



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday 14 June 2023 6pm



Notice of Finance, Policy, Operations and Legislation Committee Meeting

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday 14 June 2023** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'M. Hammond'.

Matt Hammond
Director City Business

8 June 2023



Table of Contents

1. Official opening, welcome and acknowledgement	4
2. Attendance, apologies and leaves of absence	4
3. Disclosures of interests by members.....	4
4. Responses to previous questions taken on notice	4
5. Public question time.....	4
6. Petitions.....	4
7. Deputations.....	5
7.1 Special deputations.....	5
7.2 Presentations	5
8. Confirmation of minutes	5
9. Elected member communication.....	5
10. Reports and recommendations.....	6
10.1 Committee delegation	6
FPOL2306-1 TRAFFIC CALMING PETITIONS – OLDHAM CRESCENT AND BROMLEY ROAD	6
FPOL2306-2 PARKLET APPLICATION – 96 HIGH STREET FREMANTLE (PALACE ARCADE) - ASSESSMENT.....	10
FPOL2306-3 SPONSORSHIP REQUEST - CROATIAN FOLKLORIC GROUP “ZAGRAB” ..	13
10.2 Council decision	16
FPOL2306-4 DELEGATED AUTHORITY REGISTER REVIEW 2023/2024.....	16
FPOL2306-5 NARROW STREETS – SAFE ACCESS POLICY.....	20
FPOL2306-6 TRAFFIC CALMING POLICY.....	24
FPOL2306-7 FREMANTLE RECLINK COMMUNITY CUP	28
FPOL2306-8 DESTINATION DEVELOPMENT STRATEGIC PLAN 2023 –2027	34
FPOL2306-9 DISPOSAL OF ENCROACHED LAND – 11-13 BARNETT STREET	41
FPOL2306-10 PROPOSED LEASE FOR 13 SOUTH TERRACE, FREMANTLE	46
FPOL2306-11 CLANCY’S FISH PUB LEASE AND PRINCESS MAY PARK PLAYGROUND ..	62
FPOL2306-12 CORPORATE ENERGY PLAN UPDATE	71
FPOL2306-13 LARGE SCALE EVENTS AT ESPLANADE RESERVE	87
11. Motions of which previous notice has been given	93
12. Urgent business	93
13. Late items	93
14. Confidential business	94
FPOL2306-14 EXPRESSIONS OF INTEREST – LEASE OF THE FREMANTLE PUBLIC GOLF COURSE	94
15. Closure	94



1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leaves of absence

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

3. Disclosures of interests by members

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

4. Responses to previous questions taken on notice

There are no responses to public questions taken on notice at a previous meeting.

5. Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. Petitions

Petitions to be presented to the committee.

Petitions may be tabled at the meeting with the agreement of the presiding member.



7. Deputations

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

There are no special deputation requests.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 10 May 2023.

9. Elected member communication

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



10. Reports and recommendations

10.1 Committee delegation

FPOL2306-1 TRAFFIC CALMING PETITIONS – OLDHAM CRESCENT AND BROMLEY ROAD

Meeting date: 14 June 2023
Responsible officer: Principal Assets, Engineering and Infrastructure Management
Decision making authority: Committee
Attachments: Nil

SUMMARY

Following site meetings with the respective petitioners from Bromley Road, Hilton and Oldham Crescent, Hilton this report recommends that officers continue to collaborate with the petitioners and submit an improved line-marking proposal to Main Roads for both roads.

The report proposes continued traffic planning analysis for heavy vehicle frequency across Hilton and O'Connor and also the development of a project proposal - to include footpath modifications to improve pedestrian access around Grigg Park - for inclusion in the forward capital works program for consideration as part of the Councils annual budget process.

BACKGROUND

The City received three traffic calming petitions between August 2022 and October 2022 for the following locations:

1. Biddles Lane, White Gum Valley
2. Bromley Road, Hilton
3. Oldham Crescent, Hilton (this petition also included suggested footpath modifications around Grigg Park)

Officers completed an assessment of the three locations and their respective petition proposals and subsequently reported their findings to the Finance, Operations and Legislation Committee in April 2023.

Whilst the recommendation relating to Biddles Lane was approved, Committee did not endorse the recommendations presented for the traffic calming petitions pertaining to Bromley Road, Hilton and Oldham Crescent, Hilton (this petition also included suggested footpath modifications around Grigg Park) as it was felt that the petitioners were not suitably consulted prior to the officer's report.

Officers have subsequently met with the petitioners and elected members twice in May 2023 on site at Bromley Road and Oldham Crescent.

FINANCIAL IMPLICATIONS

There are no financial implications in respect to the traffic calming and traffic planning requests at this stage of the preliminary investigation.

Potential access improvements at Grigg Park would have a financial implication and these would need to be developed in consultation with the community and included for consideration by Council as part of the annual budget process.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Ongoing updates on progress with petitioners and elected members will continue for all recommendations.

OFFICER COMMENT

The below petitions were initially analysed using the City's Traffic Warrant System:

1. Bromley Road, Hilton - 55 residents requesting traffic calming. Residents' expressed concern with excessive speeding down the road and existing traffic calming devices on Collick Street potentially diverting traffic down Bromley Road.
2. Oldham Crescent, Hilton. 38 residents requesting traffic calming (speed bump, island for road narrowing and signage); the petition also requested footpath improvements around Grigg Park.

The City's quantitative Traffic Warrant System was utilised as a preliminary tool to identify if immediate traffic calming was warranted. The warrant system is an assessment that utilises travel speed, traffic volume, crash data, activity areas, amenity, and existing road design to develop an overall quantitative score. This scoring technique has been applied to each petition / area of assessment and has been compared against the threshold levels for (potential) intervention.

The warrant system did not identify further action being required.

Following a review and feedback from local petitioners and from officer observations during the site investigation and assessment. The following findings have been noted:

- In reviewing warrant assessments, it was found that both Bromley Road and Oldham Crescent have high heavy vehicle usage for residential streets.
 - *The traffic Warrant System noted Bromley Road/Oldham Crescent – 12% - 14% traffic was heavy vehicles.*
 - *Heavy vehicle traffic from O'Connor should be utilising Stock Road and not suburban streets in Hilton.*
 - *Aegis Aged Care facility on Bromley Road had several heavy vehicles exit using the full segment on Bromley Road. Heavy vehicles should immediately exit off Bromley Road onto Collick Street.*
- The visual site investigation for Oldham Crescent and Bromley Road revealed that majority of motorists were driving in the middle of the road.
 - *Road length and gradient appear to be responsible for this behaviour.*
- Further analysis of Google Map routes identified Hilton in general being the quickest route from O'Connor industrial area to Spearwood/Bibra Lake industrial areas.

Officers will use the above findings to conduct a traffic planning investigation to identify why a large proportion of heavy vehicles utilise Hilton suburban roads.

As identified in the previous report – it is acknowledged that the footpaths around Grigg Park do not offer sufficient compliant access to the park for pedestrians. Several pram ramps and small path panels are required to enable access.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.



OFFICER'S RECOMMENDATION

Council:

- 1. Note the findings from the site assessments from officers relating to traffic at Bromley Road, Hilton and Oldham Crescent, Hilton as highlighted in the petitions submitted.**
- 2. Request officers:**
 - a) Develop a project proposal to include footpath modifications to improve pedestrian access around Grigg Park, for inclusion in the forward capital works program for consideration as part of the Councils annual budget process.**
 - b) Continue ongoing collaboration with petitioners.**
 - c) Proceeds with submitting a line-marking improvement proposal to Main Roads for both Bromley Road, Hilton and Oldham Crescent, Hilton.**
 - d) Continue to progress the traffic planning analysis for heavy vehicle frequency across Hilton and O'Connor.**



**FPOL2306-2 PARKLET APPLICATION – 96 HIGH STREET FREMANTLE
(PALACE ARCADE) - ASSESSMENT**

Meeting date: 14 June 2023
Responsible officer: Principal Assets Engineering and Infrastructure Management
Decision making authority: Committee
Attachments:
1 Parklet Management Plan -96 High St - 2023 – Infrastructure
2 Parklet Application Concept Designs - 96 High St - 2023 – Infrastructure
3 Parklet Application Engineering Drawings - 96 High St - 2023 – Infrastructure

SUMMARY

This report, to consider a Parklet application by the owners of 96 High Street, Fremantle 6160, currently trading as Palace Arcade, is re-submitted to Committee following a procedural motion at the Finance Policy, Operations and Legislative (FPOL) Committee meeting on 9 November 2022.

Subsequent to the completion of the two requests included in the procedural motion, officers now submit an updated report in respect to the application.

This report recommends that Council reject the application for a parklet at this location as it does not comply with the Parklet Policy due to its location on High Street, Fremantle – this being one of the nine designated roads excluded within the policy.

BACKGROUND

The owners of 96 High St, Fremantle 6160, trading as 'Palace Arcade' have submitted an application seeking approval for the use of parking embayment's, within the High Street road reserve, for the installation of a Parklet to allow for al fresco dining and social activity.

The City's Parklet Policy provides a framework for assessing the suitability of the use of the road reserve in respect to the installation of parklets. The Parklet Policy sets the criteria for officers to assess applications on fair and objective basis.



A report to consider this application was initially submitted at the FPOL meeting of 9 November 2022; the FPOL Committee requested that the report be resubmitted following:

- Consultation with Police regarding the removal of two (2) dedicated police parking bays; and
- Completion of the review of the current Parklet Policy

FINANCIAL IMPLICATIONS

There are no financial implications for the City in accepting the Officer's recommendation: however, if Committee were to approve the proposal, this would impact at least 1 car parking bay which is estimated to raise revenue in the order of \$4,600pa.

LEGAL IMPLICATIONS

The City can approve works in the road reserve in accordance with Local Government Act 1995.

CONSULTATION

Advice on the proposal has been given to adjoining property owners and surrounding businesses and the opportunity has been made for them to comment on the proposal at the Finance, Policy, Operations and Legislation Committee meeting on 10 August 2022. Three objections from adjoining businesses have been received as follows:

- 1) *"I am generally in support of initiatives to make the streetscape more friendly for patrons and al fresco dining. My only concern is the removal of the loading bay.... for a large amount of deliveries would have to cross the road which adds distance and an element of danger/inconvenience/congestion from the traffic".*
- 2) *"I ... wish to lodge my strong opposition to this proposal. I am the owner of the retail business, ... opposite this location.... We struggle with customer parking and loading bays The current outdoor table setting at Palace Arcade is rarely used, if ever, except for smokers, and has ample ... seating that runs the full length of the building.*
- 3) *"I ... wish to lodge my strong opposition to this proposal. I am the owner of the retail business ... across from this location. The two bays in question were only reinstated not so long ago.... We already often have deliveries delayed due to couriers not being able to access parking easily. They will circle twice and then delay delivery until the next day or so.*



In addition, the Parklet Policy was promoted through 'My Say Freo' with four responses received however none were in relation to this application.

OFFICER COMMENT

Officers have determined that this application does not meet the City's Parklet Policy requirements. The applicant's application, including design and management plan are attached to this report.

Any precedent at this location would undermine the policy and would allow other businesses in similar locations to apply for the use of al-fresco in the road reserve further exacerbating parking availability which is at a premium in the commercial precincts of Fremantle.

In accordance with the procedural motion officers have consulted with WAPOL (Acting Officer in Charge) who outlined that the Police require a presence on High St for operational and visibility purposes and have stated that any reduction in parking bays on High St would see a degrading of the services provided to the community.

The response of police in relation to the parking bays in High Street is not considered unreasonable until such time as the new Fremantle Police Station on South Terrace is completed. Once Police Services determine a future use of the High Street facility the City may be in a position to review the use of parking bays in the street.

Officers have reviewed and updated the Parklet Policy. This was approved by the FPOL Committee May 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

That Council reject the application for a Parklet outside 96 High St, Fremantle 6160 (Palace Arcade).



**FPOL2306-3 SPONSORSHIP REQUEST - CROATIAN FOLKLORIC GROUP
"ZAGRAB"**

Meeting date: 14 June 2023
Responsible officer: Acting Manager Governance
Decision making authority: Committee
Attachments: Nil

SUMMARY

The purpose of this report is to present a recommendation from the International Relations Working Group, to support a financial contribution request from the Croatian Folkloric Group "Zagrab" (dance group), to travel to Korcula to perform, as part of a tour of various Croatian cities. The tour is intended to commence in July 2024, which will coincide with the 25th anniversary of the signing of the City's Friendship City agreement with the City of Korcula.

It is recommended that Council support the sponsorship request and approve a financial contribution of \$5,000, to the Croatian Folkloric Group, as part of the recognition of the City's Friendship City agreement with Korcula.

BACKGROUND

In 1999, a Friendship City agreement between the City of Fremantle and the City of Korcula was formed. The following Charter of Friendship declaration was signed by both Mayor's:

The two cities will foster friendly relations and co-operation on a people to people basis and promote mutual understanding and goodwill between the citizens of both cities, and contribute to the strengthening of the historical ties and the existing bonds between the two cities, their, surroundings regions and their respective countries.

The Charter of Friendship was intended to promote a wider range of exchange activities in the fields of the Arts, Education and Culture.

Friendship City agreements were formed primarily because of the cultural ties in Fremantle, that is, the migrants from that City have influenced the culture of Fremantle. In general the main reason for initiating a relationship is to promote and encourage:

- International friendship peace and goodwill.
- Economic, cultural, educational and recreational exchanges.
- Tourism.
- An awareness and appreciation of traditions, customs and cultures.



Sister City and Friendship Agreements are viewed by the Australian Sister Cities Association (ASCA) as individual, formal agreements signed by Fremantle and the sister/friendship cities, encouraging common interests, ideas and the promotion of economic and cultural exchanges.

The Croatian Folkloric Group “Zagreb” is a branch of the WA Croatian Community Centre based in North Fremantle. The group has approximately 90 members, aged 5 to 55, and has been functioning for close to five decades. The group gather twice a week at their North Fremantle base, for rehearsals, as well as regular performances, teaching and preserving the culture of various regions of Croatia, and amongst those regions taught to the group, are dances from Korcula.

The group approached the City advising of their proposal of a tour to Croatia in 2024, to perform a variety of traditional Croatian dances to be performed in various cities of Croatia, including Korcula. It is proposed the tour would run over the July 2024 school holidays, for a 10-day period somewhere between the 1st and 14th of July, commencing in Croatia’s capital, Zagreb, and the tour will cover cities in northern Croatia, before heading south to cities on the Dalmatian coast and islands.

They have approximately 70 dancers who have expressed interest in participating in the tour, with approximately 30 accompanying family members. Due its connection members ancestral connection with Korcula, the group expressed a strong desire for an opportunity to have an audience in the ancestral home of many members parents and grandparents.

FINANCIAL IMPLICATIONS

If approved, the financial contribution of \$5,000 will be provided from the existing International Relations allocation proposed in the 2023/24 budget, subject to council approval.

LEGAL IMPLICATIONS

Officers will prepare a sponsorship agreement with the Croatian Folkloric Group “Zagreb”, noting that the financial contribution from the City will be provided to the group upon confirmation of the tour arrangements to Korcula.

CONSULTATION

The financial contribution request by the Croatian Folkloric Group “Zagreb” was presented to the International Relationship Working Group at its meeting held on 19 April 2023 for consideration.

At this meeting, it was acknowledged by the Working Group that the request for financial support proposed by the group may be a fitting opportunity to recognise the 25th anniversary of the establishment of the friendship city relationship



between the Fremantle and Korcula and agreed that a recommendation for support be forwarded to Council for consideration.

Consideration was also given to a Mayoral visit to Korcula, and other sister cities, which could coincide with the groups visit. It was noted that a Mayoral visit to Korcula for the 25th anniversary of the friendship city agreement, would support the City's commitment to strengthening historical ties and existing bonds between the two cities (as per the friendship agreement). Further consideration of a Mayoral visit will be discussed by the Working Group and brought back to Council for consideration.

OFFICER COMMENT

Following the International Relations Working Group meeting, the Vice President of the Croatian Folkloric Group "Zagreb" met with the Mayor and officers, to discuss the tour and proposed request for financial and moral support from the City of Fremantle. At this meeting the group confirmed that a financial contribution of \$5,000 would assist towards the costs of the groups visit to Korcula as part of the tour in July 2024.

Officers have assessed the sponsorship request in accordance with the City's Grants and Sponsorship Policy, and although it meets the general principle of providing financial support to a local community group, the contribution falls outside the funding programs listed within the policy and is recommended to Council for consideration of approval.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council supports the sponsorship request and approves to provide a financial contribution of \$5,000 to the Croatian Folkloric Group "Zagreb", as part of the 25 year recognition of the Friendship City agreement with the City of Korcula, subject to adoption of the 2023/24 annual budget.



10.2 Council decision

FPOL2306-4 DELEGATED AUTHORITY REGISTER REVIEW 2023/2024

Meeting date:	14 June 2023
Responsible officer:	A/Manager Governance
Decision making authority:	Council
Attachments:	1. Delegated Authority Register (Council Delegations) 2023/2024

SUMMARY

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

This report recommends that Council acknowledge that a review has been undertaken and revoke all current delegated authority and adopt the reviewed delegations contained in the Delegated Authority Register 2023/2024, as attached.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995* (the Act), Council is required to review the authority it has delegated at least once every financial year. The City's current Delegated Authority Register was last reviewed and adopted by Council on 25 May 2022.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

Section 5.42 of the *Local Government Act 1995* prescribes that Council may delegate certain powers and duties to the Chief Executive Officer.

A delegation authorises a person or class of persons to exercise powers that the Council would ordinarily exercise. The City of Fremantle has established a Delegated Authority Register to improve the timeliness and efficiency of decision making.



In some instances, Acts and Regulations require that Council make a direct appointment to a person or class of persons. These acts do not contain a provision to allow the CEO to make a sub delegation.

For example, the *Food Act 2008* allows an Enforcement Agency (Local Government) to delegate authority but does not allow the CEO to sub-delegate that authority.

In addition, where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government.

For example, The *Environmental Protection Act 1986* allows for the appointment and the granting of delegated authority directly to local government Environmental Health Officers by the Department of Environment Regulation.

Where an officer of the local government is authorised to perform a function under an Act or Regulation but has no discretion in how they perform that function, a delegation is not required. This is known as “acting through”. For example, if a provision of an Act specified that a local government must refuse an application that does not contain the applicants’ name, there is no need for Council to provide delegation to officers to refuse applications for this reason as officers are unable to exercise any discretion, they must refuse the application.

CONSULTATION

Internal consultation was undertaken to ensure accuracy and to address all ‘best practice’ needs.

OFFICER COMMENT

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

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

The table below outlines minor amendments made to the Delegated Authority Register 2023/2024, to correct legislation references and remove position titles from delegations that are no longer required.



Delegation	Amendment
2.3 Defer payment, grant a concession, waive fees and write off debts (Page 15)	Changed reference to section from 6.2 to 6.12
2.11 Expressions of interest and tenders (Page 24)	Removed reference to section 3.47 under the <i>Local Government Act 1995</i> . The reference only requires section 3.57 + 5.42 + 5.43.
2.13 Appoint persons to receive and withdrawals of complaints (Page 26)	Added the <i>Local Government Act 1995</i> to referenced legislation, and sections 5.42 and 5.43 to referenced sections.
2.15 Particular things local governments can do on land that is not local government (Page 28)	Changed reference to section from 3.2 to 3.27 in the sentence "Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.27 of the <i>Local Government Act 1995</i> in accordance with:"
2.19 Disposal of sick or injured animals (Page 33)	Removed the position Manager Facilities and Environmental Management from sub delegations.
3.16 Graffiti Vandalism Act 2016 Functions (Page 55)	Removed position of Graffiti Field Officer from sub delegations, as the position is no longer at the City.
3.22 Modifications to the Heritage List and Local Heritage Survey (Page 63)	Changed from "Division 2 of Schedule 2" to "Part 10, Division 2 of Schedule 2"
3.22 Modifications to the Heritage List and Local Heritage Survey (Page 63)	Changed wording from "Yes" to " <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Sch 2 cl. 83"
3.24 Health (Miscellaneous Provisions) Act 1911 Powers of local government (Page 66)	Added power to subdelegate " <i>Health (Miscellaneous Provisions) Act 1911</i> s 26", which was previously blank.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Revoke the Delegated Authority Register 2022/2023 and all Council delegations contained within; and**
- 2. Adopt the Delegated Authority Register 2023/2024 and all Council delegations contained within, as shown in Attachment 1.**



FPOL2306-5

NARROW STREETS – SAFE ACCESS POLICY

Meeting date: 14 June 2023
Responsible officer: Principal Assets Engineering and Infrastructure Management
Decision making authority: Council
Attachments:
1. Narrow Streets - Safe Access Policy (Draft)
2. Narrow Streets Safe Access Administration Policy

SUMMARY

This report introduces a draft proposal for a 'Narrow Streets Safe Access Policy', which policy has been developed to provide safe and equitable use and access to streetscapes and roads on narrow streets.

The report seeks Council endorsement to progress to a period of community engagement with the proposed new policy, prior to reporting back to Council for final approval and adoption.

BACKGROUND

The following Notice of Motion was submitted at the Finance, Policy, Operations and Legislation meeting of 10 May 2023 by Cr Pemberton:

COMMITTEE RECOMMENDATION ITEM FPOL2305-8
(Elected member motion)

Moved: Cr Rachel Pemberton

Seconded: Cr Frank Mofflin

That Council:

- 1. Request officers to provide a report and recommendations to the June FPOL outlining opportunities to improve pedestrian safety and amenity, specifically in small local streets where there is:**
 - no footpath currently**
 - no space or opportunity for footpaths**
 - or car parking in narrow streets that frequently obstructs footpaths**

Carried: 7/0

**Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald,
Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin**

Officers initially reviewed the motion in the context of the impending update of the City's Traffic Calming Policy but concluded that given the specific nature of the

issues arising, it was felt more appropriate and effective to address the issues raised through the development of a separate Policy approach.

The new Narrow Streets and Safe Access policy seeks to ensure safe and equitable access and use of local streets that are narrow (typically less than 7.0 metres in width).

The policy also assists Council to meet the legal obligations for road management. Importantly, the policy provides a way to create a safer road environment for the community.

More than 100 kilometres of the City's road network has a width of less than 7.0 metres. Given the age of the City's streets, they were originally constructed to facilitate minimal vehicle usage and currently do not have services which a normal suburban street would have – driveways, large verges, dual footpaths etc. This has meant that many of these narrow streets are clustered with parked vehicles which present many safety and access concerns, these include:

1. Blocking of emergency vehicles
2. Obstructing footpaths / pedestrian safety issues
3. Blocking driver vision
4. Obstructing parks, waste and cleansing services
5. Poor street legibility for pedestrians and vehicles

The City is therefore proposing this policy (and guidance through an administrative policy) to ensure that emergency vehicles, pedestrians, City services and residents have safe improved clarity and access to streetscapes and roads without obstruction.

OFFICERS COMMENT

The City of Fremantle is rich in heritage and enjoys a wide variety of building styles, age and residential configurations – this by its very nature can present challenges and potential conflict with increasing vehicle usage impacting pedestrian access ways and safety.

In addition to this, increased housing density around historic areas, on-street parking has also increased and is forecast to continue to increase. It is also noted that the current rental crisis has caused an increase in share-house rental arrangements. This has caused an increase in on-street parking. To be proactive in light of future development and the rental crisis, this Policy will ensure that appropriate access and safety on narrow streets is maintained for emergency vehicles, pedestrians and City services.

Given that the City has in its remit more than 100 kilometres of narrow streets, a priority matrix has been established as follows:



- Road width
- Pedestrian Safety
- Road length
- The number of properties fronting the street
- Availability of off-street parking
- Footpath quality
- Traffic volumes
- Other issues such as adjacent land use and density

It is to be noted that some narrow streets will have the correct road treatments and configurations already that enable sufficient access to end users.

If a street is deemed as requiring intervention, some of the treatments for consideration could include the creation of a 'shared zone', landscaping, streetscapes / artwork, single sided parking, straddled parking, signage and lines.

The primary objective of such treatments is to maintain 3 metres of space being left between a parked vehicles and ensure a safe accessible shared use environment. This to maximise safe access.

Where the road width and or parking arrangements are impacted by the implementation of this policy officers must actively engage with affected residents to discuss and consider suitable treatments that ensure that streets are safe for the community whilst balancing functionality and accessibility.

These treatments may include single sided parking, footpath renewals, signs, lines, streetscapes and greenery.

It is important to note that the City itself is not authorised to change road traffic markings or traffic signage; this is the responsibility of Main Roads WA (MRWA). To effect a change in respect to these areas the City must engage with MRWA and seek approval. Also noting that should MRWA approve a proposal, they would deliver the works. The data in which the Narrow Street Safe Access Administration Policy stipulates for collection will aid in a robust business case to MRWA for their consideration.

FINANCIAL IMPLICATIONS

Where works or initiatives are of a lower value, it is anticipated that costs would be accommodated through Engineering's operational budget provision. Larger value or more significant works would be captured as part of the City's capital works forward planning and considered as part of the annual budget process.



LEGAL IMPLICATIONS

Any works in the road reserve will be subject to the Western Australian Road Traffic Code 2000.

CONSULTATION

This is a new draft policy that has been developed as a result of issues raised through community and Elected Member feedback over a period of time.

Subject to Council endorsement, it is proposed to advertise the Narrow Street Safe Access Policy and seek community feedback prior to submitting for endorsement and adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the proposed draft Narrow Street Safe Access Policy as detailed in Attachment 1 for the purposes of Community engagement.**
- 2. Request the community feedback received be brought back to Council for consideration, prior to final adoption of the policy.**



FPOL2306-6

TRAFFIC CALMING POLICY

Meeting date:	14 June 2023
Responsible officer:	Principal Assets, Engineering and Infrastructure Management
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Traffic Calming Policy (updated)2. Traffic Calming Guidelines and Technical Standards Administration Policy

SUMMARY

The City's Traffic Calming Policy became due for scheduled review and has subsequently been assessed and updated. As part of the review process a new Traffic Calming Guidelines and Technical Standards – Administration Policy has been created to assist officers in the review and consideration of traffic issues.

This report has been prepared to seek endorsement of the updated Traffic Calming Policy as detailed in Attachment 1 and also approval to progress to advertise the Policy for community comment and feedback prior to submitting a final version for Council consideration and formal adoption.

BACKGROUND

In Local Government policies reflect the leadership and decision-making role of Council and are a way for Council to give expression to preferred solutions to problems or matters of concern.

Policies are developed to be clear, simple statements of how an organisation plans to conduct its services, actions, or business and to meet strategic and operational needs and comply with statutory and legislative requirements.

Policies provide Council with the ability to make fair, consistent, and transparent decisions affecting the community and are a guide for officers and elected members when making decisions. They are implemented by way of administration policies, procedures, and processes.

The City's existing Policy - named Traffic Calming priority' Reference Number SG35 was initially adopted by Council in March 2005 and was reviewed in 2011 with no amendments. This existing policy provided a framework of parameters and requirements to assist officers in assessing the suitability of traffic calming and level of intervention.



OFFICERS COMMENT

Officers commenced a review of the existing Policy - *Traffic Calming priorities* with a view to re-examine the parameters and requirements from lessons learned, community feedback and simplify and update the document. Workshops and assessments have taken place with internal stakeholders as part of this process, as a result number of revisions, inclusions and exclusions have been identified and included.

The review has identified that the existing policy was very process focussed with a structured and defined assessment approach which, through its reliance on the Traffic Warrant System (TWS), has unfortunately resulted in a predominately negative outcome for the resident or complainants – sometimes failing to appropriately address some traffic issues. The TWS adopts a quantitative approach based on traffic speeds and volumes, scored against associated environment parameters. The review concluded the calibration of the scoring typically favoured a 'no action' outcome.

The review also established that there was a lack of qualitative assessments in respect to the surrounding environment, driver behaviour, general road geometry and active / enquiring residential / community engagement.

In addition, it was found that internal procedures needed to be improved to better guide officers on how to consistently consider suitable treatments and other parameters including traffic planning analysis and an approach / method of selection for suitable treatments and appropriate and effective community consultation.

The considerations detailed above have subsequently informed:

- A revised version of the Traffic Calming Policy
- The introduction of an administration policy that consistently guides internal officers on how to investigate traffic calming requests/studies
- An updated 'recalibrated' Traffic Warrant Assessment tool

The updated version of the Traffic Calming Policy has been simplified and incorporates a broader approach to traffic calming. The policy extends to consider other traffic issues and introduces the inclusion of the *Traffic Calming Devices Guidelines and Technical Standards – Administration Policy*.

The revised Traffic Calming Policy investigates requests for traffic calming and the analysis of other traffic issues which are identified through a mix of qualitative and quantitative methods. Traffic issues could be excessive heavy vehicle use of suburban streets or vehicle noise. The process in which this is done is supported by the administration guidelines contained in Attachment 2 of this report.

The new Administration Policy provisions a consistent approach to the way the City carries out traffic calming requests and analyses traffic planning issues. It seeks to provide better consultation and engagement with the community on traffic calming and traffic issues and lists the processes and tools which are to be utilised in exhausting all requests to provision solutions or further planning that extends beyond the request. The types of traffic calming devices are documented.

The processes outlined in the figure below seeks to establish a better connection between City officer and the community to provision traffic calming solutions whilst offering technical guidance to internal officers for consistency in approach. Analysis of traffic issues that arise from requests are outlined to ensure both traffic calming and other issues are dealt with in tandem through utilising the three sections of guidance:

Section 1 - Traffic Calming Procedure as described in the figure below.



The sub-processes which make up each step are expanded upon to ensure rigor and considerations are completed by internal officers in regard to community engagement, holistic road network analysis, road network impact, road geometry and topography.



Section 2 – Outlines the application of traffic calming devices. Guidance on the selection of traffic calming devices is specified which specifies advantages, disadvantages, and suitability of each device. This guidance is crucial in determining the correct treatment is pursued.

Section 3 - The traffic warrant system template. The template provides the scoring mechanisms for traffic calming requests and assigns each score a risk/priority rating to ensure all traffic issue are dealt with.

FINANCIAL IMPLICATIONS

As part of the City's capital works planning process, all project proposals pertaining to traffic calming will be formulated into programs of work and Project Initiation Documents (PID) for inclusion into the City's forward works 10-year plan and consideration as part of the annual budget process.

LEGAL IMPLICATIONS

Legislative - The Local Government Act 1995, section 2.7(2)(b) provides Council with the power to determine policies.

CONSULTATION

The review has been previously workshopped internally with stakeholders / impacted Business Units and technical staff.

It is proposed that subject to endorsement, the updated Policy shall be advertised for Community comment and feedback prior to submitting the updated Traffic Calming Policy to Council for formal adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Endorses the Traffic Calming Policy as detailed in Attachment 1.**
- 2. Request officers advertise the updated Traffic Calming Policy for community comment and feedback.**
- 3. Request the feedback received be reviewed and brought back to Council in the updated Traffic Calming Policy for consideration and adoption of the policy.**



FPOL2306-7

FREMANTLE RECLINK COMMUNITY CUP

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Attachments: Nil
Confidential Attachments: 1. Sponsorship Application and Acquittal

SUMMARY

The purpose of this report is to present a sponsorship proposal for the Fremantle Reclink Community Cup for consideration. The proposal seeks to enter into a 3-year sponsorship agreement with the City which requests the provision of cash and in-kind sponsorship support.

This report recommends that Council authorise the Chief Executive Officer to negotiate a 3-year sponsorship agreement with the event organiser for the 2023, 2024 and 2025 events.

BACKGROUND

The Fremantle Reclink Community Cup is an annual sporting showcase event held at Fremantle Oval. The event is owned and operated by not-for-profit, Reclink Australia.

It is a public, ticketed event with all proceeds going to Reclink Australia to support the delivery of sport and recreation programs in Fremantle for people struggling with severe disadvantage in the community, homelessness, mental health illness, drug and alcohol rehabilitation.

The event is a fun, social game of AFL that creates awareness of the benefits of sports participation for people struggling with disadvantage. The event is a tool for Reclink Australia to fundraise and promote its cause and programs.

The City of Fremantle has previously supported the event with both in-kind and cash contributions as follows:

2017	all event associated City of Fremantle fees waived
2018	all event associated City of Fremantle fees waived \$1,500 cash contribution
2019	all event associated City of Fremantle fees waived \$1,000 cash contribution
2020	all event associated City of Fremantle fees waived \$500 cash contribution
2021	all event associated City of Fremantle fees waived



The COVID-19 pandemic has had a negative impact on the event by way of reduced attendance and sponsorship/partnerships which has resulted in less funds raised for Reclink Australia.

The Grants and Sponsorships Policy was adopted by Council on 12 May 2021. The policy provides a consolidated approach to the management of financial assistance requests across the City and outlines the framework to manage one-off grant, sponsorship or in-kind funding requests that will further the actions and the achievement of the City's strategic objectives.

As a result, the ongoing funding of this annual events sits outside of the policy scope and is required to be submitted to Council for assessment and approval.

OFFICER COMMENT

In order to support the Fremantle Reclink Community Cup with post-COVID recovery, the event organiser has sought support from the City by way of a fee waiver and cash contribution. This will be recognised as in-kind and cash support through a sponsorship arrangement with the City.

The City of Fremantle has previously committed to a 3-year sponsorship arrangement commencing in 2018. As part of this agreement, the City provided Reclink Australia with year-on-year depreciating values of cash contribution. This approach was taken to assist the event in becoming financially self-sufficient over time. Unfortunately, this approach was unsuccessful with Reclink Australia requesting a cash contribution to help cover the cost of event operations again in 2023.

The City's support is required in order to assist the event in continuing to fundraise money for Reclink Australia and in turn run programs for the Fremantle community. A consistent approach toward funding over the next 3-years will assist the event in budget forecasting and planning.

The following support has been negotiated as part of a 3-year sponsorship agreement.

Year 1 - 2023, Year 2 – 2024 and Year 3 – 2025

- Supply of Fremantle Oval with a 100% reduction in venue hire fees
- Event application fee waiver
- Environmental health fee waiver
- Car bay fee waiver for car bays within Fremantle Oval
- \$1,500 cash contribution per year, per event

An additional three-year agreement will be considered based on the outcomes and performance of the first three years.



As part of the provision of this in-kind and cash support under a sponsorship agreement, the City would expect to receive the following benefits in return:

- City of Fremantle to be acknowledged and featured as a major sponsor on all media releases and communications across print, digital and social mediums in the following ways:
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo in Principal Partner position on all marketing and communication collateral both corporate and consumer facing
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo and link on website.
 - Verbal acknowledgement of City of Fremantle as Principal/Major Partner at market events.
 - Co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo to be displayed on both teams playing jerseys.
 - Incorporation of co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo on any additional produced event signage including but not limited to;
 - Event barriers
 - Marquee gables
 - Flags
- Additional engagement with the City of Fremantle brand through:
 - Inclusion of co-branded destination brand THIS IS FREMANTLE logo and City of Fremantle logo on all consumer facing collateral.
 - Ability to place co-branded destination brand THIS IS FREMANTLE and City of Fremantle signage, banners and collateral at the event.
 - Tag @cityoffremantle and @visitfremantle social media handles (and hashtags) in social media posts.
 - Unlimited access to any professional photography and videography taken during the event in years of the agreement, for use by the City for general distribution license free in perpetuity.
- Event operator to engage with local Fremantle businesses, community groups and service providers to participate in the event.
- Use of the event's intellectual property – the right to use the logo in City of Fremantle communications, and the right to use event images (video and photography).



- Opportunity for the City of Fremantle to contribute to post event survey and for that specific data to be shared with the City of Fremantle.
- The Organiser may not operate “Fremantle Reclink Community Cup” (the brand) outside of Fremantle during specified event operating dates as agreed upon annually, within the term of this agreement without prior written consent from the City of Fremantle.

FINANCIAL IMPLICATIONS

The proposed sponsorship offering and associated sponsorship benefits to be received by the City have been determined in line with the City’s Grants and Sponsorship Policy.

An overview of the total financial contribution by way of fee waiver and cash contribution proposed over the three-year term is provided below.

Value of Sponsorship	Year 1 (2023)	Year 2 (2024)	Year 3 (2025)	Total
Venue Hire Fee Fremantle Oval: 1 x Event Day at \$370 a day, 2 x bump in/out days at \$85 a day	\$540	\$540	\$540	\$1,620
Application Fee	\$95.50	\$95.50	\$95.50	\$286.50
Environmental Health Fee	\$546	\$546	\$546	\$1,638
Car Bay fee Fremantle Oval carpark: 65 car bays for one day charged at \$37 a bay per day	\$2,405	\$2,405	\$2,405	\$7,215
Cash contribution	\$1,000	\$1,000	\$1,000	\$3,000
Total	\$4,586.50	\$4,586.50	\$4,586.50	\$13,759.50

The cash contribution component can be accommodated within the event sponsorship budget in the 23/24 budget.



LEGAL IMPLICATIONS

Sponsorship will be provided under a contractual agreement between Reclink Australia (the event organiser) and the City. The City will be recognised as the principal partner for the event. Provision of sponsorship will be subject to approval of the event by the City of Fremantle, and the event organiser seeking all other necessary approvals.

CONSULTATION

Consultation has occurred with the City of Fremantle Community Development team who support Reclink Australia to assist in the delivery of programs in Fremantle. These programs have been deemed to be beneficial to the local community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Authorise the Chief Executive Officer to negotiate a three-year event sponsorship agreement between the City of Fremantle and Reclink Australia that includes the following essential terms:**

- **Year 1 (2023/2024 Financial Year)**

- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**

- **Year 2 (2024/2025 Financial Year)**

- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**



- **Year 3 (2025/2026 Financial Year)**

- **The City will provide a 100% waiver in event hire fees for the use of Fremantle Oval.**
- **The City will provide a 100% waiver on all event approval fees including event application fee and environmental health fee.**
- **The City will provide a 100% waiver on all car bay fees.**
- **The City will provide a \$1,000 cash sponsorship.**



FPOL2306-8 DESTINATION DEVELOPMENT STRATEGIC PLAN 2023 – 2027

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development & Marketing
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. DRAFT City of Fremantle Destination Development Strategic Plan 2023 – 20272. City of Fremantle Destination Marketing Strategic Plan 2018 – 20223. Destination Marketing Strategic Plan 2018-2022 Review4. Destination Marketing Working Group Terms of Reference

SUMMARY

The purpose of this report is to seek Council approval for the Destination Development Strategic Plan 2023 – 2027.

This report provides an overview of the outcomes achieved during the completion of the current Destination Marketing Strategic Plan 2018 – 2022 which has come to the end of its current term, and key priorities as outlined in the proposed Destination Development Strategic Plan 2023 – 2027.

This report recommends that Council adopt the Destination Development Strategic Plan 2023 – 2027.

BACKGROUND

The City of Fremantle plays a key role in developing Fremantle as a tourism destination.

Prior to 2018, there was no central co-operative marketing approach and minimal marketing activity was delivered outside of Fremantle, with limited focus on specific markets, or initiatives seeking to attract new visitors.

By 2018, it was evident that Fremantle was changing with the Kings Square renewal project acting as a catalyst for increased investment in the city, including a significant boost to the accommodation and hospitality sectors.

As a result of this, it became important to develop a brand that captured the essence of Fremantle and could be used as a foundation to promote Fremantle's reputation as a desirable destination to visit, work and invest.

In 2018, to support the development of a suitable destination development approach, and to leverage the Fremantle transformation, the City of Fremantle formed the Destination Marketing Working Group (DMWG).

Made up of highly skilled industry representatives, a key outcome for the DMWG was to develop the DMSP 2018-2022 that supported all business-to-customer industries in Fremantle including retail, hospitality, professional services, and traditional tourism attractions, with extensive consultation from a variety of industry stakeholders.

The first Destination Marketing Strategic Plan (DMSP) was developed in 2018 in response to declining visitation and low engagement with the existing Fremantle brand. The previous destination brand *Fremantle–Be part of the story*, was not achieving the cut-through required in a competitive landscape and was approaching the end of its lifecycle.

This was seen as a significant issue given the massive transformation that Fremantle was (and still is) undergoing with unprecedented levels of investment in commercial, residential, retail and hotel projects not seen since the America's Cup.

The outcome was a roadmap for the future development of Fremantle as a destination for people to visit, live in, work, and invest.

As well as extensive consultation with a variety of stakeholders, the 2018-2022 DMSP was informed by thorough research and the analysis of the previous brand and marketing activities. Target markets were reviewed, and new markets segments defined.

As a result of consultation and analysis it was clear that Fremantle is seen as having a diverse range of experiences and the density of those experiences are reflected in the City's walkability.

At the same time, it was also clear that Fremantle needed more. So, in collaboration with the City of Fremantle, the DMWG's mission was to lead in the development of a compelling external-facing brand that represented Fremantle's identity, its values, and its unique selling points; as well as creating a strategy that was able to drive growth in Fremantle's visitor economy.

The brand values that evolved from the consultation phase were:

- Spirit – relates to Fremantle's vibrancy, liveliness, colour and fun;
- Soul – relates to Fremantle's arts and culture, heritage buildings and live music scene; and
- Sea – relates to Fremantle's beaches, its maritime history, the port, the seafood industry and unique coastal precincts such as Fishing Boat Harbour.

The positioning which was to form the basis of the City's brand and visual identity was: "Fremantle is a maritime city with spirit and soul."

This was further supported by seven strategic pillars that were developed to provide a clear pathway in the delivery of the strategic plan. They were:

- Brand
- Business tourism
- Gateway
- Visitor experience
- Events
- Growth
- Partnerships and advocacy.

The implementation of the DMSP was split across three phases:

- Building awareness in 2019-2020
- Generating momentum 2020-2021
- Maximising growth 2021-2022.

The four major market segments which form the basis of Fremantle's destination marketing opportunities were identified as:

- Leisure tourism
- Business tourism
- Major events
- Cruise shipping.

These markets were also segmented geographically to include intrastate, interstate, and international visitors. Opportunities within specific niche markets were also identified in the DMSP based on the diversity of unique experiences on offer in Fremantle. These included:

- Arts and culture lovers
- Recreation and fun-seekers
- Heritage enthusiasts
- Ocean, maritime and beach lovers
- Food and coffee lovers
- Shopping and retail
- Group travellers.

The key messaging behind these segments was that Fremantle is a destination that is rich and diverse in experience, one of the City's key differentiators. Emerging markets including Aboriginal tourism; marine tourism and cultural tourism were also identified as opportunities.

Activations targeting families (specifically during school holidays) also became an important element of the marketing strategy providing the foundation for direct local business engagement and effective tactical campaigns which complemented the brand awareness campaigns.



According to Tourism Research Australia, Fremantle has attracted an average visitation of 1.27 million visitors per annum (TRA 5yr avg to 2019/20). Of overnight visitors to Destination Perth (DP) in 2019, 56% were Intrastate, 27% interstate and 17% international.

Due to COVID and associated border closures, focus shifted to engaging with the metropolitan and intrastate markets (81% of visitors in 2020). Once the WA border policy was revised in 2022 and the announcement that the state border was to open on 5 February 2022 (later changed to March), opportunities to partner with Tourism WA on destination marketing were established.

The success of the DMSP was to be measured by:

- Increased visitation (10%)
- Increased web visits and time on page
- Continual growth in subscribers and engagement on social media platforms
- Increase in digital and social media engagement during major campaign activity
- Greater number of commissionable and trade ready product
- Stronger relationships and partnerships.

Other qualitative success measures included:

- A significant number of stakeholders, businesses and operators having adopted the new brand as part of their own marketing activities
- The perception of Fremantle's brand and reputation improving in the eyes of the City's key visitor markets, particularly in Perth and the intrastate markets
- More population driven businesses operating in the city centre
- An increase in awareness of what's on offer in Fremantle
- Improved performance of the City's retail, hospitality and tourism businesses
- A greater number of Perth residents advocating for Fremantle as place for their friends and relatives to visit.

OFFICER COMMENT

The City of Fremantle's primary tourism goal is to increase the overall number of visitors to Fremantle and develop a more resilient and vibrant economy.

The launch of the THIS IS FREMANTLE Brand and its architecture in April 2019 was a major milestone and, with the investment into a content library that depicted the Brand values, there was a sound basis for the ongoing positioning of Fremantle as a destination city.

The new brand has been the inspiration for award-winning campaigns and the vehicle which has delivered the city's objective of increasing visitation despite the challenges associated with COVID from March 2020 to late 2021.

The development of two hero marketing assets – the website, vistfremantle.com.au, and the destination magazine (a holiday planner) - in November 2021 became significant initiatives in re-booting Fremantle's destination marketing post pandemic.

The development of the website, visitfremantle.com.au, was a critical strategic objective of the DMSP 2018-22 and represented a consolidation of a number of URLs the city had in 2017. Budget cuts during COVID delayed a full re-design but when it was finally launched, the website had a booking capability as well as providing rich information for visitors.

Initiatives undertaken between 2018 and 2022 to achieve objectives associated with the DMSP included:

- Promoting Fremantle as a visitor destination via a destination marketing strategy and the development of a new brand
- Creation of brand assets and content
- Collecting and collating key economic data and indicators to inform decision making
- Liaising, communicating and collaborating with the local business community and wider tourism industry
- Delivering business capacity building programs to aid businesses in leveraging the once-in-a-generation investment occurring within Fremantle
- Delivering a program of festivals, events and activations to attract visitors to Fremantle
- Investigating and delivering on ways to improve the visitor experience to Fremantle.

Results achieved throughout the four-year period of the DMSP can be summarised as follows:

- Based on a rolling three-year average, there was an increase in 39,778 day-trip visitors to Fremantle per annum between the period in which implementation of the DMSP commenced (2016-18) and the period in which the pandemic commenced (2018-21).
- In the 2018 to 2021 period, there was an average day trip visitors to Fremantle per annum of 832,000, as compared to 792,222 in the 2016-18 period.
- The pandemic resulted in a significant decline in average annual day trip visitation to 739,000 in the 2019-21 period (down from 832,000). However, this was only 53,000 less than the annual average visitation recorded in the 2015-17 period (post mining boom) which clearly demonstrated the positive impact of maintaining significant marketing activity throughout the pandemic period.
- 7.04 million people were reached through marketing campaigns



- 1m page views of the visitfremantle.com site (since brand launch April 2019)
- 1.25m people engaged on the City's social platforms
- Nearly 750,000 people were attracted to events in Fremantle
- \$4.52 million generated in economic impact from school holiday activations
- 70,312 extra people attracted to school holiday activations

A significant qualitative success measure of the DMSP was the recognition the City received in winning the top award for tourism excellence for a local government authority in the 2021 Western Australian Tourism awards, and a silver award for the THIS IS FREMANTLE destination marketing activities.

The following year in 2022, the City was awarded a gold medal in the Tourism Marketing and Campaign Award category for the THIS IS FREMANTLE destination marketing brand, qualifying for the national awards. The Tourism Marketing and Campaign Award recognises creativity and innovation in the promotion of tourism products, services or destinations.

The City was also awarded a gold medal in the Excellence in Local Government Tourism category for the second year running.

Further, Fremantle was named in 74th in 2021's top 100 Leading Tourism Destinations in the world as measured by the Tourism Sentiment Index (TSI). A tourism sentiment index number is calculated from data gathered from visitors' social media and booking platform's comments about destinations around the world.

Fremantle's TSI was 24.53 in 2021 with its most commonly expressed sentiment associated with Fremantle being "Joy". In 2022, Fremantle was named by TIME magazine as one of the 50 greatest places in the world.

The Destination Development Strategic Plan 2023-27 seeks to build on this success, and to maximise the growth already generated by the DMSP 2018-22 by providing a refreshed road map aimed at converting awareness of the Brand and the city's expanded visitor experiences, into business.

The strategic pillars supporting the delivery of the DDSP's overall objectives of increased visitation to Fremantle and positioning it as a destination city include:

- Grow brand equity and continue to position Fremantle as the most eclectic and spirited seaside destination in the world
- Continue to build the high-yield business tourism sector
- Recognise and promote Fremantle's position as a port town and western gateway to WA
- Ensure the visitor experience in Fremantle is world standard
- Ensure Fremantle's spirit and vibrancy is reflected through events and activations



- Build on partnerships to amplify the Brand and advocate to key stakeholders to enable strategic alignment and shared destination outcomes

FINANCIAL IMPLICATIONS

An allocation has been made in the draft 2023/24 budget to fund activities linked to the delivery of this strategy.

LEGAL IMPLICATIONS

Subject to the adoption of this strategy, it is likely the City will be required to enter in to some contractual agreements to assist in the delivery of some services.

CONSULTATION

A range of stakeholder feedback and input has been considered as part of the review of the former strategy and the development of this strategy. Including but not limited to Fremantle Chamber of Commerce via membership on the DMWG, direct engagement with all members of the DMWG, engagement with elected members, Business Events Perth, Charter One, Fremantle Accommodation Association members, Fremantle Fishing Boat Harbour members, Fremantle Markets, Fremantle Port Authority, Fremantle Prison, Fremantle Tours, Fremantle Visitor Centre, Kidogo Arthouse, Public Transport Authority, Republic of Fremantle, SeaLink, Sirona Capital, Stand Up Paddleboards, Tourism Australia, Tourism Western Australia, WA Maritime Museum and WA Shipwreck Museum.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Receive and note the outcomes achieved through the delivery of the previous Destination Marketing Strategic Plan 2018-2022, as provided in the attached Destination Marketing Strategic Plan 2018-2022 Review.**
- 2. Adopt the DRAFT City of Fremantle Destination Development Strategic Plan 2023 – 2027 as provided in attachment 1.**



FPOL2306-9 DISPOSAL OF ENCROACHED LAND – 11-13 BARNETT STREET

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Attachments: 1. Site Survey

SUMMARY

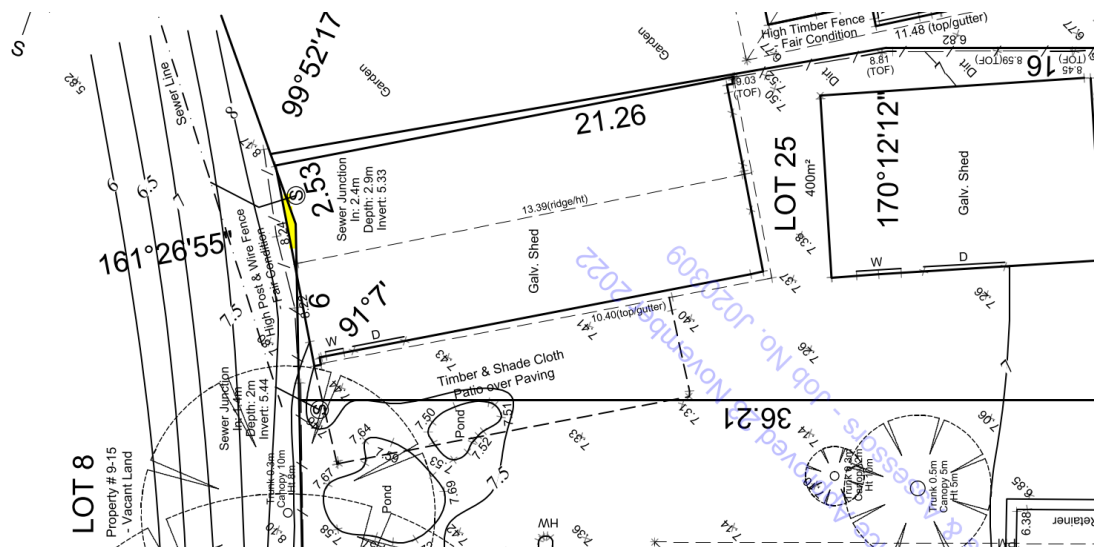
The purpose of this report is to seek Council approval for a request from the property owner at 11-13 Barnett Street to purchase a portion of land that forms part of an encroachment on to City of Fremantle property at 5-15 Quarry Street.

This report recommends that Council authorise the Chief Executive Officer to dispose of the land in line with the requirements of Section 3.58 the Local Government Act 1995.

BACKGROUND

The property at 11-13 Barnett Street abuts City of Fremantle owned land at 5-15 Quarry Street. The current owners purchased the property in 2022.

Approximately 25 years ago, a shed was constructed on the property at 11-13 Barnett Street. The construction of the shed resulted in a minor encroachment on to 5-15 Quarry Street, with an incursion into a small corner of approximately 0.5m² and up to 360mm of the western outbuilding wall. See aerial image and excerpt from survey plan below of the two properties associated with this report.



On 10 January 2023, the owners of the property at 11-13 Barnett Street lodged a development application for additions and alterations at no.11 -13 Barnett Street and as part of this application they were proposing to convert the existing outbuilding located in the north-western corner of site into a dwelling.

The DA has been approved with the following condition:

3. *Prior to occupation of the development hereby approved, the lot boundary of Lot 25 Barnett Street shall be realigned through the process of subdivision and shown on a new, approved diagram of survey to demonstrate that all existing structures are wholly contained within the subject lot and no longer encroach into the adjacent western lot (Lot 8 Quarry Street).*

On 2 March 2023, the City issued a building permit (BP0490/23) for the internal fit out works.

In line with the development application approval and issued building permit, the owners are required to rectify the encroachment prior to occupation in line with the terms of the DA.

In order for the encroachment to be rectified, the City can dispose of the land at market rate to the owner of 11-13 Barnett Street.

The owners would be responsible for all costs associated with the sale, subdivision and amalgamation of the land within the encroachment.

FINANCIAL IMPLICATIONS

The landowner would be responsible for all costs associated with the sale, subdivision and amalgamation of the land within the encroachment, should a disposal occur.

LEGAL IMPLICATIONS

There are no legal requirements to approve the development application, or the building permit. However, it must be acknowledged that an adverse possession claim could result if the City was not supportive of this proposed boundary realignment and subdivision process.

The sale of 5-15 Quarry Street has progressed and legal documentation including the contract of sale and any other associated documents already make reference to the existing encroachment.

Any disposal will be carried out in line with the requirements of section 3.58 of the Local Government Act 1995.

CONSULTATION

Nil.



OFFICER COMMENT

On 6 February 2023, the owners of 11-13 Barnett Street requested officers review the historic encroachment issue and resolve to adjust the boundaries between the two properties to remove the current encroachment into 5-15 Quarry Street.

There are two options with regard to addressing the encroachment.

Option 1 – Dispose of encroached land

Council can resolve to dispose of the land which will enable the property owner to adjust the property boundary, removing the encroachment and providing the ability carry out the planned additions and alterations to the shed.

As previously approved by council, officers have progressed with the sale of 5-15 Quarry Street. Following the Council approval, officers have undertaken the following:

- Site survey
- Geotechnical assessment
- Appoint real estate agency
- Advertise property
- Submit application for subdivision with WAPC in line with Council resolution
- Sales contract drafted

Given this action has been undertaken, a change of property boundary would result in a change to the current sales terms.

Officers will be required to undertake a new site survey, make an amendment to the sales contract and advise potential buyers. This may result in a delay to the sale of the property.

Option 2 – Retain encroached land

Should Council choose to retain the encroached land, the land owner will be required to undertake works to make the shed compliant which would involve removing the existing part of the structure that is creating the encroachment. The landowner would be unable to meet the condition within the development application approval without doing so, and the outbuilding will remain non-compliant.

Upon consideration of the two options, due to the relatively small size and minor impact on the abutting property officers recommend the disposal of the land so that the landowner can progress with their proposed works. The disposal of the land is likely to have a negligible impact on progressing the sale of 5-15 Quarry Street.



The owners of 11-13 Barnett Street will be responsible for all costs associated with the sale, subdivision, and amalgamation of the land within the encroachment, which will form part of the sales conditions associated with the disposal.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Authorise the Chief Executive Officer to give public notice of the proposed disposal of the encroached land at 5-15 Quarry Street in line with the requirements of section 3.58(3) of the Local Government Act 1995.**
- 2. Authorise the Chief Executive Officer to progress with the disposal if no submissions are received within the required advertising period.**



FPOL2306-10 PROPOSED LEASE FOR 13 SOUTH TERRACE, FREMANTLE

Meeting date: 14 June 2023
Responsible officer: A/Manager Economic Development & Marketing
Decision making authority: Council
Attachments: Nil
Confidential Attachments: 1. EOI submission

SUMMARY

The purpose of this report is to seek Council approval for the proposed Lease terms that have been negotiated with an applicant for 13 South Terrace, Fremantle.

This report recommends that Council approve a Lease between the City of Fremantle and Dolce Dreams Pty Ltd (as trustee for the Cosimo Trust).

BACKGROUND

The property at 13 South Terrace within the Evan Davies Building is currently vacant.

Following the departure of the previous tenant, and in accordance with section 3.58 of the Local Government Act 1995, an initial Expression of Interest (EOI) process was undertaken in January 2023 seeking applications from hospitality operators to lease the space.

This property has been advertised across multiple platforms from 19 January 2023 to when the EOI closed on 1 March 2023.

The City received a submission from Dolce Dreams Pty Ltd which meets the selection criteria associated with the EOI. The applicant proposes a café in the 218m² tenancy on the Cappuccino Strip.

Agreed lease terms are now being presented to council for approval.

FINANCIAL IMPLICATIONS

The proposed rent for the premises is \$87,200 per annum + GST. This is calculated at a rate of \$400 per m² per annum + GST.

Outgoings for the property have been estimated at \$10,930.80 for the first year. This equates to approx. \$910.90/month.

The requested Lease term is fifteen (15) years. The first term is five years, with two further terms of five years at mutual agreement of both parties



(5+5+5). The Lease will also include a bank guarantee equivalent to 4 months' rent.

Rent reviews will occur annually based on Consumer Price Index (CPI) with market rent reviews to occur at years 5 and 10 throughout the lease term.

The prospective tenant is estimating the value of the initial fit out to be in the vicinity of \$500,000. At year 5, the applicant will undertake a further refurbishment of the premises.

The contribution from the City requested by the prospective tenant for the Lease includes a capital contribution of \$150,000 (ex GST) towards the lessee fit out.

Payment of the fit-out contribution will be subject to a Fit-out Contribution Agreement which will include the milestone works and the proposed contribution and will form part of the future Lease agreement.

Milestone payment amounts are still subject to the lessee finalising a detailed design, to be approved by the City.

Ownership of any works delivered via the \$150,000 fit-out contribution will be retained by the City at the conclusion of the Lease.

The proposed contribution from the City has been budgeted for in the FY23/24 budget.

Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The remaining 50% will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.

Officers forecast that the net income for the term of the Lease (not including rates) after factoring in the incentive contribution, has been estimated to be in the vicinity of \$1,158,000 over the total 15-year term.

LEGAL IMPLICATIONS

Two documents are required to be finalised as part of the proposed Lease.

1. Lease: The Lease must comply with the requirements of Section 3.58 of the Local Government Act 1995. Officers will ensure that this occurs.
2. Fit-out Contribution Agreement: The negotiated terms of this Lease include a payment made by the City towards the lessee's fit out. The Fit-out Contribution Agreement will outline the agreed terms of how and when payments are made to the lessee for the fit-out contribution amount.



CONSULTATION

The property was marketed via the following methods;

- An open EOI process
- City's website and various media channels
- Advertisement in the West Australian and Fremantle Herald
- Direct approach to potential candidates and use of Economic Development database.

OFFICER COMMENT

Dolce Dreams Pty Ltd operate a number of San Churro franchise stores across the metropolitan area, including the existing Fremantle store. Dolce Dreams Pty Ltd are proposing the relocation of the existing Fremantle store to the 13 South Terrace site.

San Churro Fremantle was first established in 2008 and has since been a popular destination in the Fremantle community.

San Churro Fremantle currently trades 7 days a week, from 10am to 10pm Sunday to Thursday and 10am to 11pm Friday and Saturday. Since Dolce Dreams Pty Ltd took over in 2015, the store has been open every day of the year, excluding Christmas Day.

Trade will still remain at 7 days a week and is likely to open earlier at 9am to capitalise on the morning trade on the Cappuccino Strip.

The applicant has indicated the new premises will become a vibrant location with a great atmosphere and an active outside alfresco area where customers can enjoy memorable dining experiences.

The applicant has qualifications in business, management and leadership; extensive industry knowledge and expertise and have been highly successful with a number of business ventures.

The applicant has also been actively involved in the franchise network, serving on the Franchise Representative Council for five years, participating in the product development workshops, and being a guest speaker at the Franchise Conference for San Churro.

The applicant has been recognised with the following awards:

- San Churro Rookie Store of the year 2015 (Cockburn)
- San Churro Franchise store of the year 2016 (Cockburn)
- San Churro Operation Titan of the year 2019 (Fremantle)
- San Churro Brand Champion of the year 2022 (Carousel)
- Dolce Dreams Pty Ltd owner has also been nominated by the Franchise Council of Australia, as Multi Franchisee finalist 2017

The applicant is proposing to undertake a significant investment into the compliance and fit out works and pending Council approval and the schedule of works, is aiming for a December 2023 opening date.

The following weighted selection criteria was used to assess expressions of interest for the hospitality premises.

1. Council Criteria and Overview of Business (Weighting 30%)
 - a. The business must;
 - i. Pay market rent.
 - ii. Be a business that is considered a "destination" in itself.
 - iii. Be open on both Saturday and Sundays.
 - iv. Present an active frontage to the surrounding public areas.
 - b. Desirable
 - i. 12 – 16 hours per day operation
 - ii. Seven days per week trading, with a minimum of six days per week.
 - c. Environmental Considerations
 - i. Waste Management
 - ii. Water consumption
 - iii. Energy consumption
 - iv. Materials utilised in plant operation, cleaning and general operations
 - v. Management, assessment and implementation of environmental initiatives
2. Experience and personnel (Weighting 20%)
3. Design, fit out and concept (Weighting 20%)
4. Marketing (Weighting 10%)
5. Financials and financial sustainability (Weighting 20%)

The premises has been previously operated as a café and includes kitchen facilities with cold and dry storage with a total area of approximately 218m².



Officers have determined that the proposed tenant is suitable, meets the selection criteria and will complement the existing offering within the Evan Davies Building and the Cappuccino Strip.

The essential terms to follow have been agreed upon between the City and Dolce Dreams Pty Ltd, subject to council approval.

Land Description	<p>Land:</p> <p>Known as 13 South Terrace, Fremantle and being land more particularly described as Lots 871 and 1388 on Deposited Plan 40767 Certificate of Title Volume 1118 Folio 562</p> <p>Building: Evan Davies Building</p> <p>Premises: 13 South Terrace – Hospitality (218m²) as outlined in the plan annexed as Annexure 1.</p>
Premises	13 South Terrace, Fremantle
Lessor	City of Fremantle
Lessee	Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)
Bank Guarantee	4 months' rent Bank Guarantee or Bond required.
Site Area	218m ²
Lease Commencement Date	TBA
First Term	5 Years
Second Term	5 Years
Third Term	5 Years
Annual Rent	\$87,200 per annum + GST (\$400 per m ² per annum)
Rent Review	<p>Rent will increase by CPI annually on the anniversary of Lease Commencement Date.</p> <p>A market rent review will occur at years 5 and 10 during the Term.</p>
Incentives/contributions	Lessor to provide an incentive contribution of \$150,000 to the Lessee to contribute towards the proposed fit out of the property.



Variable Outgoings/Outgoings	<p>A recurring monthly variable outgoing charge of \$910.90 will form part of the lease, with invoices to be audited and reconciled annually.</p> <p>Variable outgoings will include but not be limited to;</p> <ul style="list-style-type: none"> • Water use • Building services • Electricity • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges <p>Variable outgoings are estimated at approximately \$50 per m2 per annum.</p>
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Hospitality
Special Conditions	<p>1. Lessee's Fit Out</p> <p>Fit out must occur within 60 days from receipt of planning approval.</p> <p>2. Lessee's Works</p> <p>(1) Lessee's works definition;</p> <ul style="list-style-type: none"> (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises. <p>(2) The Lessee must not undertake works unless;</p> <ul style="list-style-type: none"> (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works and certified quantity surveyor (QS) estimate.



	<p>Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.</p> <p>(b) Planning approval under the local planning scheme (if applicable) and;</p> <p>(c) A building permit under the <i>Building Act 2011</i>(if applicable).</p> <p>(3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <p>(a) an application for planning consent;</p> <p>(b) an application for a building permit;</p> <p>(c) obtaining any other statutory approval required, including Water Corporation approval where necessary;</p> <p>(d) construction or installation of the Lessee's Works; and</p> <p>(e) Installation or upgrade of any services.</p> <p>(4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(5) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost.</p>
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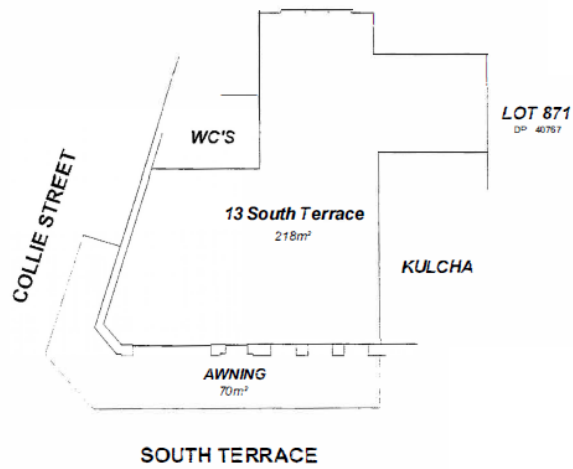


	<p>3. Assignment or Sub Letting</p> <p>(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:</p> <ul style="list-style-type: none"> (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. <p>4. State of Emergency Clause</p> <p>The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.</p> <p>5. Use of Confidential Information</p> <p>"Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease.</p> <ul style="list-style-type: none"> (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: <ul style="list-style-type: none"> (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or
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	<p>(ii) is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order.</p> <p>(c) The obligations imposed will survive the termination of the Lease.</p> <p>6. Parties to act in good faith</p> <p>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</p> <p>7. Maintenance Schedule</p> <p>A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement.</p> <p>8. End of Lease</p> <p>At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.</p> <p>9. Car Bays</p> <p>Three car bays at the back of the premises will be included for the Lessee's exclusive use at no additional cost.</p> <p>10. Payment Schedule</p> <p>Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The 50% balance will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.</p>
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Premises



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council authorise the Chief Executive Officer to enter into a lease with ***Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)*** for the property at 13 South Terrace, Fremantle based on the following essential terms.

<i>Land Description</i>	<i>Land:</i> <i>Known as 13 South Terrace, Fremantle and being land more particularly described as Lots 871 and 1388 on Deposited Plan 40767 Certificate of Title Volume 1118 Folio 562</i> <i>Building: Evan Davies Building</i> <i>Premises: 13 South Terrace – Hospitality (218m2) as outlined in the plan annexed as Annexure 1.</i>
<i>Premises</i>	<i>13 South Terrace, Fremantle</i>
<i>Lessor</i>	<i>City of Fremantle</i>
<i>Lessee</i>	<i>Dolce Dreams Pty Ltd ACN 610 197 512 (as trustee for the Cosimo Trust ABN 55 920 850 829)</i>
<i>Bank Guarantee</i>	<i>4 months' rent</i> <i>Bank Guarantee or Bond required.</i>
<i>Site Area</i>	<i>218m2</i>
<i>Lease Commencement Date</i>	<i>TBA</i>
<i>First Term</i>	<i>5 Years</i>
<i>Second Term</i>	<i>5 Years</i>
<i>Third Term</i>	<i>5 Years</i>
<i>Annual Rent</i>	<i>\$87,200 per annum + GST (\$400 per m2 per annum)</i>
<i>Rent Review</i>	<i>Rent will increase by CPI annually on the Lease Commencement Date.</i> <i>A market rent review will occur at years 5 and 10 during the Term.</i>



Incentives/contributions	Lessor to provide a capital contribution of \$150,000 to the Lessee to contribute towards the proposed fit out of the property.
Variable Outgoings/Outgoings	<p>A recurring monthly variable outgoing charge of \$910.90 will form part of the lease, with invoices to be audited and reconciled annually.</p> <p>Variable outgoings will include but not be limited to;</p> <ul style="list-style-type: none"> • Water use • Building services • Electricity • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges <p>Variable outgoings are estimated at approximately \$50 per m2 per annum.</p>
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Hospitality
Special Conditions	<p>1. Lessee's Fit Out</p> <p>Fit out must occur within 60 days from receipt of planning approval.</p> <p>2. Lessee's Works</p> <p>(1) Lessee's works definition;</p> <ul style="list-style-type: none"> (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises.



	<p>(2) The Lessee must not undertake works unless;</p> <ul style="list-style-type: none"> (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works and certified quantity surveyor (QS) estimate. Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor. (b) Planning approval under the local planning scheme (if applicable) and; (c) A building permit under the Building Act 2011(if applicable). <p>(3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <ul style="list-style-type: none"> (a) an application for planning consent; (b) an application for a building permit; (c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. <p>(4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(5) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p>
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(6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost.

3. Assignment or Sub Letting

(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:

- (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease.**
- (b) All accounts are paid in full up until the date of the assignment or sub lease.**
- (c) The Lessee pays all costs associated with an assignment or sublease.**
- (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST.**

4. State of Emergency Clause

The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.



5. Use of Confidential Information

"Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease.

(a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease.

(b) The obligations of confidentiality in paragraph (a) will not apply to information which:

(i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or

(ii) is required to be disclosed by an applicable law, including but not limited to the Local Government Act 1995 or Freedom of Information Act 1992, or by court order.

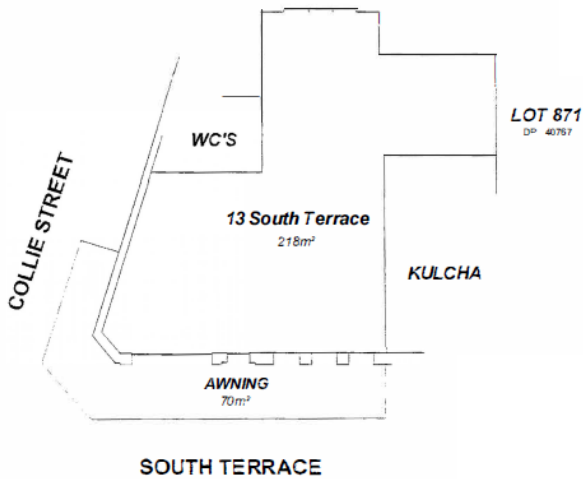
(c) The obligations imposed will survive the termination of the Lease.

6. Parties to act in good faith

Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.

7. Maintenance Schedule

A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement.

	<p>8. End of Lease</p> <p><i>At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.</i></p> <p>9. Car Bays</p> <p><i>Three car bays at the back of the premises will be included for the Lessee's exclusive use at no additional cost.</i></p> <p>10. Payment Schedule</p> <p><i>Rent will be payable from the first day of trade. The Lessee will pay 50% of the total rent amount for the first 6 months of the Lease Term. The 50% balance will be repaid in year 2 in 12 equal instalments and be fully paid by the end of year 2 of the Term.</i></p>
<p>Premises</p>	 <p>The site plan shows the layout of the premises at 13 South Terrace. The main building is labeled '13 South Terrace' with an area of 218m². To the left of the building is a 'WC'S' (toilet) area. To the right is a 'KULCHA' area. At the bottom of the building is an 'AWNING' area with an area of 70m². The building is situated on 'SOUTH TERRACE'. To the left of the building is 'COLLIE STREET'. To the right of the building is 'LOT 671' with a DP number of 40757.</p>



FPOL2306-11 CLANCY'S FISH PUB LEASE AND PRINCESS MAY PARK PLAYGROUND

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development & Marketing and Manager Parks and Landscapes
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Clancy's Fish Pub - Princess May Playground Concept Design2. Princess May Park Adopted Master Plan (2015)3. Princess May Lighting Proposal

SUMMARY

The purpose of this report is to seek Council approval for the construction of a new playground within Princess May Park, and a variation of current lease terms for Alba Pty Ltd T/A Clancy's Fish Pub operating Clancy's Fish Pub at 51 Cantonment Street, Fremantle.

This report provides an overview of the playground's design intent, details of the collaborative design process that has been undertaken to date, outcomes reached in the development of the proposal, and an outline of recommendations for the support of the proposed playground in the design, delivery, maintenance, and asset handover stages for the project.

This report recommends Council:

- 1. Approve the design and construction of a new playground;**
- 2. Authorise the Chief Executive Officer to progress with a variation to the current Lease by adding a further five (5) year term effective 1 August 2033 subject to Ministerial approval and compliance with s3.58 of the Local Government Act 1995.**

BACKGROUND

In 2013, the City of Fremantle entered into a lease with Alba Pty Ltd T/A Clancy's Fish Pub for a term of 10 years effective from 1 August 2013 with the option for a further term of 10 years effective from 1 August 2023, and expiring on 31 July 2033 with the permitted use of Tavern and Restaurant.

Clancy's Fish Pub has sought to create a new play space in Princess May Park with the aim of improving the experience for Clancy's Fish Pub's clients and the broader Fremantle community.



Nature Based Play (NBP) has built a portfolio of 'nature play' which are play spaces composed of elements made of natural materials creating imaginative and explorative play for all ages. The construction of the playground is subject to the relevant City and planning approvals.

Alba Pty Ltd T/A Clancy's Fish Pub is now seeking a variation to the current Lease between Alba Pty Ltd T/A Clancy's Fish Pub and the City of Fremantle for a further five (5) years effective 1 August 2033 expiring 2 August 2038 subject to approval of the Minister for Lands in accordance with s3.58 of the Local Government Act 1995.

Subject to Council approval of the lease variation, a market rent review will occur prior to the additional 5-year term commencing.

Clancy's Fish Pub is proposing to invest up to \$150,000 in the design and construction of the playground at Princess May Park.

Clancy's Fish Pub has also committed to providing ongoing annual maintenance and cleaning of the playground for the current lease term (10 years), and a further 5 years if the proposed lease variation is approved (a total of 15 years), at a cost of approximately \$3,758 per annum, CPI adjusted.

Clancy's Fish Pub has also proposed to invest a further \$72,000 into the installation of interactive lighting for the playground and up lighting of buildings and trees in Princess May Park.

This report provides an update on the process, consultation, outcome and recommendation on how it can be delivered to meet the City's requirements.

FINANCIAL IMPLICATIONS

Playground design, approvals, tender, construction and twelve months of maintenance and the Defects Liability Period of the Project will be fully funded by Clancy's. Through these project stages, City Officer resources will be provided by the City.

Following the twelve-month maintenance and Defects Liability Period, the City will inherit the asset. The City will become responsible for inspections and undertaking maintenance works to City standards.

Clancy's Fish Pub will cover the cost of playground maintenance in line with their lease term. Officers will negotiate with Clancy's Fish Pub to incorporate a suitable contribution to the repair and maintenance of the lighting installation once the final design, product and lighting warranty details are finalised.



Playground maintenance costs per year are estimated as follows:

Description	Quantity	Service frequency	Rate	Total p.a.
General inspection and rubbish removal	0.5 hours	Weekly	\$68/hr	\$1,768
Sand screening	100m ²	4 per year	\$2/m ²	\$800
Playground audit	1	Bi- annually	\$380/audit	\$190
Playground and timber maintenance	1	Annually	\$1,000/year	\$1,000
			Total	\$3,758

The City has provided in-kind support to the project through officer time and the provision of a Feature Survey, supporting shared ownership of the project.

Alba Pty Ltd T/A Clancy's Fish Pub currently pay a rent of \$120,028 per annum + GST.

LEGAL IMPLICATIONS

In accordance with s3.58 of the Local Government Act 1995, the City will place a public notice advertising the intention to vary the lease for an additional five (5) years and will invite any objections in writing within a fourteen (14) day period. The notice will be advertised prior to the expiry of the current Lease in 2033.

Finance, Policy, Operations and Legislation Committee (FPOL) has Delegated Authority under the section 1.1 Delegated Committees of Council of the 2022/23 Delegated Authority Register to approve a lease term that does not exceed ten (10) years.

CONSULTATION

The City has worked with Clancy's and NBP by establishing an internal team to provide input and review to the proposal, consisting of:

- Parks and Landscape
- Place Engagement and Activation
- City Design
- Heritage
- Aboriginal Engagement
- City Business
- Economic Development and Marketing

The City of Fremantle's Walyalup Reconciliation Action Plan (WRAP) was involved prior to the project development stage via a presentation by Clancy's Fish Pub at WRAP Workshop 14 June 2022.



Review of cultural content and design concept was undertaken and ongoing updates at WRAP meetings by City Officers and Clancy's Fish Pub team on an as needs basis was agreed.

The final drawing package and a City CEO executed submission form are to be submitted to the Department of Planning, Lands and Heritage (DPLH) Referral Unit for endorsement.

Officers will draft a Heritage Impact Statement to accompany the submission to state that all considerations have been made through master planning, with minimal impact on heritage value.

DAADA have been engaged by Clancy's Fish Pub throughout the commencement of the project. DAADA is a strong supporter of the Playground proposal and appreciate the design revision following the City's design review process.

OFFICER COMMENT

Clancy's Fish Pub have sought to create a new play space in Princess May Park with the aim of improving the experience for Clancy's clients and the broader Fremantle community.

Nature Based Play has built a portfolio of 'nature play' which are play spaces composed of elements made of natural materials creating imaginative and explorative play for all ages. Design Package One, showcasing Clancy's design intent was initially submitted by Clancy's to the City.

Materiality and play elements were consistent with nature playgrounds, however the location of the play space was not initially aligned with the intent of the Princess May Reserve Masterplan (refer additional information).

Clancy's Fish Pub also had early involvement with the WRAP group which assisted in providing Whadjuk cultural knowledge to inform the theming, concept development and initial sketch design. This initial design is shown below:



Following internal review, feedback was provided to Clancy's seeking greater alignment of the proposal to City Policies, guidelines, and the endorsed master plan.

A consolidated response was submitted to Clancy's Fish Pub that related to:

- Increasing spatial design alignment and consideration of the City's endorsed Master Plan (2015) (refer additional information).
- Proximity to DADAA building not meeting maintenance standards of a heritage building.
- Use, access, and privacy of DADAA and heritage of the building are further considered.
- Use of City's minimum standards relating to timber and softfall in nature-based play areas is required to help the City retain public realms that are safe, compliant, durable and require minimal maintenance.
- Maintaining vehicular and pedestrian access as per Masterplan, in particular the north – south pathway must remain accessible for needs of current and future pedestrians and vehicles.
- Planting and turf areas to be further developed with City oversight.
- Materiality and style to align with needs of precinct.
- Education themes being further investigated to link to school history of the site.

A design workshop with Clancy's was subsequently held to discuss changes and a way forward. A project storyboard developed by the City to outline the City's requirements for materiality, form and design intent for Princess May Park play space was also provided and discussed (refer additional information).

The feedback provided by the City informed NBP's design development and the ensuing Design Package Two (shown below) was presented and provided to the City for review.



Major design changes include:

- Relocation of play space and removal of existing asphalt path, both in line with 2015 Masterplan and resolving heritage, access, and shared use concerns.
- School history was celebrated, with remnants of and alignment of a school border wall being used to develop a 'play wall'.

The City reviewed Design Package Two, with comments and feedback provided generally based on approval of the design with minor revisions.



Key comments related to the:

- Design spatially aligning with the Masterplan (2015) and allows future delivery of masterplan components.
- Materials proposed align with the style and vision of the Masterplan (2015).
- Theming is appropriately place focused, using both Whadjuk and school history to inform design.
- Edge treatments between mulched play and turf have been revised to be wider and minimise mixing of adjacent surfaces (mulch, gravel, turf).
- Removal and replacement of asphalt path with compacted and concrete stabilised summer stone fines / Mukinbudin quartzite is supported.

Pending approval, Clancy's Fish Pub have advised that works are indicatively scheduled to commence in September 2023. Work will need to be referred to the Department of Planning, Lands and Heritage for their support, which is not deemed to be a high risk item.

The final concept plan provided by Clancy's Fish Pub is supported by City Officers with minor revisions as and if required to meet City requirements. The collaborative design approach has resulted in a well-developed concept masterplan for Clancy's Fish Pub to proceed.

Through future design and construction stages, the City will remain involved to approve construction specifications, material types and quantities, construction details, play and access compliance and plant species in accordance with the Council approval. This is on top of any external approvals, including DPLH (heritage referral) and Kid Safe (accredited playground compliance inspections).

Following completion of construction works and the issuing of a Practical Completion Certificate for the playground, Clancy's Fish Pub will retain asset ownership through a 12-month Defects Liability Period.

Subsequently, the City will become the asset owner and maintainer, acknowledging that Clancy's have agreed in principle to inspect the play area frequently and report issues to the City. Clancy's will cover the cost of playground and lighting maintenance in line with their lease term.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the Clancy's Fish Pub - Princess May Playground Concept Design (attachment 1) and approve the proposal to construct a Play Space at Princess May Park, subject to Clancy's Fish Pub:**
 - a. Entirely funding the construction and all associated costs.**
 - b. Gaining City approval of detailed documentation and specifications prior to construction.**
 - c. Notifying the community of the project on site with relevant project details prior the fence being erected.**
 - d. Applying and obtaining all necessary permits and licences for the Works.**
 - e. Ensuring site tidiness and public safety is maintained at all times.**
 - f. Providing evidence to the City that Clancy's Fish Pub – or their Contractor - have current public liability insurance (\$20M) and workers compensation (\$10M) to cover the Works prior to commencement on site.**
 - g. Commencing the Works in a timeframe as agreed with City officers otherwise the approval is void and the proposal will be subject to a new approval.**
 - h. Completing the Works within 4 months of erecting site fencing.**
 - i. At completion of works, a full site inspection to be undertaken with a nominated City representative, to confirm works are complete to specifications, noting that any rectification work is to be funded solely by Clancy's Fish Pub, to achieve Practical Completion.**
 - j. Maintaining the works for a period of 12 months from date of Practical Completion to the satisfaction of the City.**
 - k. Arranging a 12 months' defects liability period inspection (prior to expiry date) with the contractor, and to invite a nominated City representative to be present.**
 - l. Undertaking and funding all rectification works required to reach Final Completion, at which point the City will become the asset owner.**
 - m. Paying an annual playground maintenance and cleaning contribution of \$3,758 per annum (CPI adjusted annually) for the term of the current lease (10 years), and a further 5 years if the proposed lease renewal is approved (a total of 15 years).**
- 2. Noting the current volatility of construction costs, advises the developer Clancy's Fish Pub that based on the importance of this piece of public realm, no reduction in design quality, materiality or scope will be considered, following this approval.**



- 3. Noting the potential risk to the City regarding incomplete or substandard work by a future contractor, Clancy's Fish Pub are required to provide a cash bond of 5% of tendered construction cost to the City prior to site possession being granted. The full bond will be returned to Clancy's Fish Pub following the City's acceptance of the completed works.**
- 4. Authorise the Chief Executive Officer to negotiate with Clancy's Fish Pub to determine the final lighting installation details and negotiate a suitable financial contribution to the repair and maintenance of the lighting installation once the final design, product and lighting warranty details are finalised.**
- 5. Subject to the delivery of points 1-4 authorise the Chief Executive Officer to progress with a variation of the current Lease by adding a further five (5) year term effective 1 August 2033 subject to approval of the Minister for Lands and compliance with s3.58 of the Local Government Act 1995.**



FPOL2306-12

CORPORATE ENERGY PLAN UPDATE

Meeting date: 14 June 2023
Responsible officer: Manager Facilities and Environmental Management
Decision making authority: Committee
Attachments: 1. Corporate Energy Plan Update June 2023

SUMMARY

In 2017, Council committed to a Corporate Energy Action Plan. This report provides an update on the status of the Corporate Energy Action Plan and also provides additional commentary on the use of fossil fuels in the context of electrification, and summary position in respect to reducing greenhouse gas emissions.

The report recommends that Council receive the report and request officers provide a further update in respect to progress once the sustainability working group has developed a list of initiatives and projects.

BACKGROUND

At the November Finance, Policy, Operations and Legislation Committee meeting a Notice of Motion – To Electrify Everything by 2025 was submitted by Cr Pemberton. The amended recommendation following Council was as follows:

Council:

1. *Notes that the Corporate Energy Plan, adopted in 2017 proposed an achievable pathway for the City of Fremantle to move to running all corporate operations on 100% renewable electricity prior to 2025.*
2. *Council requests that by June 2023 officers:*
 - a. *Provide a progress report on the Corporate Energy plan and clarify the status of the implementation of the Energy Plan. The report to include:*
 - i. *Undertaking an energy audit to identify the council's current use of fossil fuels within operations and propose costed strategies to "electrify everything" by 2025.*
 - ii. *Investigation of practical options to encourage and incentivise households and businesses in the City of Fremantle to phase out gas and electrify properties, operations, and transport.*
 - b. *Provide an annual report to Council that details progress and updates in respect to the Corporate Energy Plan*
3. *With respect to its ongoing commitment to responsibly reduce greenhouse gas emissions (directly and indirectly generated) resulting from its operations and to manage potential impacts from climate change, Council request staff to provide a report including:*



- i. A review of the effectiveness of its activities and commitments to date.*
- ii. An assessment of existing and new opportunities for further reduction in GHG output, including their cost and comparative effectiveness.*
- iii. An assessment of our ability as a local authority to manage potential climate induced impacts, including the capacity of our existing infrastructure and recommendations on improvements that may be required.*
- iv. A review of opportunities within the planning framework to encourage a smaller GHG footprint of proposed developments, including the benefits of life cycle assessments.*

OFFICER COMMENT

Energy Plan

The City commissioned a consortium of Josh Byrne & Associates, InfraNomics and Merz Consulting to prepare a Corporate Energy Plan that outlined the most appropriate management actions to provide 100% renewable energy to power all corporate buildings by 2025. This Plan was formally adopted by Council in September 2017.

The plan was divided into 11 Actions which contained from 1 to 10 sub-actions in them. The following table identifies the total number of sub-actions and the number that were completed by the end of FY 2021 / 2022.



TABLE 1 - SUMMARY ACTIONS TABLE

Actions	Total No.	No. Complete (achieved)	No. Closed (not achievable)
Action 1 - Energy Data Reform and Annual Energy Report	4	1	0
Action 2 - Energy Plan Status Update	1	0	0
Action 3 - Energy Portfolio	4	1	3
Action 4 - Fremantle Leisure Centre - Energy Systems	2	0	0
Action 5 - Energy Efficient Buildings	4	1	0
Action 6 - Street and Park Lighting Upgrades	2	1	0
Action 7 - Voltage Optimisation	2	0	2
Action 8 - City Owned Photovoltaic Systems	1	0	0
Action 9 - Local Renewable Energy Supply	2	1	1
Action 10 - Gas Accounts	1	1	0
Action 11 - Sustainable Corporate Transport	10	1	0
Total:	33	7	6

The following section of the report provides detail on each of these actions and a commentary on their current status.



1. Energy Data Capture Reform and Annual Energy Report		
Recommendations	Update Comment	Status
Identify an account manager and administrative support for energy data management.	The City's previous sustainability technical officer had established the base data in the previous Greensense software system. Whilst the data is available, this system is no longer available to the City. It is anticipated that subject to successful recruitment of a new technical sustainability officer a new software system can be evaluated and procured.	Ongoing
Create cross reference aligning the account numbers and the City assets.	The account naming convention has been updated in Greensense to align with the City naming. In addition to this the sustainability technical officer has surveyed, assessed, and updated all meter locations for the city's relevant infrastructure assets.	Complete
Review how energy data, and energy cost data, is compiled by the City Finance Department.	The work orders system has been updated and utility accounts have been aligned to buildings and budgets. No progress has been made to establish a formal procedure and suitable administrative capacity to manage this as an embedded operation / corporate function.	Ongoing
Other providers exist who could potentially provide the required service. engagement.	Additional suppliers have been investigated and trialled. All systems have pros and cons. The systems that appear to have significant advantages are also more expensive. There will also be quite significant set up costs which will need additional budget approval which has been requested with a PID. The situation continues to be monitored.	Ongoing



2. Energy Plan Status Update		
RECOMMENDATIONS	UPDATE COMMENT	STATUS
Create an Energy Plan Status Update report for the period of the Plan to 2025. Issue this as an appendix to the Annual Energy Report.	The 2018/19 was the last report issued, the City has not had the capacity to assess, update and submit subsequent reports.	Ongoing

3. Energy portfolio		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Resolve with Synergy and Western Power whether the City Electricity accounts can be amalgamated and treated as a single, contestable portfolio.	Synergy indicated that they are open to some form of amalgamation of accounts, but they will be creating a custom tariff with larger network charges which will not provide any economic value.	Closed
Resolve with Synergy whether 'netting-off' between sites can be enabled, and whether Western power will discount the network charges to make this attractive. Network usage charge behind the Knutsford transformer could be as low as a few cents per kWh.	See above.	Closed
Resolve with Western Power whether PV systems on City facilities can be pre-approved en-masse.	Western Power have rejected the proposal on the basis that they need to review each installation on a case-by-case basis to ensure all safety and technical aspects of the installation are satisfied. However, this part of the process is generally fairly fast.	Closed
Solar PV suppliers are often able to provide financing solutions and these need to be considered to ensure the best use of the CoF available cash reserves.	This is typically not required but will be considered should circumstances change.	Complete



4.Fremantle Leisure Centre – Energy Systems		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Apply to connect the existing FLC PV system. Engage an experienced PV contractor to assist.	<p>Western Power do not object to the PV connection but because of the Cogen (also producing electricity) WP would not approve the two systems to run concurrently.</p> <p>The previous sustainability technical officer devised an arrangement where, as a compromised solution, the cogen and PV system could alternate subject to suitable tariff efficiency.</p> <p>Unfortunately, over recent years 50% of the PV system had failed; due to this and the age and functionality of the inverters - the remaining section of the PV system was not refitted when the roof was replaced.</p> <p>A further review of the systems at the FLC is planned to take place as a priority once the new sustainability technical officer commences.</p>	Ongoing
Complete a full audit of the last year of operation of the geothermal/cogen system to determine performance, and assess the real value of the system.	<p>All systems have been reviewed and the cogen system has been recommissioned successfully. This includes the installation of additional safety measures to protect the system from future problems. The systems was handed over to the management team for operational maintenance. Since this time the cogen has had some recurring maintenance issues, the system continues to be actively monitored. The system will be reviewed (as above).</p>	Ongoing



5. Energy Efficient Buildings		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Add energy auditing to the Building Audit process.	Budgets have been proposed to include regular energy audits by the Assets team – subject to approval, these can commence in FY 2023/2024.	Ongoing
Create an Energy Check process from tradespeople on City sites.	This has been implemented with the mechanical contractor.	Complete
Develop building type energy consumption benchmarks with WALGA and others.	The City continues to liaise with WALGA and other suitable LG's – however, at this point in time there are no suitable benchmarks available.	Ongoing
Develop a game layer for different facilities to compete on energy performance, incentivised by a share of the savings or similar. Competition between LGAs could also be supported by WALGA.	See above.	Ongoing

6. STREET PARKING AND LIGHTING		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Trial LED street lights (e.g. current Market St upgrade) and adaptive lighting, and report internally on lessons learned to inform a larger roll-out as more LED options enter the Western Power catalogue in the next year.	LEDs successfully installed at locations through the City. LED lights will continue to be installed as updates are required.	Complete
Once Western Power releases their updated catalogue of LED light options, Synergy can finalise their costs. Once this occurs then a complete replacement program of all lights with LEDs is recommended. The costs, payback period and financing can only be completed once the Synergy charges are finalised.	Western Power have released LED street light options. Officers have reviewed opportunities in respect to this and subsequently developed a 5-year plan with budget costs – this has been developed through a PID for budget consideration. which has not yet been approved. <i>(The proposed program is expected to cost approximately \$2.5 million over 5 years and will provide a full return on investment after the 10th year from commencement of the plan.)</i>	Ongoing



7 Voltage Optimisation		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
VO should be considered for the new administration building as part of the base design.	Not an effective way to reduce power consumption on a new building given the wide spread use of LED lighting, VSDs and solar panels.	Closed
Providers should be contacted to review other buildings for VO viability.	Not generally cost effective given the use of LED lighting and VSDs on motors. Quotes on implementing voltage optimisation indicate that this would cost approximately \$40,000 but would have a payback period of around 10 years or more.	Closed

8.City Owned Photovoltaics		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Install Maximum Size Photovoltaic (PV) Systems on City Buildings.	Options for install budgets to be raised for budgets for both economic and maximum size scenarios. See the Solar Program. PVs had been installed on all viable sites. Remaining \$31k budget quarantined until other sites are identified. Opportunities will be investigated to install PVS at the Arts Centre when the asbestos roof is completed. Officers propose to review the options available as battery technology becomes more affordable.	Ongoing

9. Local renewable Energy Supply		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Obtain a range of quotes from green energy suppliers to set price benchmarks, including Green power from Synergy, Green power Connect from Alinta.	Green energy is included in the current contestable energy contract.	Complete
Negotiate a supply arrangement with a local green energy project that can be enabled by the City's account.	Epuron withdrew from the solar farm project located in South Fremantle and alternative suppliers have not been found.	Closed



10. Gas Accounts		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Review the gas accounts. If the accounts are no longer needed then disconnect and save money on connection fees.	Gas accounts have been reviewed and records updated.	Complete

11. Sustainable Corporate Transport		
DETAILED RECOMMENDATIONS	OUTCOME	STATUS
Incentivise alternative transport choices	No electric motor scooters have been purchased for officer transport and an electric Ute and pool car are being trialled.	Ongoing
Set targets for fleet emissions intensity.	Baseline figures will be determined based on asset utilisation tracking and overall fuel consumption – this will be made possible from audit activities and GPS tracking devices to be installed in 2023/2024.	Ongoing
Create a regular reporting schedule so that progress towards the target can be tracked.	This has been added to the One Planet annual report.	Ongoing
Enable electric vehicles through charging points and carpark design.	4 chargers added to CP16 now transferred – there are now 2 at Marine Terrace and 2 at the Synagogue car park. A review of the suitability / provision of EV charging points in public car parks will be presented to Council for consideration.	Ongoing
Identify vehicle types that are suitable to be procured as electric vehicles over the coming years.	All but 4WD vehicle types are now suitable as EVs. Subject to budget availability, EV fleet transition will be phased in over the next 10 year, based on the current long term plant replacement program cycle.	Ongoing
Identify opportunities to reduce vehicle size	To be considered as a part of the Fleet review due for completion this financial year.	Ongoing
Enable route efficiency	GPS tracking equipment was installed on garbage trucks and routes have been revised and updated to improve efficiency.	Complete
Consider bio-fuels, particularly bio-diesel for heavier vehicles.	Biodiesel has been trialed in the past. This will be investigated again to determine whether this can be continued long term.	Ongoing



Identify opportunities to incentivise lower emission choices through the novated lease / salary sacrifice system.	To be investigated further.	Ongoing
Replace older fleet with newer more efficient fleet as a method of reducing on-going emissions.	Included in the Fleet Review.	Ongoing

The corporate Energy Plan (attached) provides detail on each of these actions and a commentary on their current status.

The report in respect to the energy plan that was submitted by officers in 2017 acknowledged that the actions provided a well thought out and sound basis by which the City as an organisation may reach 100% renewable energy use by 2025.

The report did also highlight that there are a number of critical factors that must be in place to enable successful implementation of individual actions. These include (but are not limited to) officer time, capacity and experience to reconcile energy data and accounts, finance to fund any upfront capital costs and cooperation from utility companies (e.g. Synergy and Western Power).

Unfortunately, the City has been unable to progress as many of the items as intended:

- Over the last 2/3 years the City has not had the officer time and capacity to actively progress initiatives. There are still important staff vacancies in these areas.
- Whilst sustainability budget proposals are included in the 10-year financial plan, funding approvals, as part of the annual budget process, has not been at the required levels to make significant progress.
- Limited officer time has also meant minimal progress has been made through consultation with key Utilities.

Going forward however, officers are hopeful that through recruitment, there will be an opportunity to develop some more positive momentum in this area.

Of the remaining outstanding actions officers would anticipate key opportunities that will deliver significant improvements relate to the Fremantle Art Centre, Fremantle Leisure Centre, corporate transport, and street lighting upgrades and would propose to prioritise actions in these areas accordingly.



Energy Audit

In response to the Notice of Motion requesting an Energy Audit, officers have reviewed all the City's sites and identified those which utilise natural gas. The findings confirm that there are 20 gas contracts managed by the City (see table 2) and 25 gas services at other City sites (see table 3).

Fossil Fuels

Site	Use
Fremantle Leisure Centre	Cogen, pool heating and hot water
Walyalup Civic Centre	Heating
Fremantle Art Centre	Cooking and hot water
Ken Allen Clubroom	Cooking
North Fremantle Community Hall	Cooking
Arthur Head Cottages, 9 Captains Lane	Cooking
Arthur Head Cottages, 10 Captains Lane	Cooking
Arthur Head Cottages, 11 Captains Lane	Cooking
Arthur Head Cottages, 12 Mrs Trivetts	Cooking
The Meeting Place	Cooking
Fremantle Park Clubrooms	Hot water
Bruce Lee Clubroom	Hot water
Hazel Orme Kindy	Hot water
Plane Tree Reserve	Barbeque
Horrie Long Reserve	Barbeque
S.E.W park	Barbeque
Valley Park, 92 Nannine Ave	Barbeque
Samson Park	Barbeque
South Beach Reserve	Barbeque
Alfred Park	Barbeque

Table 2. City Gas supply contracts

Site	Use
South Beach Café	Cooking and hot water
Orange Box Café	Cooking and hot water
The Kiosk, 123 Beach St	Cooking and hot water
Old Fire Station/ Backpackers	Cooking and hot water
Beerporium	Cooking
Dome	Cooking and hot water
Ben & Jerry's	Cooking and hot water
Betty's Burgers	Cooking and hot water
Ginos	Cooking and hot water
Clancy's Fish Pub	Cooking and hot water
Stevens reserve Clubroom	Cooking and hot water
Stevens reserve Caretakers Residence	Cooking and hot water
Fremantle Park Combined Clubs	Cooking and hot water
DADAA	Cooking
Moore's Building	Cooking and hot water
Gil Fraser Buildings	Cooking and hot water
Fremantle Oval Buildings	Hot water and Barbeque
Hilton Park Bowling Club	Cooking
Nth Freo Bowling Club	Hot water and possible cooking
Hilton Park Upper Club	Hot water
Ken Allen Field	Cooking
PCYC	Hot water
Meerilinga	Hotwater
Weybridge After School	Hot water
Laidlaw Day Care Centre	Hot water

Table 3. Other City sites with Gas supplies

Should Council elect to progress to a targeted transition from gas to electrical equipment several factors will need to be considered, these include:

- Life expectancy of existing equipment – embedded energy
- Availability of a suitable electrical supply for alternative equipment
- Performance and operation of alternative electrical equipment
- Budget
- Disruption to operations

Special consideration would be required if looking at transition from gas to electricity on tenant's commercial kitchens – these would require investigation of the suitability of the electrical infrastructure at each site. Negotiation, and agreement with the individual tenants may be necessary as there would likely be a requirement for them to purchase induction cooking equipment.



Transition from gas to electricity for Fremantle Leisure Centre, Walyalup Civic Centre and the commercial kitchen at Fremantle Arts Centre would require a full investigation to determine feasible options.

Easier options for transition to electrical equipment would include;

- Solar hot water packages with electrical immersion heater backup.
- Electrically operated barbeques
- Review of cooking equipment in smaller buildings (Arthurs Head Cottages)

Taking the above considerations into account, officers would consider an appropriate response to be:

- a. Adopting a principle of excluding gas supplies and equipment from new building projects.
- b. Considering replacement of all gas operated equipment as it approaches end of life.
- c. Identifying and removing gas equipment which is no longer required.
- d. Liaising with tenants to explore options for the replacement of gas fired equipment.

Options to encourage and incentivise households and businesses in the City of Fremantle to phase out gas and electrify properties, operations, and transport.

Officers will explore and consider suitable initiatives, options and incentives as part of the renewed Sustainability Working Group which has representation from all directorates and meets every 2 months.

Officers will provide an annual update of the Corporate Energy Plan to Council. In addition to this, it is anticipated that subject to resources, capacity and funding the City will provide a more proactive approach to progressing initiatives and projects going forward.

In response to part 3 of the Notice of Motion as amended at Council in November 2022:

Ongoing commitment to responsibly reducing greenhouse gas emissions

Greenhouse gas emission reduction opportunities

The Strategic Planning and City Design team intend to prepare a Carbon Emission Reduction Strategy in consultation with the City that identifies key initiatives to cut or eliminate carbon emissions across all sources and scopes of the City's operations. This is part of a recommended transition in climate change mitigation to 'Net Zero', aligning with both State and Federal policy and legislated Net Zero targets. In particular, to support Australia's commitments under the legally



binding Paris Climate Agreement 2016 formed at the UN Climate Change Conference of Parties (COP21). The Carbon Emission Reduction Strategy (CERS) would calculate net present savings, costings, and carbon emission abatement of each initiative to determine the impact of investment and recommend priorities for action. (Note: This is a significant piece of work which is currently not budgeted for and not represented in the Corporate Business Plan.)

In light of the recent Intergovernmental Panel on Climate Change (IPCC) reports of further global warming increases, the new Strategy will find innovative solutions towards eliminating our carbon footprint.

CERS must improve on the previous *Low Carbon City Plan 2011-2015* which contained a target of 40% reduction of emissions by 2020 (which was not achieved). CERS must also integrate with the *Corporate Energy Plan 2017* and assist with achieving its 2025 targets where possible. There will be costs involved in greenhouse gas emissions action but also inherent costs for inaction.

Climate risk assessment

The City's *Climate Change Adaptation Plan 2019* assessed the primary, secondary, tertiary and quaternary impacts of climate change across the City. This addressed sea level rise, increased temperatures, decreased rainfall, and increased storm intensity. The plan recommended adaptation actions to be carried out to address the climate risks, and outlined actions that had already been undertaken.

This assessment was carried out at a strategic level based on national modelled information, and is not at a fine scale to specifically address the risk and adaptive capacity of our existing local infrastructure, urban form and community. However, the strategy has not yet been updated to include data from the Cockburn Sound Coastal Alliance project which may identify finer-scaled risks to be used in determining appropriate responses. A full Climate Risk Assessment has not yet been carried out to evaluate threats to assets, both natural and physical. This piece of work could be carried out as part of a Climate Risk and Resilience Project.

GHG Reduction Opportunities within the Planning Framework

The Local Planning Policy (LPP) 2.13 Sustainable Buildings Design Requirements addresses greenhouse emission assessments of large-scale mixed use or commercial developments requiring planning approval. It contains requirements for developments with a Gross Lettable Area (GLA) greater than 1,000m² to achieve a minimum of 4 Star Green Star Green Building Council of Australia (GBCA) rating or equivalent. This policy was adopted in 2011 and is now out of step with current GBCA requirements regarding national net zero emission reduction commitments. A net zero building is now 5 Stars (not 4 Stars) which is considered Australian Excellence. This change was put into effect in late 2020. A carbon positive building is 6 Stars.

It is recommended that LPP 2.13 be revised to update the clauses to reflect minimum carbon emission building performance and current rating tools.



Furthermore, the policy refers to a One Planet Living (OPL) Action Plan being an acceptable equivalent to assess a development. The OPL principle of Zero Carbon Energy has a broad goal of “making buildings and manufacturing energy-efficient and supplying all energy with renewables”. However, it does not contain minimum energy performance benchmarks or standards, which is the level of detail needed for decision making at the building design scale. This results in inconsistency in its application, especially like for like developments.

Life Cycle Analysis (LCA) considers the whole of life environmental impact of a building and incorporates measures to reduce this impact. LCA can be used for developments requiring planning approval to reduce the embodied carbon emissions as part of responsible environment sustainable design (ESD) requirements. This could be utilised in the LPP 2.13 review along with other tools such as the National Australian Built Environment Rating System (NABERS). The successful application of ESD tools can help influence enhancements in the National Construction Code (NCC). Opportunities for an LCA component in assessing development proposals is to be reviewed by the Strategic Planning and City Design team and may be recommended as a trial for use within the Statutory Planning Development Approvals unit. A project business case would need to be prepared outlining requirements, scope, implications, and benefits, and engagement with internal stakeholders.

The Local Planning Policy 2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule encourages the inclusion of ESD features in new residential developments. Higher densities may be achieved if energy efficiency measures are incorporated to reduce the buildings carbon emissions. For instance, the use of 3kW photovoltaic solar panels, or constructed to achieve a Nationwide House Energy Rating Scheme (NatHERS) accredited energy efficiency star rating that measures thermal efficiency, specifically heating and cooling.

A more thorough Sustainability Appraisal of existing planning policies with Council’s Local Planning Scheme (LPS) No.4 could be carried out to review opportunities to reduce new development greenhouse gas emissions. This should be benchmarked against other Councils and State planning policies.

It is anticipated that a report titled ‘Towards Net Zero – Sustainability and Climate Change Action’ will be submitted in the July round of Council meeting and will address this area more comprehensively.

FINANCIAL IMPLICATIONS

The majority of the initiatives and projects referenced in this report will be dependent on resources, capacity and suitable funding. Whilst many of these are current captured (albeit individually) in the 10-year financial plan it is acknowledged that a review of the initiatives and projects needs to take place. It is anticipated that this will take place through the sustainability working group.



In anticipation of this, officers have started to look at increased financial provision for future initiatives and projects through the development of an Energy/Sustainability Reserve.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The City through the sustainability working group will engage and consult with stakeholders – inc utilities and tenants etc as part of a process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Receive the report providing an update on the Corporate Energy Plan.**
- 2. Note the current position in respect to gas services and request officers consider the following principles when appropriate opportunities arise:**
 - a. Excluding gas supplies and equipment from new building projects.**
 - b. The replacement of all gas operated equipment, with electrical equipment as it approaches end of life.**
 - c. Identify and remove gas equipment which is no longer required.**
 - d. At the appropriate time, liaise with tenants to explore options for the replacement of gas fired equipment with electrical equipment.**
- 3. Request officers provide a further update in respect to progress once the 2023/24 budget is confirmed and the sustainability working group has developed a list of initiatives and projects.**



FPOL2306-13 LARGE SCALE EVENTS AT ESPLANADE RESERVE

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development and Marketing
Decision making authority:	Council
Attachments:	1. Outdoor Events Policy
Confidential Attachments	1. Event A: Event Application, Draft Site Plan and Event Report
	2. The Gog Block Party: Event Application and Draft Site Plan

SUMMARY

The purpose of this report is to seek approval for two large scale events to be approved outside of the scope of the Outdoor Events Policy.

This report recommends that Council authorise the Chief Executive Officer to approve Event A (as outlined in Attachment 1) and The Gog Block Party to be held at the Esplanade Reserve in 2023.

BACKGROUND

The City's Outdoor Events Policy applies to all privately managed outdoor events held at designated outdoor event venues.

The policy outlines venues within the City of Fremantle that are deemed as designated outdoor event venues and categorises the venues as either *Gold*, *Silver* or *Bronze*, depending on their suitability to accommodate events.

The policy provides an annual allocation for large and major events for each outdoor event venue along with the following principles which are applied to the scheduling and frequency of events:

- No more than one event will normally be approved on the same day in each venue.
- The scheduling of approved events will be structured to maintain a balance between events and recreational use of the venue.
- The frequency of events will be structured to ensure at least a 10-day buffer (from bump out, to bump in) between Large and Major events.
- Events will be scheduled to allow for the physical rehabilitation of the venue.
- Events will be scheduled in such a way as to accommodate the primary use of the venue.
- Event approval will take account of the frequency and timing of events to ensure they are spread throughout the year wherever possible.
- The event is suitable.
- The venue is available.

The following Large and/or Major impact events that have taken place/are approved to take place at Esplanade Reserve in 2023:

Jan 2023	Summersalt	Completed
Mar 2023	Fremantle Boat and Seafood Festival	Completed
Nov 2023	Beerfest Fremantle	Provisional Approval Granted

These events are assessed as either Large or Major events and in line with the Outdoor Events Policy, the Esplanade Reserve has an allocation of a maximum of three Major or Large impact events.

Officers are seeing Council approval for a further two additional large impact events to be granted approval to take place in the 2023 calendar year. These events include:

- **Event A** (as outlined in Attachment 1)
- The Gog Block Party

Event A has been used to refer to the event detailed in Attachment 1. This event is being treated as confidential as the name of the event and detail associated with the event is commercial in confidence. The event has not been held in Fremantle before and Officers have been in discussion with the event promoter regarding the potential of securing this event in Fremantle.

Please refer to specific Event A details in **Attachment 1**.

The Gog Block Party

The Gog Block Party is a commercial, ticketed New Years Eve celebration run by Nokturnl Events.

Nokturnl Events is owned and operated by the owners of Fremantle-based hospitality business, The Old Synagogue.

The event was established in 2020 and was first hosted in the carpark areas surrounding the Old Synagogue and the Fremantle Oval.

The event since outgrew this venue and the 2021 and 2022 New Years events were hosted at Esplanade Reserve. The event has quickly become one of the biggest New Years Eve celebrations in Perth and is the biggest outdoor event in Fremantle.

In 2021, the event was impacted by COVID-19 lockdowns and was postponed. The event was later held on 15 January 2022 and was the first event in the state to have to provide for COVID-19 check-in requirements and overcome many obstacles to run a successful event. Tickets for the 2022 event sold out and 5,000 patrons attended.



The Gog Block Party 2023 aims to attract 10,000 patrons to Esplanade Reserve to celebrate the New Year. The event will feature DJs, rides, food stalls, dodgeball, silent disco and a proposed fireworks display for the countdown to midnight.

The event is targeted to 18–35-year-old demographic and event organisers will work closely with local hospitality and accommodation providers to support benefit from the event.

Prior to the adoption of the Outdoor Events Policy in 2021 and the COVID pandemic, ten events were held at Esplanade Reserve, four of these were considered large and/or major impact.

In 2022, eight events were held at Esplanade Reserve and three of these were large and/or major impact events.

Currently, in 2023 the City has hosted and/or approved to host nine events at the Esplanade Reserve.

Three of these events are large and/or major impact. Should Council approve these two additional events, at least eleven events will be hosted at Esplanade Reserve in 2023 which will bring the event offering back to pre-pandemic activation levels.

OFFICER COMMENT

The Outdoor Events Policy was established to endorse venues that are appropriate for outdoor events, establish event categories (large and major scale), and provide an annual allocation of large and major scale events to outdoor event venues.

Officers have undertaken an assessment of the two event applications to determine the potential impact on the public amenity and impact to residents as a result of noise and other associated disruptions that take place during large scale events and have resolved with a recommendation to progress with approval of the events based on the limited number of complaints received to date relating to events at the Esplanade Reserve.

Officers will consider noise impacts from these events and will ensure staging, and speakers are positioned in a way that least impacts the community. Regulation 18 approvals (issued by Environmental Health to allow noise emissions greater than what is outlined in the Environmental Noise Regulations) will be in line with standard noise levels for this venue.

All events must comply with existing event approval processes which consider community and economic impacts and benefits as well as patron and public safety.



Post COVID, the event landscape in Perth has changed. We have seen the departure of St Jerome's Laneway Festival; an iconic event on Fremantle's annual event calendar due to a desire for a larger event space able to accommodate up to 20,000 patrons which was not available in Fremantle. The event relocated to Wellington Square in the City of Perth.

Following a successful return of the annual Falls Festival Fremantle event post COVID-19 in early January 2023, the event organisers have recently announced that the event will be taking a break in 2024. The absence of these two annual events has left a significant gap in the City's events offering.

The Outdoor Events Policy was created during the height of the COVID-19 pandemic. During this time, event organisers were limited in what, when and how they could deliver events.

Following COVID a formal expression of interest (EOI) for large and/or major event applications has been unable to take place, but an informal EOI with the events industry has resulted in a significant number of event applications being submitted. This has been a positive increase with 37 events taking place in Fremantle in 2023 to date.

FINANCIAL IMPLICATIONS

Event A fees and charges

An overview of the proposed total fees and charges associated to this event is outlined below.

Fees and Charges	
Venue Hire Fee Esplanade Reserve: 2 x event days, 8 x bump in/out days	\$28,620.00
Application Fee	\$95.50
Environmental Health Fee	\$871.00
Regulation 18 Fee	\$1,000.00
Obstruction Fee	\$125.00
Total	\$30,711.50

**Please note this is in line with 22/23 fees and charges and may differ once 23/24 fees and charges are adopted.*

The Gog Block Party fees and charges

An overview of the proposed total fees and charges associated to this event is outlined below.

Fees and Charges	
Venue Hire Fee Esplanade Reserve: 1 x event day, 5 x bump in/out days	\$15,900.00
Application Fee	\$95.50
Environmental Health Fee	\$871.00
Regulation 18 Fee	\$1,000.00
Obstruction Fee	\$125.00
Total	\$17,991.50

**Please note this is in line with 22/23 fees and charges and may differ once 23/24 fees and charges are adopted.*

LEGAL IMPLICATIONS

Formal Event Approval will be provided under a contractual agreement between the event organisers and the City. The City will be recognised as the approver for the event.

Event Approval will be subject to the event organisers seeking all other necessary approvals from required stakeholders and obtaining final public building approval sign off by the Environmental Health team prior to the event commencing on the event day.

CONSULTATION

Officers across the organisation including environmental health, infrastructure, parks, parking and community safety have been consulted and support the addition of two events within the allocation of the Esplanade Reserve.

The Parks and Recreation team have confirmed they can restore the reserve within their standard restoration works.

The Environmental Health team are comfortable with the potential impacts of these events taking place can be managed appropriately through the event approval process.

The City has received three minor resident complaints relating to events being held at Esplanade Reserve since policy adoption in September 2021.



Two complaints were received relating to public toilets and/or playgrounds being inaccessible during events. In 2023 a general complaint was received in the lead up to the Fremantle Boat and Seafood Festival relating to playground and toilet access and noise.

Neither of the proposed events will incorporate the playground or public toilets within the fenced area.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council authorise the Chief Executive Officer to approve an additional two large-scale events to be held at the Esplanade Reserve in 2023.



11. Motions of which previous notice has been given

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

Nil

12. Urgent business

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

Nil

13. Late items

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

Nil



14. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

FPOL2306-14 EXPRESSIONS OF INTEREST – LEASE OF THE FREMANTLE PUBLIC GOLF COURSE

Meeting date:	14 June 2023
Responsible officer:	A/Manager Economic Development and Marketing
Decision making authority:	Council
Confidential Attachments:	1. Confidential Attachment –EOI Submission 1 2. Confidential Attachment –EOI Submission 2

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:

- (2)(e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (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 local government.

15. Closure