3(1) of the City of Fremantle Property Local Law 2002;

“erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs”
RISK AND OTHER IMPLICATIONS

Financial
Nil

Legal
Persons must be authorised under section 9.10 of the Local Government Act 1995 to perform all or any of the functions referred to in Clause 5.3(1) in relation to a beach.

Operational
Nil

Organisational
Nil

CONCLUSION

The appointment of the authorised persons will enable the City to implement South Beach as a bathing beach and therefore erect appropriate signage to control the use of the area.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

Council, in accordance with Clause 5.4 of the Property Local Law authorise the following class of person to perform all or any of the functions under Part 5, Division 2, clause 5.3(1) of the City of Fremantle Property Local Law 2002:

a) Ranger,
b) Community Safety Ranger,
c) Director Infrastructure and Project Delivery,
d) Manager Infrastructure Projects, and
e) Assistant Works Controller - Signage.
CARRIED: 6/0

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The following item number SGS1509-6 was MOVED and carried en bloc.

**SGS1509-6 QUEENSGATE SHORT TERM LICENCE - WAIVE COUNCIL RATES**

**ECM Reference:** L0161; 049/008  
**Disclosure of Interest:** Nil  
**Meeting Date:** 16 September 2015  
**Previous Item:** Nil  
**Responsible Officer:** Tom Griffiths, Manager of Economic Development & Marketing  
**Actioning Officer:** Nadine Hume, Property Services Administrator  
**Alice Wegrzyn, Senior Rates Officer**  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

This item is for Council to consider a concession under 6.47 of the Local Government Act WA 1995 by waiving Council Rates for Kate Daniels and Samuel Newman, Licensees of Suite 3, Level 3 Queensgate.

**BACKGROUND**

The City entered into a six month Licence with the Licensee’s for the use of Suite 3, Level 3 Queensgate, an area of 264m2, in January 2015 and recently entered into a further six month licence from July 2015.

Suite 3, Level 3 Queensgate was previously used as a short term office accommodation by the WA Police Fremantle branch whilst an alternate site for their offices was fitted out. The offices were vacated in August 2014 with a complete fit out of separate offices and open plan desks left in place.

Kate Daniels and Samuel Newman proposed to use the space for a private study and arts space which complied with the permitted use of the suite being Commercial Office. The suite would accommodate local individuals between the hours of 8am and 10pm, 7 days per week. Trading under the name “Core Studios” the suite is now at full capacity catering to 36 individuals and has become a local hub for artists, writers, designers and musicians with the space providing products in the form of fashion, a magazine and the management of five local bands one of which, Koi Child who features Samuel Newman, recently being signed with Pilerats Records/Warner Musician Australia and will soon commence tour which will involve being a supporting act to Tame Impala. The space also allows for a large number of people having the opportunity to utilise and share equipment that under other circumstances would be financially impossible for them to have access too.

Kate and Samuel have also achieved a repour with other Licensees within Queensgate with a portion of “Hot Soup” being used as a gallery space and interaction with the tenants of the Many building through bimonthly met ups and networking.
The use of the premise does not present a commercial outcome for the Licensees with both working respective full and part time jobs in conjunction with running Core Studios.

Under the agreement terms the Licence fee for the space is $880.00 + GST per month with variable outgoings for the 2015/16 budget being $1,499.25 + GST per month. Electricity is charged monthly on demand dependent on usage for the tenancy.

In addition to the above costs and in line with the Local Government Act 1995 Council Rates also apply to the premises and are payable by the Licensee’s.

The Landgate Gross Rental Valuation (GRV), based on the permitted use of “commercial office,” values the premises at $92,400.

Based on the GRV Council Rates have been applied as follows;

**Rates/Levies/Charges for period 01/03/15 to 30/06/15**

Rates: $2,336.59  
Security Levy: $31.19  
State Government Emergency Services Levy: $345.90  
Total: $2,713.68  

**Rates/Levies/Charges for period 01/07/15 to 30/06/16**

Rates: $7,340.16  
Security Levy: $94.06  
State Government Emergency Services Levy: $1,136.52  
Total: $8,570.74  

Although the Licence term is for a period of six months Council Rates are charged annually and then calculated and refunded upon the Licensee vacating.

The Licensees have paid a portion of the fees owing with the remaining balance being (as of 08/09/15) $8,647.06. Overdue interest is accruing daily on the outstanding amount.

**COMMENT**

Due to the City’s development agreement with Sirona Capital it is difficult to enter into a Commercial Lease with any applicant for these premises as a new Lease or Licence is not legally recognised if it is for a term less than 5 years. Further to this, changes to the Commercial Tenancy (Retail Shops) Agreements Act 1985 does not allow for “Redevelopment Clauses” but rather “Relocation Clauses” whereby the Landlord/owner is financially responsible for relocation of a tenant into a new premises should redevelopment be implemented to the Leased/Licenced premises.

The Commercial Tenancy (Retail Shops Agreements Act 1985 does however recognise agreements that are for a term of six months only. This has allowed the City to activate the Queensgate site whilst complying with the Act and not jeopardising the development agreement with Sirona Capital who have been supportive of the Licence process.
As the building development is yet to progress renewal of the six month licences has been possible by applying a 24 hour vacancy period of the premises in which the Licensee’s must remove all items from the Licenced Area and return all keys to the City on the last day of the Licence. After a 24 hour period the Licensee is able to commence on a new six month term Licence.

The Licensees have activated a large space which under the circumstances surrounding the building would have been difficult to Licence to a corporate entity given the short term allowance of six months and no guarantee for further terms. They have been able to utilise the suite “as is” with minimal to no fit out requirements keeping costs as low as possible.

In essence the space has become a successful business incubation space for the younger demographic of Fremantle with the Licensees and those individuals using “Core Studios” aged within the range of 18 to 25 years.

To date the costs associated with the Licence have been maintained and covered by the Licensees without issue however they are struggling to cover the cost of the Council Rates which have been determined on the basis of a full commercial rate.

RISK AND OTHER IMPLICATIONS

Financial
Should Council approve to waive the Council Rates applied to Suite 3, Level 3 Queensgate the City will lose revenue of $7,340.16 for 2015/16.

Legal
Local Government Act 1995

The Licensees are not eligible for a rate exemption under the exemption criteria of section 6.26 of the Local Government Act 1995 however have requested to apply for a concession under section 6.47;

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

Operational
Nil

Organisational
Nil
CONCLUSION

The Licensee has paid the portion of the Council Rates that applied to the period 1/03/015 – 30/06/15.

Taking into consideration the positive outcome of the Licensee’s actions at the site and their continual increase in including further activation where possible to the Queensgate building it is proposed that Council consider waiving the Council Rates that apply to Suite 3, Level 3 Queensgate on the basis that the permitted use is not a commercial outcome for the Licensees and is adding to the fabric of Fremantle by utilising an unused space for the purposes of business incubation.

Should the Council Rates be waived the Security Levy and State Government Emergency Services Levy will still apply and be payable by the Licensee.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

Council to approve a concession on Council Rates for Samuel Newman and Kate Daniels, Licensees of Suite 3, Level 3 Queensgate under Section 6.47 of the Local Government Act WA 1995 by waiving the Council Rate amount of $7,340.16 for the period 1/07/2015 – 30/06/16.

CARRIED: 6/0

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The following item number SGS1509-10 was MOVED and carried en bloc.

**SGS1509-10** APPLICATION FOR COMMUNITY SPORT AND RECREATION FACILITY FUNDING (CSRFF) - ANNUAL AND FORWARD PLANNING GRANTS 2015

| ECM Reference: | 106/003 |
| Disclosure of Interest: | Nil |
| Meeting Date: | 16 September 2015 |
| Previous Item: | Nil |
| Responsible Officer: | Marisa Spaziani, Director Community Development |
| Actioning Officer: | Mike Pforr, Coordinator Community Development |
| Decision Making Authority: | Council |
| Agenda Attachments: | Nil |

**EXECUTIVE SUMMARY**

Community Sport and Recreation Facility Fund (CSRFF) allows the Department of Sport and Recreation (DSR), local government authorities and sporting clubs to work collaboratively to improve their sport and recreation facilities.

The City has two applications to consider for this 2015 round:

1. An annual grant from the Fremantle Netball Association for the installation of additional lights at Sir Frank Gibson Park.
2. A forward planning grant for the construction of a shared used facility at Fremantle Park.

The Department of Sport and Recreation funding guidelines stipulate that all applications must be supported and prioritised by the Local Government Authority. This year the CSRFF has a total of $7 million for projects around the state, this is substantially lower than previous years and it is expected to fall over the coming years.

**BACKGROUND**

Fremantle Netball Association operates an outdoor netball centre at Sir Frank Gibson Park. The centre consists of 43 full size courts, 28 hard courts and 15 grass courts which are currently used to their full capacity. The association has over 4,700 active members, ranging in age from 7 to 50+ years and provides facilities for training, education, competitive and social tournaments.

Fremantle Netball Association utilises all courts to their full capacity during daylight hours but the existing lighting towers only illuminate 15 hard courts. The lack of lighting along the south western sides of the park, results in 13 courts not being available for use in the evening. As the association grows, the demand for court time also increases and due to the lack of lighting they have had to turn away requests for training sessions and competition submissions.
Fremantle Park is the home of the Fremantle Lawn Tennis Club and Fremantle Bowling Club. In 2011, GHD completed a needs assessment and feasibility study on the amalgamation of the two clubs and a concept plan for a shared clubhouse. The needs assessment and feasibility study was funded by the City of Fremantle, DSR and both clubs.

In 2014, the City applied for a forward planning grant through the CSRFF to proceed with the design and construction of the facility but the application was unsuccessful due to a shortfall in funding. DSR was only able to fund one third of high priority items inclusive of courts and greens, change rooms and storage space for sports equipment. DSR estimated that their maximum contribution would be $400,000. This left a shortfall of $1.1M.

The City and the key stakeholders have now addressed this shortfall and are willing to proceed with an application to DSR.

**COMMENT**

Fremantle Netball Association is proposing to install lighting towers at the south western ends of Sir Frank Gibson Park. The installation of lighting towers will increase the number of the hard courts available for use during the evening hours by 13 courts. This will allow the association to provide numerous clubs with more space and time to train, while also allowing the association to increase the number teams that are able to participate in evening competitions by 26 teams, not mention having more space for coach and referee training.

The estimated cost of the project is $250,000 which fits the guidelines for an annual grant from the Community Sport and Recreation Facility Fund.

The Fremantle Netball Association has the financial means to contribute one third of the total project cost ($83,334) and is requesting Council support for a further $83,334 with the remainder being awarded through the CSRFF fund. Any shortfall that may occur would be the Fremantle Netball Association’s responsibility.

For the Fremantle Park project, the Strategic Recreation Needs Assessment completed in 2011, suggested it would be appropriate for the City to support mergers of local clubs. The Fremantle Tennis, Fremantle Bowls and Fremantle Workers Club have been the only clubs to show the initiative and willingness to investigate this possibility.

Construction of the facility would provide numerous benefits to the clubs, the City and local residents, such as:

- Improved aesthetic appearance of Fremantle Park.
- Reduction in building maintenance.
- Increased membership for all clubs.
- Improved parking and accessibility.
- Increased participation in physical recreation.
- Increased passive surveillance.
There are many benefits for proceeding with this project for both City and the community. It will reduce the maintenance costs incurred by maintaining aging buildings and provide community uses spaces in the CDB, something that is in short supply currently. It will provide a home for the Fremantle Workers Club and a range of community groups that currently hire the spaces available across the two club houses which include chess clubs, philately, dance and music classes and celebrations. The development of the new facility will increase accessibility to recreational space for the local and greater community and may decrease the amount of anti-social behaviour that occurs in the area.

Good design will be able to cater for the needs of the key stakeholders as well as the requirements of seasonal users of Fremantle Park, which currently includes AFL, soccer, cricket, school sports and a running club for the homeless coordinated by On Your Feet. The facility has the possibility of transforming Fremantle Park into a sport and recreation hub for the City.

There is no allocation in the current budget for lighting at Gibson Park. There is allocation for Fremantle Park in the forward budget.

**RISK AND OTHER IMPLICATIONS**

**Financial**

DSR expect all CSRFF applications to be co-funded by the applicant and the local government in which the applicant resides. The costs involved with both of these projects are as follows:

The total cost of the light installation project has been quoted at $250,000. The Fremantle Netball Association is seeking one third of the total project cost, $83,333 from the City, with the remaining two thirds being covered by DSR and the Fremantle Netball Association.

GHD have prepared cost estimates for a new facility at Fremantle Park to be in the vicinity of $4.5M. Council has committed $1.85M in its forward planning budget for this project and the FWC will contribute $1.85M. The City will then submit applications for funding from DSR and Lotterywest for the remaining shortfall.

**Legal**

Nil

**Operational**

Nil

**Organisational**

For Gibson Park lighting, all works are to be completed by a licenced contractor. Should the contractor not be a City preferred contractor, all licenses are to be submitted to the City for verification.
CONCLUSION

Both of these projects will provide the community with much needed improvements to sport and recreation facilities and given the uncertainty of CSRFF in the future, it is important to proceed with these projects while funding is available.

From a sport and recreation perspective, the number of members at Fremantle Netball Association is much larger than the number of members of the tennis, and bowls club, inclusive of casual users. The Gibson Park facility is a major competition centre for netball in the region fulfilling a regional need for netball competition.

On balance, from a sporting perspective, considering the regional catchment for netball as well as the very large number of players and access for all demographics, staff recommend the Fremantle Netball Association Department of Sport and Recreation application be a higher priority.

STRATEGIC AND POLICY IMPLICATIONS

The Recreation Policy states the City will assess and prioritise all recreation infrastructure projects using the criteria outlined below as appropriate:

- Level of use and community support, including community, input and management.
- Accessibility including maximisation of access for all demographics.
- Operational and financial sustainability.
- Adaptability and flexibility with an emphasis on multipurpose usage.
- Potential as a visitor attraction.
- Impact on the environment.
- Quality of facility - fit for purpose.

The policy also states that where appropriate and subject to criteria the city will consider the ability to assist with low interest loans and loan guarantees for improvements.

COMMUNITY ENGAGEMENT

Community engagement has only taken place with the key stakeholders concerned with each project. Should the applications be successful further community consultation will take place in line with the City’s community engagement policy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

1. Fremantle Netball Association’s application to CSRFF to assist with the installation of additional lighting at Sir Frank Gibson Park is supported by the City as the first priority for the CSRFF application process.

2. Council consider funding for $83,334 in the 2016/17 budget to assist with this project, allowing the association to submit the application in 2015 and acquit the grant before 15 June 2017.

3. The City's application for the redevelopment of Fremantle Park is supported as the second priority for the CSRFF application process.

CARRIED: 6/0

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The following item number SGS1509-11 was MOVED and carried en bloc.

SGS1509-11 HERITAGE BILL 2015 - SUBMISSION BY CITY OF FREMANTLE ON DRAFT FOR PUBLIC COMMENT

DataWorks Reference: 102/014 & 119/003
Disclosure of Interest: N/A
Meeting Date: 16 September 2015
Previous Item: N/A
Responsible Officer: Paul Garbett, Manager Strategic Planning
Actioning Officer: Alan Kelsall, Coordinator Heritage
Decision Making Authority: Council
Agenda Attachments: 2015 Heritage Bill Information Paper

EXECUTIVE SUMMARY

The State Government is seeking public comment on an exposure draft of the Heritage Bill 2015. The Bill is the culmination of a review of the Heritage of Western Australia Act 1990 which commenced in 2011. Feedback on the current draft Bill will inform the final content of a new heritage act to replace the 1990 Act.

This report summarises the key content of the Heritage Bill and the issues it raises, and recommends to Council a submission to be made by the City of Fremantle. The closing date for submissions is 25 September 2015.

BACKGROUND

In 2011 the State Government commenced a review of the Heritage of Western Australia Act 1990 (the 1990 Act). A consultation paper was published in April 2011 which sought comment on what a new heritage act should do, and particularly invited feedback on key issues such as the objectives of the act, the effectiveness and role of the Heritage Council, processes for entering places on the State Register, and processes for dealing with development proposals affecting places on the Register.

In August 2011 a further discussion paper was issued which outlined how these issues might be addressed through the content of a new heritage act. The current draft Heritage Bill 2015 (the Bill) has been developed from outcomes of the 2011 consultation process and the Heritage Council’s recommendations to the Minister for Heritage on the need for a new heritage act, and what it should contain.

SUMMARY OF KEY CONTENT OF THE DRAFT HERITAGE BILL

A copy of an information paper produced by the Heritage Council and State Heritage Office summarising the Heritage Bill is attached (Attachment 1). The most significant elements of the draft Bill are outlined below.
Definition of a Heritage Place
The Bill includes a clearer definition of ‘place’ that is consistent with national and international practice. Unlike the definition in the current 1990 Act, the definition in the Bill specifically states that a heritage place may include land comprised in separate titles and in different ownership.

Process for entering a place on the State Register
A simplified registration process is proposed. There would be a single assessment and consultation process leading directly to a decision on permanent entry of a place in the State Register. The Bill makes provision for Regulations (not yet published) which will set out the details of the process, including arrangements for consultation with the owner(s) of a place being considered for registration and other stakeholders (including local governments). The proposed registration process would replace the arrangements under the current 1990 Act whereby a place is assessed, and consultation carried out, leading to entry of a place in the Register on an interim basis. The whole assessment and consultation process is then repeated prior to a decision on whether the entry should be made permanent.

Revised criteria for assessing a place for possible entry in the State Register are also proposed. These are consistent with nationally recognised criteria known as HERCON (Conference on Heritage).

The new Bill also proposes that the Heritage Council’s advice to the Minister, and the Minister’s decision, on the entry of a place in the Register will be made public in order to promote transparency. The Bill does not make provision for an application for review of the Minister’s decision. There is provision for a person to request the removal of a place from the Register, similar to existing provisions of the 1990 Act, which require any decision by the Minister to remove a place to be approved by a resolution of both Houses of Parliament.

Repair Orders
The Bill proposes a new statutory provision enabling the Heritage Minister, on advice from the Heritage Council, to issue a Repair Order requiring the owner or occupier of a state registered place to undertake repairs if the place appears to be at risk of reaching a critical level of decay. This provision would bring WA’s heritage legislation into line with practices in other Australian jurisdictions.

Referral and assessment of development proposals
The Bill broadly retains the provisions of the 1990 Act relating to the referral of development applications affecting State registered places to the Heritage Council for consideration and advice. However the Bill states that revised arrangements will be introduced under Regulations dealing with the following aspects of the referral process:

- Standard forms to be used to make it easier for decision-making bodies and applicants to know what information needs to be submitted to the Heritage Council;
- Timeframes in which the Heritage Council must respond with its advice to planning decision-making authorities;
- Specific places or specific types of work that will be exempt from the requirement for referral;
Matters to which the Heritage Council is to have regard when providing advice; and
The manner and content of advice.

Locally significant heritage places
The duty of local governments under the 1990 Act to prepare and maintain a survey of places of local cultural heritage significance (currently called Municipal Heritage Inventories – MHI’s) is retained in the Bill, but it is proposed to rename MHI’s ‘Local Heritage Surveys’. It is suggested that this name more accurately describes the intended purpose of these documents.

The Bill explicitly states that Local Heritage Surveys may include places as defined in the Bill – the 1990 Act uses the narrower term ‘buildings’ in relation to MHI’s. The Bill also sets out the purpose of Local Heritage Surveys as follows, which is broader than the purpose of MHI’s stated in the 1990 Act:

- Identifying and recording places that are, or may become, of cultural heritage significance to a local government district;
- Assisting the local government in making and implementing decisions that respect cultural heritage values;
- Providing a cultural and historical record of the district;
- Providing an accessible public record of places of cultural heritage significance to the district;
- Assisting a local government in preparing a heritage list or list of heritage areas under a local planning scheme.

Unlike the 1990 Act, the Bill does not specify timeframes for undertaking updates and reviews of Local Heritage Surveys. It does however make provision for the Heritage Council to publish non-statutory guidelines on the preparation, review and updating of such Surveys, which may include guidance on the frequency of reviews.

Archaeological and moveable heritage
The Bill addresses ambiguity in the 1990 Act over the importance of moveable objects or archaeological assets associated with a State Registered place. The Bill makes provision for regulations that will require moveable objects and archaeological evidence associated with a place to be considered when assessing the place’s cultural heritage significance. Furthermore the provisions of the Bill relating to offences specifically prohibit removal of objects such as archaeological relics from a registered place in cases where removal would detrimentally affect the cultural heritage significance of the place.

COMMENT
Officers consider the following matters to be the most significant aspects of the draft Bill, and recommend that the officer comment on these should form the basis of a submission by the City of Fremantle, subject to any additional comments Council may wish to make. Comments are provided under subheadings which refer to the relevant part of the Bill. Additional officer comment is provided at the end of this section on matters which are not parts of the current draft Bill, but which officers consider are important in the context of the interaction between heritage and planning legislation, and the associated policy framework relevant to the assessment of development proposals.
It is recommended that the opportunity should be taken to draw these matters to the attention of the Heritage Council for further consideration, either through the Bill itself or as part of the preparation of related regulations and/or policy documents.

Definitions (Part 1 – Preliminary)
Definition of ‘Place’. The introduction of a clearer definition consistent with national/international practice, which includes explicit reference to archaeological remains, fittings/objects associated with the place and man-made parks/gardens as well as buildings, is supported.

Definition of ‘Conserve’. The proposed definition is based on Article 14 of the Burra Charter and is set out below:

Conserve, in relation to a place of cultural heritage significance, means the conservation of a place so as to retain its cultural heritage significance, including –
  a) Maintenance, preservation, restoration, reconstruction, adaptation and interpretation of the place; and
  b) Retention of the associations and meanings of the place; and
  c) Retention or reintroduction of a use of the place;

Officers are concerned that this definition may be open to too narrow an interpretation. Although it is an ‘inclusive’ rather than ‘exclusive’ definition, i.e. the matters listed in (a) to (c) are not the full extent of actions that would be consistent with the definition, the lack of explicit reference to matters such as the role of new uses of a place (rather than a current or previous use as referred to in (c)) in contributing to the conservation of a place is considered a shortcoming. The Burra Charter is intended to be read as a whole, and many of its Articles are interdependent. The process of understanding the cultural significance of a place and then managing it in a manner that allows as much as necessary to be done to care for the place and make it useable, but otherwise changing it as little as possible to retain its significance, is the process advocated by the Burra Charter and is intended to guide decision-making involving the balancing of different considerations which is frequently required in decisions involving heritage places.

Some other jurisdictions, e.g. the UK, consider a best practice approach to heritage is to recognise that change in the historic environment is inevitable – caused by natural processes, the wear and tear of use, and people’s responses to social, economic and technological change. It then interprets conservation as the process of managing change to a place of heritage significance in ways that will best sustain its heritage values, and explicitly acknowledges a degree of intervention may be necessary to sustain those values for present and future generations so long as any resulting harm is clearly outweighed by the benefits.

Officers consider the City’s submission should recommend reconsideration of the definition of ‘conserve’ to more explicitly refer to the process of managing change as an inherent part of the activity of heritage conservation.

State registration (Part 3 – State Register of Heritage Places)
Officers consider the City should support the proposed single stage registration process which would eliminate the current interim registration step. The proposed new process would be simpler, quicker, less resource intensive and easier for the public and building owners to understand.
The provision to make the Heritage Council’s advice to the Minister for Heritage on registration matters and the Minister’s final decisions to enter, alter or remove places from the State register is supported – this increase in transparency of decision-making is considered to be good governance and would likely to build public confidence in heritage decisions.

Officers also recommended supporting the proposed criteria to be used in determining whether a place has state level cultural heritage significance – these would be consistent with the HERCON criteria used in other Australian jurisdictions and therefore be more widely recognised as a benchmark for state level significance.

**Protecting State registered places (Part 4 – Protection Orders and Repair Orders)**

The Bill retains a provision very similar to the power under the current 1990 Act enabling the Minister to make a Conservation Order to prevent or stop activities which are considered likely to cause imminent damage to a heritage place. The Bill proposes renaming this type of order a Protection Order, which more accurately describes the purpose of the order. The retention of this provision, and the name change, should be supported.

More significantly the Bill proposes new powers for the Heritage Council to serve Repair Notices (proposed section 57) and for the Minister, on advice from the Heritage Council, to make a Repair Order (proposed section 58). A Repair Notice could be served on the owner of a State registered place in circumstances where the place suffers from a prescribed type of neglect and as a consequence is at risk of irreversible deterioration. The notice would require the owner to carry out specified works within a prescribed timeframe to prevent the deterioration. If the notice is not complied with, the Minister has power to make a Repair Order if the Heritage Council advises that the works specified in the notice are necessary. Failure to comply with a Repair Order would be an offence.

Officers consider that the City should support the powers proposed under sections 57 and 58 in principle, as they would provide another means of addressing ‘demolition by neglect’ in relation to State registered places. However, the drafting of the provisions seems inconsistent with provisions relating to Heritage Conservation Notices in the new Planning and Development (Local Planning Schemes) Regulations 2015 which will take effect on 19 October 2015. These Regulations will introduce Deemed Provisions that will be read as part of all local planning schemes, and in the case of the City of Fremantle will replace the very similar Heritage Conservation Notice provisions already in clause 7.8 of Local Planning Scheme No. 4 which the City introduced through a scheme amendment in 2014.

The Heritage Conservation Notice (HCN) provisions under planning legislation are intended to address similar demolition by neglect issues in respect of places on heritage lists established under local planning scheme provisions (such lists might include places which are also on the State Register, in addition to places which are of significance at a local level only). Local governments may serve a HCN without any requirement for Ministerial approval, and may enter premises and carry out works (with the costs recoverable as a debt) if the owner fails to comply with a notice.
However, under the proposed Heritage Bill a Repair Order has to be made by the Minister (on advice from the Heritage Council) before it takes effect, and the Minister must consider that –

(i) an order is ‘reasonably necessary’; and
(ii) the order is ‘unlikely to cause undue hardship to the recipient’.

‘Undue hardship’ is not defined but presumably refers primarily to financial considerations. It is a potential concern that this provision could be improperly exploited by a property owner to try to dissuade the Minister from serving a notice, thereby enabling the owner to avoid complying with basic responsibilities to maintain a building in a reasonable condition. Non-compliance with a repair order is a prosecutable offence, but the Heritage Council does not have power to enter the place to undertake works in default until after a successful prosecution, and only then if the court makes a further order for the owner to complete the works which is not complied with.

It seems inconsistent that places of the highest level of heritage significance (i.e. State level) would require Ministerial approval for service of notices to protect a place against ‘demolition by neglect’, and offer an ‘undue hardship’ defence to owners, when these provisions do not apply to similar potential action by local governments in respect of places on a heritage list established under local planning scheme powers (which might include State registered places) under the Deemed Provisions of the new Planning Regulations.

Furthermore, the Bill includes provision for a Repair Order to be the subject of an application for review by the State Administrative Tribunal (SAT) and under the Planning Regulations Deemed Provisions there is a similar right to apply for SAT review of a Heritage Conservation Notice (HCN). This could have a range of implications, including:

- the interaction of SAT proceedings in a situation where notices are served under both pieces of legislation in respect of the same State registered place, and both notices are the subject of review;
- whether a respondent’s (i.e. the Heritage Council for a Repair Order or local government for a HCN) case in SAT proceedings might be compromised if a notice has been served under only one legislative provision; and in particular whether a local government which has served a HCN in respect of a State registered place might be compromised in a SAT review of that decision in circumstances where the Heritage Council and Heritage Minister have not considered, or have decided not to, serve a Repair Order under the heritage legislation in relation to the same matter.

Officers consider the City’s submission should advocate for greater consistency between provisions of the Heritage Bill and the Deem Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 in relation to this matter, and the provision of additional guidance on the interrelationship of prospective decisions and procedural action under both pieces of legislation.

**Development application referrals (Part 5 – Matters affecting places of heritage interest)**

The Bill foreshadows that Regulations will be published to deal with details of referral procedures such as types of development proposals that may not need to be referred to the Heritage Council, and the manner and content of the Council’s advice on referred
development applications. Until these Regulations are published it is difficult to form a view on the extent to which the new heritage legislation as a whole will address acknowledged shortcomings in the clarity of the 1990 Act’s provisions in relation to this issue.

Currently section 11 of the 1990 Act states, in relation to action by decision-making authorities (which includes decisions by local governments on development applications), that they shall not: “take any action that might (whether or not adversely) affect to a significant extent a registered place” unless, (amongst other requirements) “that action is consistent with advice received from the (Heritage) Council, or there is no feasible and prudent alternative to the taking of that action”.

Section 67 of the draft Bill makes similar provisions however the wording has been amended to make clear that it only applies to decisions that would adversely affect, and affect to a significant extent, a State registered place. The references to decisions being ‘consistent’ with Heritage Council advice, unless there is no ‘feasible and prudent’ alternative to the decision, lack clarity or certainty as to the intended application of these terms in practice, and arguably are more open to different interpretations of what constitutes action that is ‘consistent’ with Heritage Council advice than the current wording of section 11 of the 1990 Act. For example, if Heritage Council advice recommends granting planning approval for a development proposal but does not recommend specific conditions of approval, and the local government is also minded to grant approval but considers conditions to deal with certain heritage aspects of the development should be imposed, would this action be consistent or inconsistent? Even if considered inconsistent, would it be reasonable to regard the local government’s action as a ‘prudent alternative’?

It is recommended that the City’s submission should highlight the importance of clear guidance on the application of these provisions being provided in regulations and/or supplementary guidance.

It is also considered by officers that the wording of section 66 of the draft Bill, dealing with the duty of the Heritage Council to provide advice on referred development proposals to the decision-making authority, should be revised to provide greater certainty and clarity. Currently the wording states that in providing advice the Heritage Council ‘may’ address all aspects of conserving the place concerned, and refers back to the definition of ‘conserve’ in Part 1 of the Bill (see previous comments above). This wording implies discretion for the Heritage Council to address all, or only some, aspects of conserving the place and neither section 66 nor 67 give any indication of the consequences for the decision-making authority if the Heritage Council only deals with some aspects of conservation in its advice. Such advice might imply that other aspects of the matter are not important, or have the Heritage Council’s tacit support, however the decision-maker may consider that these other aspects are important. This potentially leaves the decision-making authority open to a criticism that it is imposing a higher standard of conservation requirements than the State’s peak heritage body.

**Local heritage (Part 8 – Local Heritage Surveys)**

Officers do not regard the proposal to rename current Municipal Heritage Inventories (MHI)s as Local Heritage Surveys (LHS) as particularly important or necessary, but do support the broader statement of their purpose as proposed in the Bill, and also the use of the broader term ‘places’ rather than ‘buildings’ as subjects for inclusion in local
surveys/inventories. This would achieve greater consistency in the approach to consideration of places for listing at both state and local level. The proposal to automatically treat current MHIs as LHS under the new legislation is also supported.

The proposal to make provision for the Heritage Council to publish non-statutory guidelines on the preparation, review and updating of such Surveys, which may include guidance on the frequency of reviews, is also supported in preference to specifying review timeframes in legislation (as is currently the case in the 1990 Act) as it provides for greater flexibility and ability to adapt to variations in circumstances and differences in workload between different local governments.

Officer comment on heritage matters not addressed in the draft Bill
Although it may not be a matter that can appropriately be addressed as part of the current Bill, officers consider the current consultation process should be taken as an opportunity for the City to offer comment on broader aspects of the interaction between heritage and planning legislation, and the related policy framework that should guide agencies at state and local government level in making decisions on development proposals affecting places of cultural heritage significance (particularly in a post-European settlement context). By comparison to other jurisdictions with a rich cultural heritage context and a similar land use planning and development system (notably the UK), in Western Australia heritage and planning legislation and policy is not particularly well integrated.

This can cause confusion for landowners, developers and the wider community regarding the level at which decision-making authority sits (local v state) and the extent of authority exercised by different agencies. The separation of planning policy guidance on heritage matters provided in State Planning Policy 3.5 Historic Heritage Conservation (prepared by the Western Australian Planning Commission under the Planning and Development Act 2005) from aspects of heritage practice and advice provided by the Heritage Council and State Heritage Office under powers provided through the current 1990 Act and the new Bill (when it is enacted) can, particularly in a statutory planning context, sometimes result in inconsistency or gaps in the approach to assessing heritage considerations as part of the planning decision-making process. It can also foster misconceptions that heritage considerations stand in isolation from other land use and development considerations in the planning process, or that sustaining the heritage values of a place is inherently incompatible with new economic activity.

There may be lessons to be learnt from other jurisdictions where a closer integration of planning and heritage legislation and associated policy frameworks can provide clearer guidance on the weight to be given to heritage considerations relative to other planning considerations in statutory planning decision-making, and also promote a more holistic conservation planning approach which recognises the linkages between heritage values and broader aspects of sustainable development. For example, in the UK the National Planning Policy Framework (which serves a similar function to State Planning Policies in the WA planning system) ties together the broad objectives of heritage conservation with objectives relating to sustainable development, place-making, and economic growth in a holistic manner. It requires local government authorities to also do this through its strategic and statutory planning processes by taking into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that heritage conservation can bring;
- the desirability of new development contributing positively to local character and distinctiveness;
- opportunities to draw on the contribution made by the historic environment to the character of a place;
- recognition that intelligently managed change may sometimes be necessary to maintain heritage assets for the long term future;
- decisions affecting a heritage asset should be proportionate to its level of significance

The Policy Framework also provides guidance on how to approach balancing heritage considerations against the weight to be given to other planning considerations in statutory planning decision-making, based on some clear statutory considerations contained in the relevant planning legislation. This guidance is much more comprehensive further than comparable provisions in State Planning Policy 3.5 and Heritage Council publications.

It is therefore recommended that the City’s submission should suggest that in parallel with finalisation of the draft Bill, the Heritage Council and State Heritage Office should be encouraged, in collaboration with the WAPC, to identify best practice in heritage conservation planning internationally which could provide a basis for achieving closer integration of heritage and planning legislation and policy in Western Australia, particularly through revisions to the *Planning and Development Act 2005* and *State Planning Policy 3.5 Historic Heritage Conservation*.

**RISK AND OTHER IMPLICATIONS**

**Financial**
Nil

**Legal**
None at this time. Assuming the draft Bill is enacted in its current form, the City will need to comply with provisions relating to local governments, including development application referral requirements and the duty to prepare a Local heritage Survey.

**Operational**
The current deployment of specialist staff and budget allocation to deal with heritage matters within the responsibility of the City of Fremantle are not expected to be materially affected by the provisions of the draft Bill which relate to local government.

**Organisational**
See comments under Operational implications above.
CONCLUSION

The introduction of a new, up-to-date heritage act to replace the *Heritage of Western Australia Act 1990* and address a number of the shortcomings in the current Act should be welcomed. As outlined in the Comment section of this report, a number of the key provisions of the draft Bill are improvements which officers would recommend the Council to support. However, it is also considered that there are a number of aspects of the current Bill, including the provisions relating to referral of development proposals to the Heritage Council and action following the receipt of the Heritage Council’s advice, which require further consideration and it is recommended that the City’s submission on the draft Bill should include reference to these matters.

STRATEGIC AND POLICY IMPLICATIONS

The current provisions of the draft Bill are not likely to materially affect the City’s strategic objectives in relation to cultural heritage matters. The City’s operational policies, particularly local planning policies which address heritage considerations and procedural matters, may need to be reviewed once the Bill is enacted and related regulations are published to ensure consistency with State legislative requirements.

COMMUNITY ENGAGEMENT

The purpose of this report is to enable the Council to engage in the current consultation process being undertaken by the Heritage Council on the contents of the draft Bill.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan

That Council authorises the Chief Executive Officer to make a submission on behalf of the City of Fremantle to the Heritage Council on the Heritage Bill 2015 (exposure draft for public comment), based on the content of the ‘Comment’ section of this report, covering the issues summarised as follows:

*Definitions (Part 1 – Preliminary)*

Definition of ‘Place’. The introduction of a clearer definition consistent with national/international practice, which includes explicit reference to archaeological remains, fittings/objects associated with the place and man-made parks/gardens as well as buildings, is supported.

Definition of ‘Conserve’. The City of Fremantle is concerned that the proposed definition (based on Article 14 of the *Burra Charter*) may be open to too narrow an interpretation. Although it is an ‘inclusive’ rather than ‘exclusive’ definition the lack of explicit reference to matters such as the role of new uses of a place in contributing to the conservation of a place is considered a shortcoming. The *Burra*
Charter is intended to be read as a whole, and many of its Articles are interdependent. The process of understanding the cultural significance of a place and then managing it in a manner that allows as much as necessary to be done to care for the place and make it useable, but otherwise changing it as little as possible to retain its significance, is the process advocated by the Burra Charter and is intended to guide decision-making involving the balancing of different considerations which is frequently required in decisions involving heritage places.

Some other jurisdictions, e.g. the UK, consider a best practice approach to heritage is to recognise that change in the historic environment is inevitable – caused by natural processes, the wear and tear of use, and people’s responses to social, economic and technological change. It then interprets conservation as the process of managing change to a place of heritage significance in ways that will best sustain its heritage values, and explicitly acknowledges a degree of intervention may be necessary to sustain those values for present and future generations so long as any resulting harm is clearly outweighed by the benefits.

The City of Fremantle suggests reconsideration of the definition of ‘conserve’ to more explicitly refer to the process of managing change as an inherent part of the activity of heritage conservation.

State registration (Part 3 – State Register of Heritage Places)
The City of Fremantle supports the proposed single stage registration process which would eliminate the current interim registration step. The proposed new process would be simpler, quicker, less resource intensive and easier for the public and building owners to understand. The provision to make the Heritage Council’s advice to the Minister for Heritage on registration matters and the Minister’s final decisions to enter, alter or remove places from the State register is supported – this increase in transparency of decision-making is considered to be good governance and would likely to build public confidence in heritage decisions.

The City of Fremantle also supports the proposed criteria (consistent with the HERCON criteria used in other Australian jurisdictions) to be used in determining whether a place has state level cultural heritage significance.

Protecting State registered places (Part 4 – Protection Orders and Repair Orders)
The City of Fremantle supports the provision enabling the Minister for Heritage to make a Protection Order, similar to the power under the current 1990 Act (section 59) to make a Conservation Order to prevent or stop activities which are considered likely to cause imminent damage to a heritage place.

The City also supports, in principle, the powers under proposed sections 57 and 58 to make Repair Notices and Repair Orders, as they would provide another means of addressing ‘demolition by neglect’ in relation to State registered places. However, the drafting of the provisions seems inconsistent with provisions relating to Heritage Conservation Notices in the new Planning and Development (Local Planning Schemes) Regulations 2015 which will take effect on 19 October 2015. These Regulations will introduce Deemed Provisions that will be read as part of all local planning schemes, and in the case of the City of Fremantle will replace the very similar Heritage Conservation Notice provisions already in clause 7.8 of...
Local Planning Scheme No. 4 which the City introduced through a scheme amendment in 2014. The Heritage Conservation Notice (HCN) provisions under planning legislation are intended to address similar demolition by neglect issues in respect of places on local heritage lists. Local governments may serve a HCN without any requirement for Ministerial approval, and may enter premises and carry out works (with the costs recoverable as a debt) if the owner fails to comply with a notice.

However, under the proposed Heritage Bill a Repair Order has to be made by the Minister (on advice from the Heritage Council) before it takes effect, and the Minister must consider that –

(i) an order is ‘reasonably necessary; and
(ii) the order is ‘unlikely to cause undue hardship to the recipient’.

‘Undue hardship’ is not defined but presumably refers primarily to financial considerations. It is a potential concern that this provision could be improperly exploited by a property owner to try to dissuade the Minister from serving a notice, thereby enabling the owner to avoid complying with basic responsibilities to maintain a building in a reasonable condition. Non-compliance with a repair order is a prosecutable offence, but the Heritage Council does not have power to enter the place to undertake works in default until after a successful prosecution, and only then if the court makes a further order for the owner to complete the works which is not complied with.

It seems inconsistent that places of the highest (State) level of heritage significance would require Ministerial approval for service of notices to protect a place against ‘demolition by neglect’, and offer an ‘undue hardship’ defence to owners, when these provisions do not apply to similar potential action by local governments in respect of locally listed places under the Deemed Provisions of the new Planning Regulations.

The City of Fremantle considers that there should be greater consistency between provisions of the Heritage Bill and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 in relation to this matter, and further guidance should be provided on the interrelationship of prospective decisions and procedural action under both pieces of legislation, including the implications of applications for review of decisions by the State Administrative tribunal under either or boths head of power.

**Development application referrals (Part 5 – Matters affecting places of heritage interest)**

The Bill foreshadows that Regulations will be published to deal with details of referral procedures. Until these Regulations are published it is difficult to form a view on the extent to which the new heritage legislation as a whole will address acknowledged shortcomings in the clarity of the 1990 Act’s provisions in relation to this issue.

Currently section 11 of the 1990 Act states, in relation to action by decision-making authorities (which includes decisions by local governments on development applications), that they shall not: “take any action that might (whether or not adversely) affect to a significant extent a registered place” unless,
(amongst other requirements) “that action is consistent with advice received from the (Heritage) Council, or there is no feasible and prudent alternative to the taking of that action”.

Section 67 of the draft Bill makes similar provisions however the wording has been amended to make clear that it only applies to decisions that would adversely affect, and affect to a significant extent, a State registered place. The references to decisions being ‘consistent’ with Heritage Council advice, unless there is no ‘feasible and prudent’ alternative to the decision, lack clarity or certainty as to the intended application of these terms in practice, and arguably are more open to different interpretations of what constitutes action that is ‘consistent’ with Heritage Council advice than the current wording of section 11 of the 1990 Act. For example, if Heritage Council advice recommends granting planning approval for a development proposal but does not recommend specific conditions of approval, and the local government is also minded to grant approval but considers conditions to deal with certain heritage aspects of the development should be imposed, would this action be consistent or inconsistent? Even if considered inconsistent, would it be reasonable to regard the local government’s action as a ‘prudent alternative’? The City of Fremantle considers it is important that clear guidance on the application of these provisions should be provided in regulations and/or supplementary guidance.

It is also considered that the wording of section 66 of the draft Bill, dealing with the duty of the Heritage Council to provide advice on referred development proposals to the decision-making authority, should be revised to provide greater certainty and clarity. Currently the wording states that in providing advice the Heritage Council ‘may’ address all aspects of conserving the place concerned, and refers back to the definition of ‘conserve’ in Part 1 of the Bill. This wording implies discretion for the Heritage Council to address all, or only some, aspects of conserving the place and neither section 66 nor 67 give any indication of the consequences for the decision-making authority if the Heritage Council only deals with some aspects of conservation in its advice. Such advice might imply that other aspects of the matter are not important, or have the Heritage Council’s tacit support; however the decision-maker may consider that these other aspects are important. This potentially leaves the decision-making authority open to a criticism that it is imposing a higher standard of conservation requirements than the State’s peak heritage body.

**Local heritage (Part 8 – Local Heritage Surveys)**
The City of Fremantle does not regard the proposal to rename current Municipal Heritage Inventories (MHI) as Local Heritage Surveys (LHS) as particularly important or necessary, but does support the broader statement of their purpose as proposed in the Bill, and also the use of the broader term ‘places’ rather than ‘buildings’ as subjects for inclusion in local surveys/inventories. This would achieve greater consistency in the approach to consideration of places for listing at both state and local level. The proposal to automatically treat current MHI as LHS under the new legislation is also supported.

The proposal to make provision for the Heritage Council to publish non-statutory guidelines on the preparation, review and updating of such Surveys, which may include guidance on the frequency of reviews, is also supported in preference to
specifying review timeframes in legislation (as is currently the case in the 1990 Act) as it provides for greater flexibility and ability to adapt to variations in circumstances and differences in workload between different local governments.

Comment on heritage matters not addressed in the draft Bill
Although it may not be a matter that can appropriately be addressed as part of the current Bill, the City of Fremantle wishes to take this opportunity to offer comment on broader aspects of the interaction between heritage and planning legislation, and the related policy framework that should guide agencies at state and local government level in making decisions on development proposals affecting places of cultural heritage significance (particularly in a post-European settlement context). By comparison to other jurisdictions with a rich cultural heritage context and a similar land use planning and development system (notably the UK), in Western Australia heritage and planning legislation and policy is not particularly well integrated.

This can cause confusion for landowners, developers and the wider community regarding the level at which decision-making authority sits (local v state) and the extent of authority exercised by different agencies. The separation of planning policy guidance on heritage matters provided in State Planning Policy 3.5 Historic Heritage Conservation (prepared by the Western Australian Planning Commission under the Planning and Development Act 2005) from aspects of heritage practice and advice provided by the Heritage Council and State Heritage Office under powers provided through the current 1990 Act and the new Bill (when it is enacted) can, particularly in a statutory planning context, sometimes result in inconsistency or gaps in the approach to assessing heritage considerations as part of the planning decision-making process. It can also foster misconceptions that heritage considerations stand in isolation from other land use and development considerations in the planning process, or that sustaining the heritage values of a place is inherently incompatible with new economic activity.

There may be lessons to be learnt from other jurisdictions where a closer integration of planning and heritage legislation and associated policy frameworks can provide clearer guidance on the weight to be given to heritage considerations relative to other planning considerations in statutory planning decision-making, and also promote a more holistic conservation planning approach which recognises the linkages between heritage values and broader aspects of sustainable development. For example, in the UK the National Planning Policy Framework (which serves a similar function to State Planning Policies in the WA planning system) ties together the broad objectives of heritage conservation with objectives relating to sustainable development, place-making, and economic growth in a holistic manner. It requires local government authorities to also do this through its strategic and statutory planning processes by taking into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that heritage conservation can bring;
- the desirability of new development contributing positively to local character and distinctiveness;
opportunities to draw on the contribution made by the historic environment to the character of a place;
- recognition that intelligently managed change may sometimes be necessary to maintain heritage assets for the long term future;
- decisions affecting a heritage asset should be proportionate to its level of significance

The Policy Framework also provides guidance on how to approach balancing heritage considerations against the weight to be given to other planning considerations in statutory planning decision-making, based on some clear statutory considerations contained in the relevant planning legislation. This guidance is much more comprehensive further than comparable provisions in State Planning Policy 3.5 and Heritage Council publications.

It is therefore suggested that in parallel with finalisation of the draft Bill, the Heritage Council and State Heritage Office should be encouraged, in collaboration with the WAPC, to identify best practice in heritage conservation planning internationally which could provide a basis for achieving closer integration of heritage and planning legislation and policy in Western Australia, particularly through revisions to the Planning and Development Act 2005 and State Planning Policy 3.5 Historic Heritage Conservation.

CARRIED: 6/0

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The following item number SGS1509-13 was MOVED and carried en bloc.

SGS1509-13 RATING CONCESSION SUBMISSION - 133 STIRLING HWY NORTH FREMANTLE - LANGMEAD INVESTMENTS PTY LTD

DataWorks Reference: 152/001
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: SGS1401-5 29th January 2015
Responsible Officer: Alan Carmichael, Finance Manager
Actioning Officer: David Nicholson, Rates Coordinator
Decision Making Authority: Council
Agenda Attachments: Location map for 133 Stirling Highway North Fremantle

EXECUTIVE SUMMARY

Rates levied on 133 Stirling Highway, North Fremantle have increased from $1,773.11 in 2014/2015 to $3,150.30 in 2015/2016 (77.67%) following the re-application of the 'Vacant Commercial' differential rate. An objection against the rate record lodged by the owner has been disallowed as the characteristics of the land meet the “Vacant Commercial” differential rate. However due to the properties very limited ability to develop due to its current zoning and the possibility of it being resumed by the State Government, it was included when advising of the objection decision that a rating concession would be sought from Council.

BACKGROUND

The property at 133 Stirling Highway North Fremantle has been owned by the same family since the 21 August 1945. This property is unique due to it locations (See Attachment) and current zoning. In 1963 the property was zoned 'Other Major Highways' as at that time Main Roads WA were intending to expand Stirling Highway to 6 lanes. This expansion did not occur with the property in 1996 being zoned 'Metropolitan Reserves (Parks and Recreations)' which necessitates any development application meeting numerous restrictions/conditions and requiring the Western Australian Planning Commission (WAPC) approval. The owners have consistently been trying to have this zoning changed and in August 2003 they along with adjoining property owners lodged an 'Omini Bus 6' submission with WAPC. This submission sought a more permanent zoning to 'Urban' which was in line with WAPC amendment no 1138/41, East Leighton proposal. Despite personal appearances before a committee in August 2007, no decision has been made on this submission. Then in 2007, fire damaged the properties building which initially was going to be repaired by the owners. However the building was subsequently demolished with WAPC in December 2008 approving a development application from the owners to build a new warehouse on the site subject to numerous restrictions. For reasons unknown, this development did not eventuate with the property remaining vacant land. In view of these circumstances, Council at its January 2014 meeting approved a rating concession in the form of a change from “Undeveloped Commercial” to “General Vacant Commercial” until the 30th June 2015 to allow time for a resolution to the properties zoning and/or development issues to be determined. Continued attempts by
the owner to have either the zoning changed and/or to obtain approval to develop the
property from the WAPC have all failed with the latest response from WAPC being an
officer level advice that it is unlikely that they would support any future development on
the basis that this may not be consistent with the MRS reserved status. Under advice
from officers of the WAPC the owner wrote to the Strategic Property Unit Manager at
WAPC on the 21st May 2015 seeking guidance for the development of the property. The
result of this approach is that the owners have received verbal advice that the property
will be included for resumption in the 2016 financial year.

COMMENT

The property at 133 Stirling Highway North Fremantle is unique due to its location and
current zoning status. The owner has made numerous attempts to have the zoning
changed and/or development approved, all to date without success. And it is looking
highly likely that these restrictions will continue with a possibility that at the end of the
day the property will be resumed.

It is considered that in view of the zoning and/or development limitations on 133 Stirling
Highway North Fremantle, that it be rated utilising the 'Commercial General' instead of
the higher 'Vacant Commercial' differential rate from the 1st July 2015 for a two year
period. This is to provide time for either the properties zoning/development issues to be
resolved and/or for resumption to occur.

RISK AND OTHER IMPLICATIONS

Financial
Application of the 'Commercial General' differential rate to the property will result in a
$1,293.53 reduction to the 2015/2016 rating income.

Legal
Nil

Operational
Nil

Organisational
Nil

CONCLUSION

That the property at 133 Stirling Highway North Fremantle be rated utilising the
'Commercial General' instead of the higher 'Vacant Commercial' differential rate for the
2015/2016 financial period and the 'Commercial General' or an equivalent differential
rate for the 2016/2017 financial period so as to allow for zoning and/or development
and/or resumption matters to be resolved.
STRATEGIC AND POLICY IMPLICATIONS

Nil as this rating concession would be provided based on the uniqueness of the property and its limited development circumstances.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required.

COMMITTEE AND OFFICER’S RECOMMENDATION

MOVED: Cr A Sullivan


CARRIED: 6/0

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The following item number SGS1509-14 was MOVED and carried en bloc.

SGS1509-14 MONTHLY FINANCIAL REPORT - AUGUST 2015

ECM Reference: 087/002
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: SGS1508-7 of 26 August 2015
Responsible Officer: Glen Dougall, Director City Business
Actioning Officer: Alan Carmichael, Finance Manager
Decision Making Authority: Council
Agenda Attachments: Statement of Financial Activity by Nature to 31 August 2015
Statement of Financial Position as at 31 August 2015
Determination of Closing Funds (Net Current Assets) as at 31 August 2015
Schedule of Accounts Paid August 2015
Investment Report to 31 August 2015
Debtors Outstanding as at 31 August 2015
Payment Report (EFT & Cheque) for August 2015 (viewed electronically)
Payment Report (Purchasing Cards) for July 2015 (viewed electronically)

EXECUTIVE SUMMARY

The City adopted its annual budget for 2015/2016 on 24 June 2015 with an estimated municipal surplus brought forward from 30 June 2015 of $3 563 186 and estimated municipal surplus at 30 June 2016 of $100 000.

At the 24 June 2015 ordinary council meeting $125,395 of budget funding was approved for the continuation of the Financial Counselling Service (C1506-2 refers). As a consequence the estimated municipal surplus to 30 June 2016 was amended to a deficit of $25,395.

BACKGROUND

The 2015/16 budget was adopted on 24 June 2015 with an estimated municipal surplus brought forward from 30 June 2015 of $3 563 186 and estimated municipal surplus at 30 June 2016 of $100 000.

At its meeting on 29 July 2015 (Item SGS1507-9 refers), Council adopted nature and type as the preferred reporting format with 2.5% and a threshold of $300 000 as the level for explanation of variances.
At the 24 June 2015 ordinary council meeting $125,395 of budget funding was approved for the continuation of the Financial Counselling Service (C1506-2 refers). As a consequence the estimated municipal surplus to 30 June 2016 was amended to a deficit of $25,395.

**COMMENT**

In finalising the 2015/16 budget, it was estimated that we would have a closing municipal surplus at 30 June 2015 of $3,563,186 which in turn became the opening municipal surplus in the 2015/16 budget. However after the 2015-16 budget was adopted the Department of Local Government and Communities advised on 29 June 2015 that on 30 June 2015 $526,024 would be deposited in the city’s bank account as an advance on the 2015-16 Grants Commission grant. The amount of the advance payment will need to be adjusted in the budget review to be held in the first quarter of the 2016 calendar year and effectively means a closing surplus at 30 June 2015 of $4,089,210 is needed to meet our opening budget target.

With the majority of end of financial year entries posted apart from asset fair value variations, the closing position surplus of $3,938,400 in the attached 31 August 2015 Statement of Financial Activity is not anticipated to vary materially before the audit is undertaken.

**Organisational Revenue**

Below is a graph for actual operating revenue by month versus the revised budget. Rates have been excluded as $40 million is brought to account in one month and distorts the picture as does capital grants and profit on sale of assets which have also been excluded.

![Operating Revenue Budget versus Actual](image-url)
Organisational Expenses
Below is a graph for actual operating expenditure by month versus their revised budget. The non-cash entries of depreciation and loss on sale of assets have been excluded from the graph as they can distort the picture.

Nature and/or Type Comments
With two months of the financial year elapsed there are no major trends that have emerged. Comments on variances are as follows:-

Capital Grants and Contributions
The Roads to Recovery grant payment was received a month earlier than anticipated.

Depreciation
Until asset revaluations at 30 June 2015 have been finalised and the asset ledger rolled over to 2015/2016 we cannot run the depreciation expense. We are currently awaiting fair valuations for some assets and anticipate it will be the September report that will be submitted to the October meeting cycle before the depreciation expense will be available.

Materials and Contracts
The majority of businesses are operating at a level under that indicated by their budget phasing plus an $818,000 allocation journal for design costs was posted a month earlier than budgeted for and has further increased the gap between the materials and contracts year to date actual and budget.
Employee Costs

The main variation is in City Works where expenditure is $383,000 under the year to date budget.

Capital Program

As can be seen from the following graph capital expenditure to date has been subdued but is anticipated to pick up in the next four months:-

Cash investments

Below is a graph of the maturity profile of our investments with the green coloured bars representing investments with financial institutions listed as not supporting unlocking of carbon. The graph shows longer term investments are all with financial institutions listed as not supporting unlocking of carbon.
Below is a graph showing the cash investment situation at 31 August 2015 and the carbon support/non-support position by financial institution.

With the due date for the first rate instalment approaching on 2 September 2015 the cash balance from operating activities is reaching its peak. Due to the investment policy counter party limits and maintaining interest returns it is more challenging in placing funds with suitable financial institutions that do not support the unlocking of carbon. However in the following months the percentage of investments with green institutions should increase compared to current levels as operations will generally consume cash.

**Purchase Card Expenditure Reports**
Officers had not finalised the detail for their August 2015 purchases at the time this agenda closed so the August 2015 purchase card report will be tabled at the September 2015 meeting.

**RISK AND OTHER IMPLICATIONS**

**Financial**
This report is provided to enable Council to keep track of how the allocation of costs and receipt of revenues is tracking against the budget. It is also provided to identify any issues against budget which Council should be informed of.

**Legal**
Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with explanation of any material variances to be prepared and presented to an ordinary meeting of council.
Under section 6.10 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulation 12*(1);

a) Council has delegated authority to the CEO under item 3.2, Accounts for Payment - Authorisation Of, to make payments from the municipal fund and trust fund.

The lists of accounts paid are presented in accordance with *Local Government (Financial Management) Regulations 13*(1) and (3)

**Operational**

This report is provided to Council to keep track of the operational issues affecting the implementation of projects and activities provided for under the 2015/16 adopted budget by reporting actual revenue and expenditure against budget.

**Organisational**

No direct impact but results year to date may highlight matters that have arisen or may need to be addressed in the future.

**CONCLUSION**

The financial statements as attached for further review of payments made during August 2015, purchase card transactions during July 2015 and cash deposits at the end of August 2015. Also attached is the year to date statement of financial activity and statement of financial position for information.

The attached Statement of Financial Activity is showing a surplus closing position of $3,938,400 at 30 June 2015 against our advance payment adjusted target of $4,089,210 and this is not likely vary significantly before the audit for the 2014-15 financial year is undertaken.

**STRATEGIC AND POLICY IMPLICATIONS**

Nil.

**COMMUNITY ENGAGEMENT**

Nil.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

1. The City of Fremantle Financial Report including the Statement of Financial Activity, Statement of Financial Position and Statement of Closing position for the period ended 31 August 2015 is received,

2. Council receives the payments authorised under delegated authority and detailed in the list of invoices for August 2015 plus purchase cards for July 2015, presented as per the summaries set out in the attached schedules and include creditors that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED: 6/0

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The following item number SGS1509-15 was MOVED and carried en bloc.

SGS1509-15 INFORMATION REPORT - SEPTEMBER 2015

USE OF THE CITY OF FREMANTLE COMMON SEAL

ECM Reference: 035/012
Author: Catherine Celenza, Executive Assistant
Agenda Attachments: Attachment 1 – Extract from the register of documents affixed with the common seal – July to September 2015

As outlined in the City of Fremantle Delegated Authority Register under delegation 3.38 Use of City of Fremantle Common Seal, a condition of this delegation states:

“...that a register be kept to record each time the common seal is affixed to a document and this information be provided to Council at the next opportunity.”

Therefore, in accordance with this delegation, a list of the documents that have been affixed with the City’s common seal during the period July to September 2015 is shown in attachment 1 of the Strategic and General Services Committee agenda 16 September 2015.

NEW OPERATOR OF WARRAWEE WOMENS REFUGE

ECM Reference: 023/010
Author: Marisa Spaziani, Director Community Development
Agenda Attachments: Nil

The City has now transitioned the Warrawee Womens Refuge to the new operator Lucy Saw Refuge as of 31 August 2015. The service continues to operate at the same site for the same client grouping, Women and children escaping domestic violence. Any queries or issues that may arise over this period in relation to refuge services will still be handled by Community Development. The director is the contact officer for these matters.

ACCEPTANCE OF TENDER FCC450/15 FOR DESIGN AND CONSTRUCTION OF GOLD STREET PARK AND PLAYGROUND UPGRADE

ECM Reference: 039/073
Author: Glen Dougall Director City Business
Agenda Attachments: Nil

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Design and Construction of Gold Street Park to be awarded to Earthcare Landscapes for the estimated sum of $100,000.00 excluding GST.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager
not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates

**ACCEPTANCE OF TENDER FCC451/15 FOR ARCHITECTURAL SERVICES FOR THE EXTERNAL CONSERVATION OF THE FREMANTLE TOWN HALL**

**ECM Reference:** 039/073  
**Author:** Glen Dougall Director City Business  
**Agenda Attachments** Nil

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Architectural Services for the External Conservation of the Fremantle Town Hall to be awarded to Hocking Heritage Studio for the estimated sum of $80,065.00 excluding GST.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates

**ACCEPTANCE OF TENDER FCC446/15 FOR EXPRESSION OF INTEREST PROJECT PROPOSAL FOR ARCHITECTURAL SERVICES AND SUPERINTENDENCY OF NEW OPERATIONS CENTRE**

**ECM Reference:** 039/073  
**Author:** Glen Dougall Director City Business  
**Agenda Attachments** Nil

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Expression of Interest Project Proposal for Architectural Services and Superintendency of New Operations Centre to be awarded to Christou Design Group Pty Ltd for the estimated sum of $319,500.00 excluding GST.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

The information report for September 2015 be received.

CARRIED: 6/0

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The following item number SGS1509-16 was moved and carried en bloc.

**SGS1509-16 STRATEGIC IMPERATIVE AND CORPORATE PLAN PROGRESS REPORT 2014-2015**

**ECM Reference:** 030/017, 030/022  
**Disclosure of Interest:** Nil  
**Meeting Date:** 16 September 2015  
**Previous Item:** SGS1504-9  
**Responsible Officer:** Glen Dougall, Director City Business  
**Actioning Officer:** Tanya Toon-Poynton, Governance Coordinator  
**Decision Making Authority:** Council  
**Agenda Attachments:** Strategic and Corporate Plan progress report July 2014 - June 2015 (under separate cover)

**EXECUTIVE SUMMARY**

The City of Fremantle Strategic Plan 2010 – 2015 was adopted by Council in 2010, and the City of Fremantle Corporate Business Plan 2014-2018 was adopted in August 2014.

The corporate business plan is a four-year operational program that provides the framework for delivering the City's services and projects.

The Strategic Imperative and Corporate Plan progress report 2014-2015 is attached for your information and discussion as appropriate. The report includes a summary of the progress and achievements on the projects and priorities in the corporate business plan and the strategic imperative actions which remain outstanding from the City of Fremantle Strategic Plan 2010-2015.

**BACKGROUND**

All local governments are required to develop and deliver a strategic plan and a corporate business plan under the Local Government Act 1995.

The corporate business plan contains operational responsibilities as well as projects that align with the strategic imperatives from the strategic plan, and is required to be reviewed annually.

The report format shows in graph form the target and actual completion of percentages cumulatively each month, the planned commencement and completion dates, and a comment from the responsible director for each project. The report has easy to read indicators for each project and summary indicators showing overall progress of the plans.

**COMMENT**

Progress of the strategic imperatives is presented to Council quarterly, and progress on the corporate plan projects and actions are presented to Council twice a year for information and discussion.
The report comments contain a summary of achievements on the projects and operational responsibilities identified in the corporate business and strategic plans for the financial year 2014-15. The percentage completed reflects the progress of the stages of the project the City intended to complete in the 2014-15 financial year only. Some projects with 100% completion will continue into future years.

Projects and actions that have been completed within the report period and will not continue into future years are highlighted and summarised below (additional information may be included in the attached report):

**CBD Transformative moves plan**
Freo 2029 Transformational Moves document adopted in February 2015.

**Integrated transport strategy**

**Finalise structure planning with Landcorp for the Swanbourne Street Structure Plan area**
The structure plan is with the Western Australian Planning Commission for final approval, and the City has completed the action to the extent of its power. No further reporting is required on this action.

**Complete structure planning for Lefroy Road quarry site and determine City's role in site development**
Reporting on the progress of the structure plan will continue through the Beaconsfield comprehensive development planning project.

**City centre provisions scheme amendment**
The amendment was approved by the WAPC, and gazetted on 14 July 2015. No further reporting required on this action.

**Develop and implement Cantonment Hill Masterplan**
The detailed concept plans for building and landscape works were adopted by council on 29 July 2015. The project management team met 28 August 2015 to agree next steps, roles and responsibilities moving into the capital works phase. The scheduling of works will be agreed throughout October.

**Participate in the Victoria Quay planning process**
The City has completed this action to the extent of the City’s power. The Western Australian Planning Commission has verbally advised the City that they have approved the plans the Council provided comment on in December 2014.

**Work with Fremantle Ports and other stakeholders to reduce road freight**
The integrated transport strategy will guide the City’s decision-making on transport policy, planning and infrastructure in coming years. Under this banner much work, in the latter of half of the year, was focussed on the State Government’s proposed Perth Freight Link and how responses to this would impact on the freight task handled by the Inner Harbour.
Minutes - Strategic and General Services Committee 16 September 2015

Fremantle Markets conservation
Roof and hydraulics repairs complete.

Review Fremantle community and crime prevention plan
The plan has been reviewed and a working group created to develop a new community and crime prevention plan.

Preparation and adoption of annual budget
While this is an annual requirement, the 2015-16 budget has been adopted in accordance with the requirements of the Local Government Act 1995.

Develop a process for the regular review of governance documents
The City has implemented an automated document control system that alerts responsible officers when a governance document is due for review.

Implement library marketing plan
Plan completed.

Actively participate in the local government reform process
Reform was abandoned by the state government.

Projects at less than 40% of their target are highlighted below:

Beaconsfield comprehensive planning
Preliminary discussions initiated with Department of Housing, Department of Education, Curtin University Sustainability Policy Institute, South Fremantle SHS, and LandCorp. Funding available to progress during FY2015/16.

Old Fire Station building renewal
Heritage have recommended further investigation to evaluate degraded areas be undertaken prior to the works being carried out.

EcoZone Bruce Lee Reserve
Cash in lieu of POS funds quarantined in 2014-2015 and not allocated in the 2015-2016 capital works program. Project is subject to Western Australian Planning Committee considerations for uses of Bruce Lee Park and the adjacent TAFE facility.

RISK AND OTHER IMPLICATIONS

Financial
Nil

Legal
Under the Local Government Act 1995, local governments are required to develop and maintain a strategic plan and a corporate business plan.
Operational
The corporate system is continually monitored to ensure the projects are actioned and reported on in line with the City of Fremantle reporting framework and the Integrated Planning Reporting framework.

Organisational
The whole organisation is involved in the delivery of the corporate and strategic plans. Organisational capacity and focus on achievement is recognised as a critical success factor. Reporting against progress on projects the council has identified as priorities is critical in sustaining the focus and reviewing capacity along the way.

CONCLUSION
The City of Fremantle Strategic Imperative and Corporate Plan progress report for 1 July 2014 to 30 June 2015 is noted

STRATEGIC AND POLICY IMPLICATIONS
As discussed within this report.

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Simple Majority Required

COMMITTEE AND OFFICER’S RECOMMENDATION
MOVED: Cr A Sullivan

Council receive the City of Fremantle Strategic Imperative and Corporate Plan Progress Report for 1 July 2014 to 30 June 2015, as shown in the attachments of the Strategic and General Services Committee agenda 16 September 2015.

CARRIED: 6/0

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CONFIDENTIAL MATTERS

The following item number SGS1509-17 was moved and carried en bloc.

SGS1509-17  SALE OF 73 HAMPTON ROAD, FREMANTLE

ECM Reference: 159/004, 161/006, 049/004 Property 73 Hampton Road
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: SGS 1312-11, SGS 1404 – 5; SGS 1606-20; SGS1505-1
Responsible Officer: Tom Griffiths, Manager Economic Development & Marketing
Actioning Officer: Nadine Hume, Property Services Administrator
Decision Making Authority: Council
Agenda Attachments: Offer and Acceptance – Dennis Leo Eades

REASON FOR CONFIDENTIALITY

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

(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
REPORTS BY OFFICERS (COUNCIL DECISION)

SGS1509-7  MARKET STREET PIAZZA PERMANENT ROAD CLOSURE

ECM Reference: 068/046
Disclosure of Interest: Nil
Meeting Date: 23 September 2015
Previous Item: Nil
Responsible Officer: Tom Griffiths, Manager Economic Development & Marketing
Actioning Officer: Luis Puig, Economic Development Coordinator
Decision Making Authority: Council
Agenda Attachments:
Appendix 1 - Market St Pedestrian Mall Traffic Report 2014
Appendix 2 - Market St Pedestrian Mall Traffic Report 2015
Appendix 3 – Photo illegal motorbike parking
Appendix 4 – Photos Activity on Market Street Piazza
Appendix 5 – Artist impression Market Street Piazza
Appendix 6 – “Good for Busine$$ - The benefits of making streets more walking and cycling friendly

EXECUTIVE SUMMARY

Council endorsement is required to implement a six month full closure trial (7 days / 24 hours) of the Market Street Piazza (between Nairn and Bannister Streets) from January 2016 until June 2016. This proposed trial is designed to transform the Market Street Piazza into an open public space with greater pedestrian amenity that is free of general vehicle traffic.

The City has worked closely with the Fremantle BID, local traders and property owners in the immediate vicinity of the Market Street Piazza for several months to scope this project.

After implementing a five weekend closure trial early 2015, the aspiration of businesses nearby and property owners is to seek a permanent full closure of this section of Market Street. The objective is to create a pedestrian friendly environment around this area, just off the Cappuccino Strip.

This full closure solves the current vehicular versus pedestrian traffic conflict and eliminates the current unsafe road environment at the corner of Market Street and South Terrace.

Vehicular flow will be distributed to Nairn and Pakenham Streets which then connects to the road network via Bannister, High and Phillimore Streets. These streets can comfortably accommodate the increase in volume.

Subject to the success of the trial, authorisation is being sought for the Chief Executive Officer to seek permanent closure.
BACKGROUND

Several interventions have taken place within the southern end of Market Street known as the Market Street Piazza in order to pedestrianise this section of the road given its location, business mix and overall physical attributes.

Early activity started in 1998 when the owner of 93-97 Market Street presented a vision for the space allowing the road to become an open public piazza for people to gather around and linger free from vehicles. No action was taken at that time.

It was not until 2012 that the City responded to increased momentum generated by the business owners in the area. A public-private approach instigated the beginning of the beautification of this street. The initial agreement saw the investment of local businesses and property owners of $17,000 to build a number of architectural feature walls to delineate alfresco areas with the City matching this contribution by resurfacing the road with feature paving. The objective was to soften the landscape and reduce the speed of vehicles.

Furthermore, in 2013 the Council installed of a number of bollards in this area in preparation for a more permanent closure of the street subject to further investigations on its impact on traffic, local businesses and residents. In 2014 the City initiated a more formalised relationship with business owners and the Fremantle BID.

Resources were allocated by the BID ($20,000) to build a custom made piece of public seating and the installation of interactive ground projections ($20,000) with a number of additional contributions made by the City including the planting of an olive tree, the restoration of a heritage wall behind Gino’s, the clean-up and improvement of Horatio Birlbath’s mural and improvements in lighting ($13,000).

All of these efforts have been made with the long term aspiration of the local businesses, property owners and the BID to close off the street to vehicular access permanently and to create a pedestrian friendly open public space. Vehicular and pedestrian conflict along with illegal motorbike parking continues to be a problem around the area.

The Market Street Piazza has been closed off on a number of occasions as it is conducive to street activation such as events, extended alfresco and street entertainment. This is due the street's intimate small scale, its business mix that includes a number of alfresco dining options, and the overall look and feel of the space which could be transformed to resemble a pedestrian mall.

In order to evaluate any impact of a more regular closure, the City implemented a five weekend closure trial during March and April 2015. Street closure commenced at 5:00pm on Fridays until Sundays 11:00pm.

Due to the nature of this closure and the risk involved, the City prepared and implemented a Traffic Management Plan which recommended using the services of Traffic Controllers to operate the street closure. As a result of the weekend closure trial, a number of lessons were learned for the City to address in collaboration with local businesses, but most importantly it strengthened the local businesses’ intentions to close the street of to vehicular traffic on a permanent basis.
General response from the public to this closure was positive generating hundreds of social media interactions, likes, shares and comments. Contrarily, two complaints were received from regular users of the two ACROD bays which were unavailable during the road closures. The City provided an alternative solution to ACROD permit holders by installing one new accessible parking bay on Nairn Street approximately 15 meters away from the affected area.

**COMMENT**

The permanent closure of the Market Street Piazza is motivated by the local businesses nearby the area, property owners and the Fremantle BID. This is an economic development and place making driven activity with the objective of addressing vehicular and pedestrian conflicts by creating an inner-city public open space. This in turn will improve the local economy by not only attracting more people to the area but keeping them longer on safe pedestrian environment.

The closure is supported by the two main property owners along the Piazza and businesses nearby including Sadrinos, Portorosa, San Churro Chocolateria, OPSM Fremantle, La Sosta, The Coffee Club, Gino’s, Dome Cafe.

The strategic creation of this open public space aims at encouraging pedestrian flow to better connect to Collie Street and to integrate walking corridors between the Cappuccino Strip, down to the Esplanade reserve.

This closure will also address current issues at the South Terrace and Market Street intersection by eliminating the instances of drivers not recognising that the short section of Market Street is one way from south to north. There have been several instances where entry to the street has illegally occurred from South Terrace.

Furthermore, the City is currently working on redesigning and restoring the rear of the Evan Davies building, this is a $500,000 project for 2015/16 which compounds positive impact on the street closure as the rear of the building will better integrate with its surroundings at street level.

The current vision of this area is:

“By 2016/17, the Market Street Piazza is a hidden gem just a few steps away from the famous and buzzing Cappuccino Strip. It is an oasis exclusively designed for people. A place where families, young and older visitors enjoy by walking or simply sitting around soaking up the character, peacefulness and history of the area in a safe, clean, and off-the-main-strip environment.

The rear of the Evan Davies building is a functional and clean space that discretely services nearby businesses which adds to the general public realm. The building fully interacts with its environment at street level including the Market Street Piazza, the corner of Collie and Nairn Streets”.
The proposed permanent closure of the Market Street Piazza is a challenging exercise given its high profile location in the centre of the CBD and a number of implications to local traffic, ACROD parking and the provision of loading bays will need to be addressed during this trial.

Given Council approval, the administration is to formally initiate the legislative process as per Main Roads regulations to publicly advertise for a full road closure of the Market Street Piazza for a six month trial period from January to June 2016.

Once road closure is in place, the Piazza will act as a boutique space that can be used to support activity during large festivals (e.g. Street Arts Festival) or to host standalone activities such as art markets, busking and performance space and extended alfresco dining.

Traffic assessments
To inform the impact of this road closure, a traffic assessment has been undertaken (see Attachments 1 & 2) of the area and the closure was seen to have minimal impact upon traffic flows.

The findings of a follow up survey during the weekend closure trial during 2015 aligned with the initial forecasts that relocated traffic would be of a negligible increase in the context of the area. Market Street would ordinarily carry up to 1,000 vehicles on a Saturday and 750 on a Sunday.

It was observed that this vehicle traffic was optimally distributed to the adjacent streets during the closure, most notably Nairn Street and Pakenham Street. The 2015 report details the traffic trends for Saturday and Sunday traffic for each of the surrounding streets during the weekend closures and without the closures in place.

According to the traffic reports commissioned for the area, local residential streets can comfortably carry near 3,000 vehicles per day before the need to consider alternate routes becomes an issue. In inner city areas, the priority for pedestrians and cycle movements is preferable over that of the motor vehicle.
The following graphs show the traffic volume comparison between a regular Saturday and Sunday versus a weekend when the Market Street Piazza is closed off.
RISK AND OTHER IMPLICATIONS

Financial
If the proposed six month full closure trial receives support from Council, a number of road signs will be installed in the nearby area to inform drivers prior to them entering Collie Street. Additional bollards and general parking signs will have to be installed to support this closure.

The cost of possible infrastructure is minimal and can be incorporated within the existing 2015/16 budget.

Legal
To close a section of road requires approval by the Minister for Transport via the delegated authority of the Commissioner of Main Roads (WA). This will be sought from Main Roads WA after Council agreement and public advertising.

Operational
Learnings from the five weekend closure trial included the following challenges:

Losing the local loading bay and servicing
Agreement has been made with nearby businesses to seek alternative loading spaces. Those businesses directly affected by losing the current loading bay within the piazza are comfortable to use other loading bays nearby (no more than 15 meters away).

Losing of two ACROD parking bays
Two complaints were received from ACROD permit holders that use these parking bays on a regular basis. The City instated one new ACROD parking bay 15 meters away from those at the Piazza. Additional work needs to take place to improve signage to inform the
general public. Provision of additional ACROD parking bays will need to be assessed during the trial period.

*Increase number of retractable bollards*
There are currently three manually retractable bollards in place; they showed to be insufficient to stop vehicles accessing the Piazza. Additional bollards may have to be installed at the South Terrace end. The need for this will be assessed during the trial.

*Vehicles going the wrong way*
A number of vehicles were seen going the wrong way along Collie Street towards South Terrace which is a ‘one way only’ section of the street. Additional signage will have to be designed and installed nearby to deter vehicles going the wrong way.

*Illegal motorbike parking*
The Piazza is becoming a popular place for motorbike to park illegally. There is evidence of groups up to 10 motorbikes parking behind Gino’s on a regular basis. This is an inconvenience for people dining in alfresco areas nearby due to noise and fume pollution. Motorbike access will have to be restricted during the trial (see Appendix 3)

*Traffic control personnel*
Due to the nature of the initial weekend closure trial, a traffic controller was in place including a range of safety and directional road signage which proved to be financially costly. Most importantly this approached proved to be aesthetically unpleasant which detracted from the original purpose of closing the street. During the proposed six month closure, neither traffic controllers nor movable road signs would be used.

**Organisational**
Learnings from the five weekend closure trial also included the organisational challenge of approving extended alfresco dining areas, street cooking, serving and trading on the road.

During the initial trial, the City allowed one local food & beverage business to expand its operations onto the street. Although this was a successful addition to street from a visitor’s perspective and place activation, it was not welcomed by other businesses nearby due to the scale and type of operations that visually and physically blocked the entry point from South Terrace.

The setup detracted from the original intent of closing the street to invite people into the space. This also provided a highly risky situation by physically obstructing access of emergency vehicles.

If any business wishes to have more prominent exposure onto the Piazza, each proposal will have to be assessed on a case-by-case basis to ensure a clear access for emergency vehicle is keep at all times and the proposed set up does not obstruct pedestrian line of sight.

Proposals will have to be in line with the City’s *Alfresco Dinning Local Law 2014* and the *Activities in Thoroughfares and Public Places Trading Local Law 2005*. 
CONCLUSION

The economic impact of creating open public spaces is a well-documented concept which has proved to work within inner city environments.

In 2011, the Australian Heart Foundation released a discussion paper “Good for Business - The benefits of making streets more walking and cycling friendly” which outlines the benefits of prioritising walking and cycling over vehicle traffic (see Attachment 6 for full report). After studying the consequences of closing the Market Street Piazza, it is expected to have minimal impact of vehicular traffic flow which will be dispersed through the road network.

This is a relevant place activation activity with large potential to improve the public realm and the local economy by providing a safe environment for people visiting, working and living in Fremantle.

It is recommended that Council endorse the full closure of the Market Street Piazza for a six month period from January 2016 to June 2016 (24 hr / 7 days). Based on a satisfactory completion of the trial, it is recommended that the Piazza be permanently closed to vehicle traffic from July 2016 onwards.

STRATEGIC AND POLICY IMPLICATIONS

Economic Development Strategy 2015 -2020: Program areas 1) Place Management, activation and urban realm; and 2) Customer experience, marketing and business improvement.

COMMUNITY ENGAGEMENT

Following on from Council endorsement of the closure, the City is required to publicly advertise the closure for a minimum of 28 days prior to the closure. The advertisement would need to be accessible for those in the immediate area as well as visitors. It is recommended to have signage in place at either end of the Market Street section to be closed to vehicle traffic as well as local newspapers and City of Fremantle advertising.

The City has maintained communications with the following stakeholders around the area:

- 85 Market St owner
- 93-97 Market St owner
- Sandrinos
- Portorosa
- San Churro Chocolateria
- OPSM Fremantle
- La Sosta
- Gino’s
- The Coffee Club
- Dome Café
- Fremantle BID
It is these owners’ and businesses’ aspirations to implement a full closure of the Market Street Piazza.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

**OFFICER’S RECOMMENDATION**

**MOVED: Cr A Sullivan**

1. Council endorse the full closure to vehicle access of the Market Street Piazza for a six month period from January 2016 to June 2016 (24 hr / 7 days).

2. Subject to completion of the trial, to the satisfaction of the Chief Executive Officer, Council seek the permanent closure to vehicle access of the Market Street Piazza from the Minister for Transport.

Cr R Pemberton MOVED an amendment to the Officer’s Recommendation to include the additional wording as shown in italics below:

1. Council endorse the full closure to vehicle access of the Market Street Piazza for a six month period from January 2016 to June 2016 (24 hr / 7 days), *subject to the appropriate consultation period being undertaken, and any submissions are taken into consideration before application is made to the Minister for Transport for the closure.*

2. Subject to completion of the trial *and community consultation process*, to the satisfaction of the Chief Executive Officer, Council seek the permanent closure to vehicle access of the Market Street Piazza from the Minister for Transport.

**CARRIED: 6/0**

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**REASON FOR CHANGE TO OFFICER’S RECOMMENDATION**

To ensure that the community is engaged appropriately, and their submissions taken into consideration before application is made to the Minister for Transport for the trial closure, and the possible permanent closure.
COMMITTEE RECOMMENDATION

MOVED: Cr A Sullivan

1. Council endorse the full closure to vehicle access of the Market Street Piazza for a six month period from January 2016 to June 2016 (24 hr / 7 days), subject to the appropriate consultation period being undertaken, and any submissions are taken into consideration before application is made to the Minister for Transport for the closure.

2. Subject to completion of the trial and community consultation process, to the satisfaction of the Chief Executive Officer, Council seek the permanent closure to vehicle access of the Market Street Piazza from the Minister for Transport.

CARRIED: 6/0

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SGS1509-8    LEIGHTON KIOSK GREYWATER FEASIBILITY

ECM Reference: 030/007
Disclosure of Interest: NIL
Meeting Date: 16 September 2015
Previous Item: SGS1501-5 and SGS1505-12
Responsible Officer: Lionel Nicholson, a/Director Infrastructure and Project Delivery
Actioning Officer: Jenaya Shepherd, Manager Strategic Projects
Decision Making Authority: Council
Agenda Attachments:
1. Leighton Greywater Reuse Feasibility Report
2. Greywater Recycling Project Status Report (under separate cover)
3. Leighton Hotel Greywater Reuse Feasibility – proposal
4. Hotel Development Group - Letter
5. Campion Design Group - Letter

EXECUTIVE SUMMARY
In March 2015, on request from Council, the cost versus payback period for installing a small greywater diversion device system at the Leighton Beach Kiosk was investigated. The payback period was calculated to be up to 41 years, exceeding the ten (10) year payback period set by Council. Consequently the investigations concluded there would be little value in pursuing the system beyond being a demonstration project.

In July 2015, a market appraisal indicated a ‘design and construct package’ for the small system would cost between 1.3 and 3.1 times greater than the $15,000 funding approved by Council. Further officer consultation indicated an additional $30,000 in funding would be required to cover the costs of replanting the sensitive coastal landscape to species more tolerant of phosphorus, which is typically present untreated greywater.

Outside of sensitive coastal landscapes, there is great potential to expand greywater solutions as usual business across the city through the delivery of the draft Green Plan and adopted Water Conservation Strategy.

This paper provides an update on investigations to expand greywater reuse and presents a summary of the merits of a small demonstration GDD system at the Leighton Beach Kiosk for Council consideration.

BACKGROUND
At the 28 January 2015 Meeting Council resolved to “add a grey water system to the Leighton Beach Facilities upgrade up to the value of $100,000, subject to it having a payback period of less than ten years” and further investigate “the technical and economic feasibility of installing a grey water recycling” system.
Josh Burns and Associates (JBA) were commissioned to investigate the feasibility of installing a small greywater reuse system at the Leighton Beach Kiosk in response to the January resolution. The JBA assessment considered installation of a greywater diversion device (GDD) only, which provides simple filtration prior to discharge and consequently can only be used to irrigate non-publicly accessible landscapes.

The JBA report concluded that with limited volumes of greywater available from the public facilities alone, and health restrictions on where the untreated greywater could be used, a small GDD system would deliver limited sustainability value beyond being a demonstration project, refer Attachment 1.

JBA provided a capital cost estimate of $15,000 to supply and install a 200L tank and flow control to handle up to 5,000L to irrigate around 1,000m². Ongoing operating and maintenance costs were estimated at $250 per annum. The payback period for the capital outlay was calculated based on four (4) scenarios:

- **41 years** assuming scheme water savings from a two day watering regime (i.e. with restrictions) and LGA exemption from sewer discharge fees;
- **27 years** assuming scheme water savings from a daily watering regime with flows that match native vegetation demand (i.e. 1,250L) and LGA exemption from sewer discharge fees;
- **20 years** assuming scheme water savings from a daily watering regime with flows that match native vegetation demand (i.e. 1,250L) and sewer discharge fee savings; and
- **4 years** assuming scheme water savings from a daily watering regime with flows that match Department of Health maximums (i.e. 5,000L) and sewer discharge fee savings.

Despite JBA cost estimate being well within the $100,000 value set by the January Council resolution, the payback periods (41 and 27 years) when considering the City is exempt from paying sewer discharge fees do not meet the elected ten (10) year limit. These findings were reported at the 27 May 2015 Meeting where Council subsequently resolved to:

1. **That Council approve further investigations, to expand greywater reuse in Leighton Beach and other locations** where significant development is in close proximity to reserves and recreational facilities that have high water use.
2. **That Council considers the merits of a small localised greywater reuse system at the Leighton Beach Kiosk** as a community demonstration project and approves $15,000 funding from the Sustainability Reserve in the draft 2015/2016 budget for the for grey water recycling at Leighton Beach in order to reduce our scheme water use in line with the One Planet Policy and Water Conservation Strategy.

Works have commenced at the Leighton Beach Kiosk and the facility is being plumbed into a duel pipe system that future proofs the installation of either a small or expanded greywater reuse system should the Council consider there to be merit. This paper provides an update on investigations to expand greywater reuse and presents a summary of the merits of a small demonstration GDD system at the Leighton Beach Kiosk for Council consideration.
COMMENT

*Leighton Beach small greywater system - MERITS*

A small demonstration GDD system at Leighton Beach Kiosk would provide a high
degree of exposure to the Fremantle community and general public, who visit the beach
reserve and parkland facilities. The site is open to the public at all times and the
landscaping receiving the water can be easily viewed from surrounding paths and
elevated walkways. As such design consideration must be given to preventing human
contact with the untreated greywater to avoid contact with disease pathogens and
accumulated fats.

To further investigate the merits of a small demonstration GDD system at Leighton
Beach Kiosk, project Architects Bernard Seeber were instructed to conduct a market
appraisal for a GDD ‘design and construct package’. Bernard Seeber’s preliminary
consultation with industry indicated the approved funding was likely to be inadequate,
refer Attachment 2.

Advanced Waste Water Systems Pty Ltd (AWWS) and Aquarius Wastewater
Management Pty Ltd (AWM) provided the following quotes for a 1000m2 irrigation field:

- **$20,000** AWWS 200L below ground tank emptied intermittently to set flow volume
  (excludes disinfectant);
- **$32,000** AWWS 150L below ground tank plus 5000L above ground tank with the
  small tank emptied intermittently to set flow volume and large tank emptied on
  predetermined schedule (excludes disinfectant);
- **$42,150** AWM 6000L below ground tank emptied on predetermined schedule; and
- **$47,000** AWWS 5000L below ground tank emptied on predetermined schedule.

This indicates a GDD ‘design and construct package’ would cost between 1.3 and 3.1
times more than the $15,000 approved funding. In turn, the increased cost would extend
the payback periods by the same proportion. Market price differentials relate to tank
composition and installation as well as the distribution regime e.g. intermittently versus
predetermined schedule. The 200L system emptied intermittently most closely aligns
with JBA original specifications.

Notwithstanding the market costs and payback periods, the suitability of such a system
to irrigate sensitive coastal landscapes within a Class A Reserve should also be
considered. The coastal foreshore is typically stabilised with sand trapping matting or
brushing and planted into during winter with native species that mat over the ground to
stabilise the loose sand dunes.

Coastal dune plants are adapted to very low nutrient environments, along with most
West Australian native species and do not tolerate even small applications of
phosphorus. Phosphorus can be found in untreated greywater from GDD systems in the
form of cleaning agents such as salts and chemicals which are harmful to coastal and
native plants. As such the existing native plants would need to be replaced with species
more tolerant to untreated greywater applications.
Soil improvers for the new planting would promote nutrient supply and slow the leaching of any contaminants from the untreated greywater through to the ground water. Planting and soil improvement costs have not been included in the above market appraisal but have been estimated by the City’s Parks Manager to be around $30,000.

The Coogee Beach Surf Club demonstration project in the City of Cockburn offers some further insight into the operation of a small GDD system. The installation is a closed system taking shower water and delivering it directly (i.e. untreated) to a grassed area that is non-accessible to the public (i.e. fenced). The collection tank must be topped up regularly with scheme water due to the greywater supply from the surf club being inadequate to sustain the landscaping. In addition the tank must be flushed daily to avoid the stagnation of untreated greywater that may create health issues.

The market appraisal and additional estimated landscaping fees indicate a small demonstration GDD system at Leighton Beach would not meet the payback period (as the City is exempt from sewer fees) set by the January Council resolution, nor would it meet the approved funding limit set by the May Council resolution. Notwithstanding if Council are minded to pursue the small GDD system as a demonstration project the following alternative resolution is recommended:

*That Council considers a small localised greywater diversion device reuse system at the Leighton Beach Kiosk of merit as a demonstration project and approves up to $35,000 funding from the Green Plan Reserve in the 2015/16 budget for the design and construction of the system and replanting/soil improvement costs, in addition to the $15,000 funding approved under item SGS1505-12.*

*Leighton Beach expanded greywater reuse - INVESTGATIONS*

A more sophisticated greywater treatment system (GTS) would treat the greywater to a standard suitable for publicly accessible landscapes and non-potable uses (e.g. toilet flushing). There is currently only one GTS approved for use in WA, the Nubian GT600. The viability of a GTS at Leighton Beach would be dependent on partnering with nearby landowners and Department of Health approval of the system’s design.

JBA report states a GTS developed in partnership with the private sector will offer different economies to a smaller GDD system, as private development will benefit from saving on sewer discharge fees. For budgeting purposes JBA provided an estimate in the range of $25,000 - $30,000 to investigate the feasibility of a GTS at Leighton Beach in partnership with the private sector. This fee is subject to the number of meetings and the extent of any negotiations required, refer to Attachment 3.

A neighbouring hotel developer indicated in-principle support for partnering on a greywater system. However, on closer investigation, this offer extended to allowing the City to harvest the development’s untreated surplus greywater only, refer Attachment 4 and 5.

Internal liaison with the City’s Manager Development Approvals revealed opportunities may exist to develop a GTS in partnership with the private sector through the development of land at Lot 5 Leighton Beach Boulevard, currently in LandCorp ownership. This is considered to be long term opportunity as development timings are unknown. That said the capital works currently underway have future proofed the City’s infrastructure to allow for this possibility by plumbing the kiosk into a duel pipe system.
Notwithstanding the potential long term opportunities to partner with the private sector, the suitability of installing a larger, more industrial greywater system within a Class A Reserve and the likely knock on impacts on the native vegetation should be considered. In addition impacts on views and the local amenity should also be considered.

However, if Council are minded to investigate partnership opportunities with the private sector to design and construct a GTS at Leighton Beach in the long term, the following alternative resolution is recommended:

_That Council approve investigations into the feasibility of a greywater treatment and reuse system at Leighton Beach in partnership with the private sector as part of a long term outcome and approves up to $35,000 funding (including meeting contingency) from the Sustainability Reserve in the 2015/16 budget to undertake this work._

NOTE: the alternative GTS resolution is deemed to be mutually exclusive from the alternative GDD resolution.

_Other expanded greywater reuse - INVESTGATIONS_
Outside of sensitive coastal landscapes, there is great potential to expand greywater solutions and embed these as usual business across the city through the delivery of the draft Green Plan and adopted Water Conservation Strategy. Certainly opportunities exist in the development of small GDD systems for community gardens, where planting is more tolerant of phosphorus. In these situations there is closer community collaboration, monitoring and management of the systems. Further low energy capture, water quality improvement and use for garden purposes is more aligned to the nature and scale of the supply and use.

Small scale community owned GDD projects also provide the opportunity for experimentation and more responsive adaptation of systems over time. Community garden projects are required to be developed with a sustainable business model. So where applicants may wish to include a GDD system, it is incumbent on them to ensure it has a short pay back and fit for purpose use. Through the draft Green Plan and the adopted Water Conservation Strategy the City is empowering community groups to establish community gardens and can also provide advice on GDD systems.

Other opportunities for greywater systems exist where sports and community groups lease City facilities adjacent to landscaped areas. These opportunities are being explored through the draft Green Plan (notably action 5.2) and the adopted Water Conservation Strategy. Further opportunities to use (un)treated greywater can also be investigated for City assets such as the new Depot and as part of the City’s live hydrozoning program.

**RISK AND OTHER IMPLICATIONS**

**Financial**
Implementation of the Officer’s recommendation will have nil financial impact at this time as investigations to expand greywater solutions and embed these as usual business
through the delivery of the draft Green Plan and adopted Water Conservation Strategy will initially be conducted in-house.

Pending Council’s resolution, the design and construction of a small GDD system (200L) at the Leighton Beach Kiosk as a demonstration project is estimated to cost up to $50,000 including the necessary replanting and soil improvement works. While investigations into the feasibility of GTS at Leighton Beach in partnership with the private sector is estimated to cost up to $35,000 (including meeting contingency). These projects are deemed to be mutually exclusive.

Legal

Significant regulations exist around greywater reuse, particularly related to treatment systems. Pending the Council’s resolution possible impacts require further investigation, notably should Council wish to pursue the option to investigate the feasibility of GTS at Leighton Beach in partnership with the private sector.

Operational

Officer time will be required to undertake investigations to expand greywater solutions and embed these as usual business through the delivery of the draft Green Plan and adopted Water Conservation Strategy.

Pending the Council’s resolution officer time may be required to support the GTS feasibility investigations at Leighton Beach. Should the feasibility investigations at Leighton Beach be pursued officer time will also be required to negotiate with potential developers. Further significant allocation of technical officer time will be required to support the development and installation of a GTS itself, if it is deemed feasible.

Organisational

Nil

CONCLUSION

On consideration of the report provided by Bernard Seeber and the merits/opportunities discussed in this paper, it is recommended that Council support investigations to expand greywater solutions and embed these as usual business through the delivery of the draft Green Plan and adopted Water Conservation Strategy but do not proceed with a small demonstration GDD system at Leighton Beach Kiosk.

STRATEGIC AND POLICY IMPLICATIONS

Greywater reuse supports the draft Green Plan, adopted Water Conservation Strategy, One Planet Fremantle targets around Sustainable Water use and meets the Strategic Focus Area: Environmental Responsibility.
COMMUNITY ENGAGEMENT

At this stage little community engagement is required aside from some targeted consultation with key stakeholders such as the Department of Health should the GTS feasibility investigations at Leighton beach be pursued.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S RECOMMENDATION

1. The evaluation finding that there is no merit in proceeding with a small localised greywater reuse system at the Leighton Beach Kiosk as a community demonstration project is noted, and the approved $15,000 funding be returned to the Sustainability Reserve identified in the 2015/16 budget.

2. Further investigations to expand greywater solutions and embed these as usual business through the delivery of the draft Green Plan and adopted Water Conservation Strategy be undertaken.

Cr A Sullivan MOVED part 1 of the Officer's Recommendation

1. The evaluation finding that there is no merit in proceeding with a small localised greywater reuse system at the Leighton Beach Kiosk as a community demonstration project is noted, and the approved $15,000 funding be returned to the Sustainability Reserve identified in the 2015/16 budget.

Lost: 2/4

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Cr R Pemberton MOVED the following alternative as a new part 1 of the recommendation:

That Council approve investigations into the feasibility of a greywater treatment and reuse system at Leighton Beach in partnership with the private sector as part of a long term outcome and approves up to $35,000 funding (including meeting contingency) from the Sustainability Reserve in the 2015/16 budget to undertake this work.

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<td>Cr Andrew Sullivan</td>
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REASONS FOR CHANGE TO OFFICER’S RECOMMENDATION

The committee felt that there was opportunity to further investigate the feasibility of a grey water reuse system at Leighton Beach and allowed for a larger budget in 2015/16 to conduct the investigation.

Cr A Sullivan MOVED part 2 of the Officer's Recommendation:

2. Further investigations to expand greywater solutions and embed these as usual business through the delivery of the draft Green Plan and adopted Water Conservation Strategy be undertaken.

CARRIED: 6/0

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COMMITTEE RECOMMENDATION

1. That Council approve investigations into the feasibility of a greywater treatment and reuse system at Leighton Beach in partnership with the private sector as part of a long term outcome and approves up to $35,000 funding (including meeting contingency) from the Sustainability Reserve in the 2015/16 budget to undertake this work.

2. Further investigations to expand greywater solutions and embed these as usual business through the delivery of the draft Green Plan and adopted Water Conservation Strategy be undertaken.
SGS1509-19  ACCEPTANCE OF FUNDING FOR "REVEALED - EMERGING ABORIGINAL ARTIST'S" AT FREMANTLE ART CENTRE

ECM Reference: 102/009
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: Nil
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Alan Carmichael, Finance Manager
Decision Making Authority: Council
Agenda Attachments: Nil

EXECUTIVE SUMMARY

The Department of Culture and the Arts (DCA) has invited Fremantle Arts Centre to present and host “Revealed – Emerging Aboriginal Artists from WA” at the Arts Centre in April 2016. A special project grant of $170,000 + GST is offered to enable the project to be presented.

BACKGROUND

Revealed is an annual or bi-annual event funded directly by DCA that brings all 25 remote Western Australian Aboriginal arts centres to Perth for a one day market to sell work by emerging Aboriginal artists. Revealed also comprises an exhibition, a professional development program for arts centre workers and a public symposium. In recent years Revealed has been held in the Perth Cultural Centre utilising the Urban Orchard, the State Library Theatrette and Central TAFE Gallery. For 2016 DCA has invited Fremantle Arts Centre to host and coordinate Revealed, with a commitment given for one year only.

All projects costs will be met by the special grant and will not incur any unbudgeted expenses by the City.

COMMENT

Revealed is a high profile and prestigious event, highly valued by DCA, the general public, and the visual arts sector as a key program that offers direct support to Western Australian remote Aboriginal arts centres. The Arts Centre has the capacity and experience to present this event, which will also enhance the reputation of the City and Arts Centre as being supportive of Western Australian Aboriginal art.

The public symposium will be held in the Fremantle Town Hall which will further assist in the re-activation of the town hall as a lively and relevant local amenity.
RISK AND OTHER IMPLICATIONS

Financial
All costs of project met by external funding.

Legal
All stakeholders and contractors to be contracted as required.

Operational
Nil

Organisational
Nil

CONCLUSION
There are no extraordinary risks or adverse implications to the project. It offers a great opportunity for the Fremantle Arts centre to be involved in this prestigious event, bringing a focus on Aboriginal Arts and attracting visitors to Fremantle.

STRATEGIC AND POLICY IMPLICATIONS
The project contributes to Fremantle’s core vision “For Fremantle to be recognised as a unique city of cultural and economic significance”.

COMMUNITY ENGAGEMENT
Nil

VOTING AND OTHER SPECIAL REQUIREMENTS
Absolute Majority Required
COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr A Sullivan

1. Council accepts the $170,000 + GST special project grant from the Department of Culture and the Arts for the presentation in April 2016 of the project, ‘Revealed - Emerging Aboriginal Artists from WA”.

2. That the 2015/16 Budget be amended as summarised below.

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<th>Variation to Budget Expenditure/ (Revenue)</th>
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SGS1509-9 ‘SALT ON THE BEACH’ - EXTENDED DINING AT PORT BEACH

DataWorks Reference: 341563
Disclosure of Interest: Nil
Meeting Date: 16 September 2015
Previous Item: N/A
Responsible Officer: Marisa Spaziani, Director Community Development
Actioning Officer: Pete Stone, Manager Arts and Culture
Decision Making Authority: Council
Agenda Attachments:
1. Extended dining area
2. Concert area
3. Salt on the Beach Application and Management Plan

EXECUTIVE SUMMARY

Local restaurant Salt on the Beach has submitted three proposals to:

1. Host sunset dining events on the western side of the restaurant at Port Beach as part of an extended licensed area. Salt is proposing to hire the Port Beach area on 12 Friday nights between 6 November 2015 and 29 April 2016 (weather dependent). Service will be from 6pm to 9.30pm. One hour either side of service time allowed for set up and pack down. The activity will include table service dining and acoustic music. Alcohol will be served. The beach area requested for use is 7m x 13m (see attachment 1). Capacity is for 50 diners. The City charges hire fees are $248 per day plus a one off $93 booking fee and $5,000 bond which is rolled over for each event. Fee based on half day reserve hire, from fees and charges schedule 2015/16.

2. Host a New Year’s Eve Concert 31/12/15 utilising existing premises and an 80m x 15m area of the beach from (see attachment 2). This will be a ticketed, concert event with live music and DJ’s. Two stages inside the venue and one on the beach. Alcohol and food will be served. Event will run from 6pm to 2am. Capacity of event is 2,300 (1,500 inside venue, 800 on beach). The infrastructure for the event will be set up on the day of the event. There is no request for the waiving of hire fees - the City will be charging hire fees to the total of $489 per day plus the $93 booking fee and a bond of $5,000 per event. Fee based on full day reserve hire, from fees and charges schedule 2015/16.

3. Host a New Year’s Day Concert 1/1/16 utilising existing premises and an 80m x 15m area of the beach from (see attachment 3). This will be a ticketed, concert event with live music and DJ’s. Two stages inside the venue, one on the beach. Alcohol and food will be served. Event will run from 12 noon to 10pm. Capacity of event is 2,300 (1,500 inside venue, 800 on beach). The infrastructure for the event will be set up on the day and packed down early the following day. There is no request for the waiving of hire fees - the City will be charging hire fees to the total of $489 per day plus the $93 booking fee and a bond of $5,000 per event. Fee based on full day reserve hire, from fees and charges schedule 2015/16.
As all proposals are commercial ventures council approval is required.

Key points related to the event are:

- The event area will be subject to extensive cleaning after each event to ensure no rubbish is left behind.
- There will be no glass served on the beach.
- Metal cutlery will be used by patrons on the beach area for extended dining proposal, but is easily detectable in the clean-up process.
- Sand dunes will not be used for the events and will be fenced off to ensure appropriate dune protection for the New Year’s Eve and New Year’s Day concerts.
- With respect to noise management, the area is considered to be ideal due to its relative isolation.
- The restaurant operator is familiar with tidal patterns and will plan set up accordingly.

BACKGROUND

Council approved Salt’s extended dining area last summer for 8 events. The events were popular with the public and attracted some positive media for the city. Salt are looking to extend the offering this year by running 12 events over the summer period.

Council has approved Salt on the Beach running New Year’s Eve and New Year’s Day concerts for several years. The events have been well organised and attended and attracted positive publicity. There was an incident with bean bags splitting last season creating an environmental issue so we will be recommending there is no use of polystyrene products this season.

COMMENT

The benefits to Fremantle from hosting the outdoor dining series are:

- Keeping Fremantle ‘top-of-mind’ for interstate/international tourists and visitors from the Perth metropolitan area.
- The opportunity for local musicians to participate in the events.
- It is expected positive media attention will highlight Fremantle’s world-class beaches and views.
- Direct revenue for the City of Fremantle from fees and charges.

OFFICERS COMMENT: MANAGER ECONOMIC DEVELOPMENT AND MARKETING

Outcome 2 of the Economic Development Strategy 2015-2020 is to attract a greater number of people to live in, work in and visit Fremantle. The proposed events will help to attract more visitors to Fremantle by offering an authentic experience in a high amenity location. The events should provide a positive portrayal of the business and Fremantle as a whole, which should generate repeat visitation to the city in the future.

OFFICERS COMMENT: PARKS MANAGER
The Parks and Landscape team are not opposed to the proposed events providing the planned measures to protect the environmental values of the coastal vegetation and general area are implemented. Salt are to ensure that no polystyrene products are used on the beach, including as filling for furniture. They must also have in place effective controls for managing negative impacts on the dunes and beach from members of the public who may be attracted to the outside perimeter of the extended dining area.

**RISK AND OTHER IMPLICATIONS**

**Financial**
N/A

**Legal**
N/A

**Operational**
Salt on the Beach have submitted their existing Management Plan, House Management Policy and Code of Conduct documents (Attachment 3). They will be required to submit a detailed site plan indicating exits, fencing, first aid and security for all events as required.

**Organisational**
Environmental Health will require the following permits and certificates at least 60 days prior to the event:

- Public building certificate, structural engineer’s certificate (stage/structures), certificate of electrical compliance (if required).
- Food permits.
- Occasional liquor license.

**CONCLUSION**

Extending Salt on the Beach for these special dining evenings and New Year’s Eve and New Year’s Day concerts will attract people from across the Perth metropolitan area and interstate/international tourists and add to the overall appeal of Fremantle as a visitor destination. It is recommended that the City support the event by approving the proposals.

**STRATEGIC AND POLICY IMPLICATIONS**

The agreement reflects the City’s goal that Fremantle be recognised as a unique city of cultural and economic significance. The events will also help to achieve the goals of the Fremantle Marketing Plan.

**COMMUNITY ENGAGEMENT**

Stakeholders will be engaged in detail by the event organiser should Council approve this report.
VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S RECOMMENDATION

1. That council approves access to Port beach for Salt on the Beach to host sunset dining events on Friday nights (12 events maximum) between 6 November 2015 until 29 April 2016 (weather dependent) with the following conditions:

   a. No fees or charges will be waived. The event organiser will be charged the hire fee of $248 per event (only if the event occurs) and a one off booking fee of $93 as well as a bond of $5,000. Fees charged are allocated to improving facilities in the local area.

   b. No polystyrene products to be used.

   c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.

   d. The City reserves the right to cancel any of Salt’s Friday night bookings if a public concert is approved for the Port or Leighton Beach areas.

2. That council approves access to Port Beach for Salt to host a New Year’s Eve Concert on 31/12/15 from 6pm to 2am for a maximum of 2,300 guests with the following conditions:

   a. No fees or charges will be waived. The event organiser will be charged the hire fee of $489 and a one off booking fee of $93 as well as a bond of $5,000. Fees charged are allocated to improving facilities in the local area.

   b. The event organiser fences off all sand dunes in the area to protect the environment and dune vegetation from event patrons. No polystyrene products to be used.

   c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.

3. That council approves access to Port Beach for Salt to host a New Year’s Day Concert on 1/1/16 from 12 noon to 10pm for a maximum of 2,300 guests with the following conditions:

   a. No fees or charges will be waived. The event organiser will be charged the hire fee of $489 and a one off booking fee of $93 as well as a bond of $5,000. Fees charged are allocated to improving facilities in the local area.
b. The event organiser fences off all sand dunes in the area to protect the environment and dune vegetation from event patrons. No polystyrene products to be used.

c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.

Cr A Sullivan MOVED parts 1 and 2 of the Officer’s Recommendation:

1. That council approves access to Port beach for Salt on the Beach to host sunset dining events on Friday nights (12 events maximum) between 6 November 2015 until 29 April 2016 (weather dependent) with the following conditions:

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b. No polystyrene products to be used.

c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.

d. The City reserves the right to cancel any of Salt’s Friday night bookings if a public concert is approved for the Port or Leighton Beach areas.

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b. The event organiser fences off all sand dunes in the area to protect the environment and dune vegetation from event patrons. No polystyrene products to be used.

c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.

CARRIED: 6/0

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Cr A Sullivan MOVED part 3 of the Officer’s Recommendation:

3. That council approves access to Port Beach for Salt to host a New Year's Day Concert on 1/1/16 from 12 noon to 10pm for a maximum of 2,300 guests with the following conditions:

   a. No fees or charges will be waived. The event organiser will be charged the hire fee of $489 and a one off booking fee of $93 as well as a bond of $5,000. Fees charged are allocated to improving facilities in the local area.

   b. The event organiser fences off all sand dunes in the area to protect the environment and dune vegetation from event patrons. No polystyrene products to be used.

   c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.
CARRIED: 4/3

Cr A Sullivan used his casting vote FOR the recommendation resulting in it being CARRIED.

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COMMITTEE RECOMMENDATION

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   c. Costs associated with health and compliance permits as well as professional beach raking and any additional clean up required are charges to be imposed on the event organiser.
ELECTED MEMBER SUMMARY

Since 2011 the Fremantle Foundation has grown at a strong rate. With an operational spend of approximately $110,000 and one staff member the Foundation has managed to achieve:

- $421,000 in donations (an increase from the $140,000 in 2014)
- Granted $200,000 in distributions to organisations in the Fremantle area (an increase from the $50,000 in 2014)
- Grown the sustainable, long term endowment to $412,000 (an increase from the $140,000 total at the start of year)

In 2015 for every dollar invested in the Fremantle Foundation's capacity:

- $3.8 were received in donations
- $1.8 were granted to the community

An endowment has grown to $412,000 that will return at least 4% (the legal amount) into the community in an ongoing way. In the next 12 months the Foundation is on target to replicate the 2015 performance. With an improved operating environment the Foundation is confident it can increase the return on investment to at least $5 raised for every $1 invested. It has a long term (4 -10 years) aim of raising $10 for every $1 invested in operations.

Currently the Foundation operates substantially with one staff member. To enable the Foundation to maximise it’s fundraising capacity and achieve its long term goals it needs administrative support to enable freeing up of resources to grow its income stream. This will have a multiplier effect as it will free up resources to focus on donor relations and fundraising.
Given Council’s support for other organisations who have a strong community benefit focus it would be appropriate to consider how Council can further assist the Foundation to maximise its capacity to return benefit to the community by assisting the Foundation to employ a Part Time Operations Manager in the next financial year.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

NOTICE OF MOTION

COMMITTEE RECOMMENDATION

MOVED: Cr D Thompson

1. Consideration be given to assisting the Fremantle Foundation with additional resource capacity in the 2016-2017 budget.

2. The CEO discuss resource requirements with the Fremantle Foundation to enable Council to make a considered decision on potential assistance during the Budget process.

CARRIED: 6/0

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ELECTED MEMBER SUMMARY

On 23 October 2014 the SMRC wrote to the City of Rockingham to request a refund of Carbon Taxes paid by the SMRC on behalf of its members for early collected Carbon Taxes that are no longer due.

Correspondence from the City of Rockingham 1 July 2015 to SMRC on this matter stated that the City had concluded that it was under no statutory obligation to refund under the repealing legislation any monies it may have received in relation to the Carbon Tax. On 7 August 2015 a response to this letter was sent from the SMRC to the CEO of the City of Rockingham who had advised that the City was considering its response to customers on 10 August 2015.

The Australian Local Government Association (ALGA) and Australian Landfill Owners Association (ALOA) adopted Protocols to encourage Landfill owners to return Carbon Tax payments to customers. Statements issued by the Government and the Australian Competition and Consumer Commission (ACCC) also endorse the expectation that landfill operators who collected monies under the carbon tax for a future liability, which no longer exists as a result of the carbon tax repeal, should not “profit” from the repeal. These protocols and statements clearly show that the SMRC and its members are entitled to a refund from the City of Rockingham.

The SMRC have sufficient internal record keeping to ensure that these monies can be appropriately allocated and returned to its five local council members and therefore can comply with the objective of the Protocol. SMRC member councils are collectively owed $378,764.72. The proportional entitlement for Fremantle of the SMRC Carbon Tax refund is $41,306.86. SMRC has already formally resolved that the Carbon Tax refund will be returned on receipt to Fremantle Council.

While the case may be argued that there is a no legal obligation for Rockingham to return the Carbon Tax monies received through SMRC from Fremantle Council there is clearly a strong moral and community responsibility argument (supported by ALGA, the ALOA and the ACCC) that where it is possible to do so the monies received for the carbon tax should be returned.
VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority

NOTICE OF MOTION

COMMITTEE RECOMMENDATION

MOVED: Cr D Thompson

1. The CEO and Mayor seek a meeting with the CEO and Mayor of Rockingham to seek recovery of Fremantle's carbon tax contribution (plus interest)

2. Council consider ways in which the Carbon Tax refund (if successfully recovered) can be returned to ratepayers.

CARRIED: 6/0

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CONFIDENTIAL MATTERS

At 7.47 pm Cr A Sullivan declared a financial interest in item number SGS1509-18 and was absent during discussion and voting of this item. Cr Sullivan did not return to the chamber.

At 7.47 Cr David Hume assumed the chair.

At 7.48pm Cr D Hume MOVED that item number SGS1509-18 be closed to members of the public in accordance with Section 5.23(2) (e) of the Local Government Act.

RESOLUTION FOR CONFIDENTIALITY

MOVED: Cr D Hume

That item SGS1509-18 be closed to members of the public in accordance with Section 5.23(2) (e) of the Local Government Act 1995.

CARRIED: 4/1

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At 7.48pm Cr D Hume requested the public to vacate the chamber to allow discussion on item SGS1509-18, which was deemed to be confidential.
SGS1509-18 EXTENDED TRADING AREAS HIGH STREET MALL REVITALISATION

ECM Reference: 068/046
Disclosure of Interest: NIL
Meeting Date: 16 September 2015
Previous Item: Nil
Responsible Officer: Tom Griffiths, Manager Economic Development and Marketing
Actioning Officer: Matt Hammond, Economic Development
Decision Making Authority: Council
Agenda Attachments:
1. High Street Mall Tenancy Mix Strategic Directions
2. High Street Mall Workshop report

REASON FOR CONFIDENTIALITY

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

(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

CLOSURE OF MEETING

THE DEPUTY PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 7.59 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.

<table>
<thead>
<tr>
<th>How consultative processes work at the City of Fremantle</th>
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<tr>
<td><strong>The City’s decision makers</strong></td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td><strong>Various participation opportunities</strong></td>
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<tr>
<td>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.</td>
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<tr>
<td><strong>Objective processes also used</strong></td>
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<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>All decisions are made by Council or the CEO</strong></td>
</tr>
<tr>
<td>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).</td>
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<tr>
<td><strong>Precinct focus is primarily local, but also city-wide</strong></td>
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<td>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.</td>
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<tr>
<td><strong>All input is of equal value</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Decisions will not necessarily reflect the majority view received</strong></td>
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<tr>
<td>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 clearly outline from the outset any constraints or</td>
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<tr>
<td>How consultative processes work at the City of Fremantle</td>
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<tr>
<td>----------------------------------------------------------</td>
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<tr>
<td>limitations associated with the issue.</td>
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<tr>
<td>Decisions made for the overall good of Fremantle</td>
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<tr>
<td>Diversity of view on most issues</td>
</tr>
<tr>
<td>City officers must be impartial</td>
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</table>
### How consultative processes work at the City of Fremantle

<table>
<thead>
<tr>
<th>Community engagement processes have cut-off dates that will be adhered to</th>
<th>12. As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, 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.</th>
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<tr>
<td>Citizens need to check for any changes to decision making arrangements made</td>
<td>13. The City will take initial responsibility for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting 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.</td>
</tr>
<tr>
<td>Citizens are entitled to know how their input has been assessed</td>
<td>14. In reporting to decision-makers, City officers will in all cases produce a community engagement outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</td>
</tr>
<tr>
<td>Reasons for decisions must be transparent</td>
<td>15. Decision-makers must provide the reasons for their decisions.</td>
</tr>
<tr>
<td>Decisions posted on the City’s website</td>
<td>16. Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at the City’s website under ‘community engagement’ or at the City Library or Service and Information Centre.</td>
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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.