



# Agenda

## Ordinary Meeting of Council

Wednesday 28 September 2022 6pm



## **Notice of an Ordinary Meeting of Council**

Elected Members

An Ordinary Meeting Council of the City of Fremantle will be held on **Wednesday 28 September 2022** in the Council Chamber at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read "Glen Dougall".

Glen Dougall  
**Chief Executive Officer**

23 September 2022



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## **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 leave of absence**

Cr Adin Lang and Cr Frank Mofflin are on a leave of absence.

## **3. Applications for leave of absence**

\_\_\_\_\_ requests a leave of absence from \_\_\_\_\_ to \_\_\_\_\_ inclusive.

## **4. Disclosures of interest by members**

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

## **5. Responses to previous public questions taken on notice**

**The following questions were taken on notice at the Ordinary Meeting of Council held on 24 August 2022:**

**The following members of the public made statements and asked questions in relation to item C2208-1, a summary of these questions is included below.**

### **Question 1 - Rebecca Thompson**

In 2011, the City of Fremantle commissioned a 'Strategic Recreation Needs Assessment Report' that made recommendations for evidence-based decision-making about Council assets and facilities. The report questions the long-term viability of 3 bowls clubs in the City of Fremantle, due to "the changing demographic composition of Fremantle, particularly its aging, and changes in participation patterns."

Given the findings of the 2011 report, what are the views of elected members on approving another single-use bowls club?



### **Response 1**

Both proposals put forward a multi-use offering made up of social bowls, community events, activities and programs as well as a food and beverage offering.

There is no intention to re-establish a single use bowls club by either club.

### **Question 2 - Daniel Eilas**

Could the city's administration officers clarify the inconsistency found within the agenda, stating a strength of the New North Freo Bowlo is, on page 114, "...a not-for-profit organisation and as such would be eligible for community rent with other remuneration options applicable as the operator establishes the premises." Indeed, such concessions are consistent and normal with not-for-profit organisations; it is all a matter of course. Then later the city officers contradict themselves. Remarking on page 116 that their not-for-profit status is a weakness.

Could the city administration officers explain this inconsistency behind their rationale?

### **Response 2**

Not for Profits (NFPs) may be eligible for a range of tax concessions including sporting and recreational clubs. This then allows NFPs to put their profits back into the organisation to further the aims of the organisation, as well as pay for activities and functions.

The comment in the reports reflects North Freo Bowlo's lesser reliance on external financial support.

### **Question 3 - Harold Davies**

Would the council consider delaying their decision so a more in-depth analysis can be undertaken?

### **Response 3**

Council agreed to delaying the decision to the September Finance, Policy, Operations and Legislation Committee meeting.



#### **Question 4 - Ella Churchward**

Can the city administration officers clarify how a non-for-profit, namely, North Freo Bowlo, whose financial sourcing and activity objectives are premised on alcohol consumption be better suited the criteria of fostering a family friendly environment?

#### **Response 4**

The North Freo Bowlo's financial sourcing includes events, community hire, grants and commercial partnerships as well as the food and beverage offering.

The activity objectives are broader than alcohol consumption as their submission includes a diverse mix of events, programming, community hire and recreational activities.

### **6. 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.

### **7. Petitions**

Petitions to be presented to council.

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

### **8. Deputations**

#### **8.1 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.

#### **8.2 Presentations**

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



## **9. Confirmation of minutes**

### **OFFICER'S RECOMMENDATION**

**Council confirm the minutes of the Ordinary Meeting of Council dated 24 August 2022.**

## **10. Elected member communication**

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

## **11. Reports and recommendations from committees**

### **11.1 Planning Committee 7 September 2022**

Nil





## 11.2 Finance, Policy, Operations and Legislation Committee 14 September 2022

### FPOL2209-3 SUBMISSION ON FREMANTLE HARBOURS MASTER PLAN

<b>Meeting date:</b>	14 September 2022
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Fremantle Harbours Master Plan
<b>Additional information:</b>	Nil

#### SUMMARY

The Department of Transport (DoT) is inviting comment on the draft Fremantle Harbours Master Plan.

The intent of the document is to guide the future development of the Fremantle Fishing Boat Harbour and adjoining Challenger and Success harbours for the next 40-50 years. Central to the plan is the retention of the working harbour with opportunities for long-term urban renewal, enhanced public spaces and improved connections to the city centre and Victoria Quay. Other keys aspects of the plan include:

- Integrating the City's concept for Norfolk Street extension,
- new superyacht berths and support facilities, and
- opportunities for redevelopment sites, including a proposed mixed-use site where the boat lifter currently operates.

Generally, the master plan is in alignment with the City of Fremantle's long-term vision for the city and improved connectivity to its waterfront. This report recommends broad support for the document, and raises some specific aspects of the plan that will require further planning and design consideration, including:

- Maintaining the authenticity of a working harbour, in particular the retention of the boat lifters facilities within the precinct;
- How residential land uses might be introduced;
- What planning mechanisms will be developed to guide appropriate built form and height of new developments;
- How public parking will be managed as this precinct grows as a key city destination.
- Funding and delivery strategy by the State Government.



## **BACKGROUND**

Fremantle's Fishing Boat Harbour and the adjoining Challenger and Success Harbours are significant to Fremantle's land use, heritage, character, economy and operation, and are also significant state government maritime assets.

Council adopted its current Local Planning Policy (Fremantle Boat Harbours Development Policy - D.G.F10) for the Fishing Boat Harbour in 1993 (since amended, most recently in 1999).

In 2007-08 the City participated in a 'Three Harbours' planning process coordinated by the then Department for Planning and Infrastructure. The process generated various concept plans which envisaged significant outward extension of harbour breakwaters and new development in areas of current open water. A community-initiated preferred (alternative) concept for the harbour was prepared and largely guided the position adopted by the council in 2008 in response to the planning process. Following the State Government election in 2008 the project was deferred and subsequently never finalised.

The *Freo 2029: Transformational Moves* document developed as part of the Future Freo community visioning exercises undertaken in 2013-15 identified the Fishing Boat Harbour as a key part of Fremantle's waterfront. It recommends reinvigoration and reconnection to the City, by:

*"An expanded harbour area will provide a variety of marine, entertainment recreational and tourism related uses that are linked to the city centre via Bathers Beach, the Esplanade Reserve and an extension of Norfolk Street across the rail line."*

On 25 September 2019, Council considered a report on the Fishing Boat Harbour, in light of a potential significant private development proposal on the boat lifters site. The council adopted a position statement to guide discussions with DoT regarding any specific development proposal as well as any re-examination of the overall vision and future planning for the harbour.

Council resolution:

1. *Adopts the following as a statement of its current position in respect of the future of Fremantle Fishing Boat Harbour:*
  - a. *The Council recognises the Fishing Boat Harbour as a vital part of Fremantle City Centre, both in terms of its function as an employment and activity centre and visitor destination, and is supportive of investment and appropriate new development to sustain the harbour into the future.*  
*This can be most effectively achieved through the preparation of a comprehensive up-to-date plan for the whole of the Fishing Boat Harbour to guide investment, activities and development.*



- b. The harbour should be recognised as a component of the Fremantle City Centre and, along with Challenger and Success harbours, as a part of the state’s marine network (including marine tourism/recreation as well as commercial operations). It should not be treated as an isolated precinct.*
- c. The harbour should continue to operate as an authentic working harbour with fishing fleet-related and other marine industries. These industries are an essential component in the retention of an authentic port attraction and visitor experience for the greater Fremantle area. To date, no proposal has been lodged for the boat lifters site. Nevertheless the process, the impending expiry of other significant leaseholds in the area, the need to renew infrastructure and the age of current policy have led to discussions between the Landside infrastructure and services to support ongoing use of the harbour by a range of commercial and recreational vessels (including boat lifting facilities with the lifting capacity, accessibility and functionality of the current facilities and adequate hardstand and covered space for vessels undergoing maintenance) should be maintained, or suitably replaced elsewhere within the Fishing Boat Harbour if existing facilities/services are affected by development proposals. Review and redefinition of necessary infrastructure in collaboration with the fishing and other marine industries should occur.*
- d. Management of land uses within the harbour to minimise conflict and contain non-marine uses (such as entertainment and tourism uses) should continue. The harbour ‘zones’ defined in policy DGF10 should be used as a starting point for guiding land use locations, but with some potential southwards expansion of Precinct B – Visitor/Tourist waterside activities to better align with the extension of Norfolk Street, where development to accommodate these uses is intrinsically linked to the implementation of the Norfolk Street extension through a funded and coordinated development plan or State project.*
- e. Any proposal to introduce noise sensitive land uses (e.g. short or long stay accommodation) should be limited in scale and extent, be located within the Visitor / Tourism precinct as defined above, and should only be permitted if the primacy of the working harbour function is safeguarded by legally binding and effective provisions to manage any potential conflict (for example built form noise mitigation measures, management arrangements, title/lease notifications etc).*



- f. Employment-generating uses not directly related to maritime industries and/or needing a harbour location should complement, not draw away, investment in the Fremantle City Centre, and especially the retail core. Specifically, retail and office uses should only be supported where they are directly related and/or incidental to the primary marine or tourism related use. Non-related convenience/comparison retailing and large format retailing should not be supported.*
- g. Built form in any new development should respond to existing context and sense of place, and harmonise with the traditional low profile coarse grain industrial character of the area (whilst still making adequate provision for pedestrians and passive surveillance). Views to and physical connection with the waterfront from the public realm should be provided. Some additional height beyond the typical height of existing harbour buildings could be entertained as part of a major development provided that the overall development can demonstrably deliver significant public benefits and amenity in the vicinity.*
- h. Any substantial new development proposal (particularly anything large in scale or proposing additional height) should be subject to formal design review (potentially by the State Design Review Panel) and deliver a high standard of design quality. Department of Transport and the City in relation to future plans and aspirations for the harbours.*
- i. Coordinated improvement of the public domain to establish a flexible and more amenable pedestrian and cycling environment which rationalises parking in key areas away from the core of the Visitor/Tourism precinct is supported. New development should enhance the opportunity to improve the public domain and the movement of vehicles and people. Any redevelopment of the public domain should avoid a net loss of parking serving the Fishing Boat Harbour. New developments should contribute (directly or by cash-in-lieu) to the provision of parking sufficient to accommodate the additional demand generated by the proposal and facilitate delivery of nodal parking at the entrance and/or on the periphery of the Fishing Boat Harbour at appropriate stages.*
- j. Key connections and vistas should be retained and reinforced. Connection to the Esplanade, Bathers Beach and to the waterfront should be improved and made more legible. Extension of Norfolk Street should be pursued as a primary entrance to the harbour, along with conversion of Warden Lane (leading to Cliff Street/Marine Terrace) to two-way traffic flow to allow improved vehicular circulation and temporary road closures to facilitate special events.*



- k. Establishment of public infrastructure necessary to facilitate improvement of the harbour and funding and contribution mechanisms to achieve these should occur as a priority to ensure a coordinated and equitable approach. This should involve contribution to Norfolk Street extension, the two-way upgrade of Wardan Lane, associated /relocated railway crossings and public realm enhancements and waterfront access.  
State and / or developer funding for new public infrastructure and agreement on delivery methods and program should coincide with any significant development.*
- l. Car parking provision and management should recognise the different needs of each harbour user group. Day tourists and visitors to the harbour should be provided with a consolidated parking venue/s at or near the entrance/s to the harbour (potentially supported by cash in lieu payments for new development) and encouraged to access the public domain as pedestrians rather than seeking to park within the precinct. Conversely the operational requirements of marine industries and maritime activities need to be accommodated within the harbour. In particular, improvements are needed to accommodate the transport needs of employees working within the harbour.*
- m. Any significant expansion of tourism function or introduction of residential uses should incorporate or facilitate a high quality area of open space including landscape elements and shade trees.*

The DoT conducted a series of stakeholder workshops on the harbour in September/October 2019 which established the following vision:

*"To retain an authentic working harbour enriched with diverse land uses, enhanced public spaces for people and connections to the city centre and its surrounds."*

To resolve what that vision might translate into in relation to infrastructure; public domain improvements; and new development, the DoT proposed the development of a master plan - in collaboration with the City and the Department of Planning, Lands and Heritage (DPLH). On 9 December 2020, Council supported City staff's participation in the exercise.

## **OFFICER COMMENT**

Overall, the master plan is an 'aspirational' document, intended to activate and guide the future development of Fremantle Fishing Boat Harbour, Challenger and Success harbours for up to 50 years. At its core, the plan aspires to:

- Maintain an authentic working boat harbour, focussing on the fishing industry, maritime services and associated commercial enterprises.



- Improve connections through well-defined gateway entries and extending legible connections into the city centre and Fremantle Port.
- Encourage future redevelopment and economic growth through diversifying the land use offering and enhancing the visitor experience.
- Inform a program of enhancement projects to the public realm and initiatives to promote activation, functional and connected public spaces, and private investment and business development.

### **Specific Feedback on the Draft Master Plan**

The previous position statement adopted by Council in September 2019 (refer to Background, above) is considered to still encapsulate key guiding principles that remain relevant to the current planning work by DoT. Rather than repeat this, the following comments are new and specific to elements of the draft master plan:

1. **BOAT LIFTERS**  
The boat lifters facility plays a critical role within the landside infrastructure in maintaining the authenticity of the working harbour and should either be retained on its current site or relocated – with the same or greater capacity/capability - within the Harbour.
2. **MARINE INFRASTRUCTURE AND FACILITIES**  
In addition to boat lifters, existing harbour infrastructure, amenities and facilities need to be upgraded to service marine industries and recreational boating.
3. **PRECINCT LAND USES**  
Harbour related uses are supported, as well as containing and consolidating non-maritime uses that reinforce the working harbour character, tourism and/or entertainment. Specific points include:
  - a) *RESIDENTIAL*. The introduction of noise sensitive residential land uses may conflict with the core objective of sustaining a working harbour into the future. Therefore, residential uses should be:
    - limited in scale and extent;
    - located within the Waterfront and Mixed Use Precincts only;
    - preferably short-stay accommodation;
    - permitted only if the primacy of the working harbour function is safeguarded by legally binding provisions to manage any potential conflict (for example built form noise mitigation measures, management arrangements, title/lease notifications).
  - b) *HARBOUR-RELATED PRIORITIES*. Considering the harbours proximity to the City centre, introducing new uses that do not directly relate, or are incidental, to the primary marine industries or tourism related use, should be discouraged.



- c) *RETAIL AND COMMERCIAL*. Retail and office uses should only be supported in the harbour area where they are directly related and are secondary land uses. Non-related convenience/comparison and large format retailing should not be permitted.
4. **RECONNECTING WATERFRONT TO ITS CITY**  
Further work on urban design, materiality and legibility to strengthen the harbours as an integral part/extension of the Port City, specifically:
- Norfolk Street Extension – alignment/design to reflect the historic built form and city grid.
  - How the Harbours Master Plan impacts/interfaces with Esplanade Master Plan and project boundaries.
  - Details for the conversion of Warden Lane to two-way traffic.
  - Details of the improved pedestrian links across railway.
  - Coordination of all proposed changes to rail crossings with other related planning work for Victoria Quay and Future Fremantle.
  - Timing, funding and sequencing of proposed changes to rail infrastructure by State Government.
5. **CONNECTIVITY TO VICTORIA QUAY**  
The intent to improve connectivity through Bathers Beach and Arthur Head Reserve to Victoria Quay is strongly supported. However, a boardwalk across the beach is not supported. The City will work with DoT and Fremantle Ports to discover the optimum route through this highly sensitive and historic landscape.
6. **PUBLIC REALM AND PLACE ACTIVATION**  
Maintaining and improving public spaces, access to waterfront, and activation is supported. How new spaces are managed and programmed should be in coordination with events and activities elsewhere in the City (including Victoria Quay). This may include the need to rationalise place names, branding and destination marketing.
7. **PUBLIC PARKING**  
The general approach to parking in the masterplan around 'no net loss' and transitioning to low speed shared environments is supported. The total increase in the number of bays provided in the report (from 880 to 982 bays) is based on the Sardine wharf and Esplanade Reserve bays being retained or reinstated; the plan doesn't take into account that the retention of the Esplanade car park is not an option with Norfolk Street extension as part of the adopted masterplan for Esplanade Reserve.



The next stage of planning work would benefit from further discussion with the City on:

- City wide parking planning, including coordination of future demand planning for all waterfront redevelopments, such as Victoria Quay, to ensure that the port city is adequately serviced by sufficient off-street parking facilities, in the right locations.
- The reinstatement of the exact number of bays for Esplanade car park in relation to potential new parking facilities connected to Italian Club redevelopment as well as Sardine Wharf.
- Other proposed adjustments to city parking, for example, in Wardan Lane, and how the State Government would fund these.
- New developments could contribute (directly or by cash-in-lieu) to the provision of future parking to accommodate for additional demand.
- Future management and coordination of public parking to ensure consistent branding, marketing and way-finding.

#### 8. ALTERNATIVE TRANSPORT NODES

Alternative transport modes are supported. Specific comments on this section area:

- The masterplan references several Transperth services along Marine Terrace. This is incorrect, there are no services apart from the Blue CAT which is currently under review.
- Images show a passenger train along the freight rail. This could be misleading given a southern rail link corridor alignment has not been confirmed.
- PSP path treatment through the Harbours precinct should be consistent with other areas of the city centre.

#### 9. BUILDING MASSING AND HEIGHT

Built form of new developments should generally respond to existing context and sense of place, and harmonise with the traditional low profile, 'coarse grain' industrial character of the area. Views to and physical connection with the waterfront from the public realm should be provided. Some additional height beyond the typical height of existing harbour buildings could be investigated as part of a major development provided that the development contributes to (a) the overall sense of place within the harbour and (b) public amenity. In addition to the master plan, it is suggested that further work would be useful in developing the statutory planning framework for the harbour's precinct.

#### 10. COASTAL PROCESSES

Projected sea level rise and coastal processes need to be planned for and accommodated within any new development within the precinct. In particular, establishing appropriate datum heights for new buildings and how level differences will be managed within the public realm over time, need further planning and design work.





**11. POLICY ADJUSTMENTS**

Following more detailed planning work, the DoT and City of Fremantle will need to review the current joint planning policy developed in 1999 DGF10 – Fremantle Harbours Development Policy. (See diagram below.) The key departure from this policy, as proposed by the draft master plan, is re-aligning the northern boundary for 'marine industry' to create a mixed zone where the boat lifters site is currently located, to create alternative uses and activities between 'marine industry' and 'visitor/ tourist waterfront activities'.

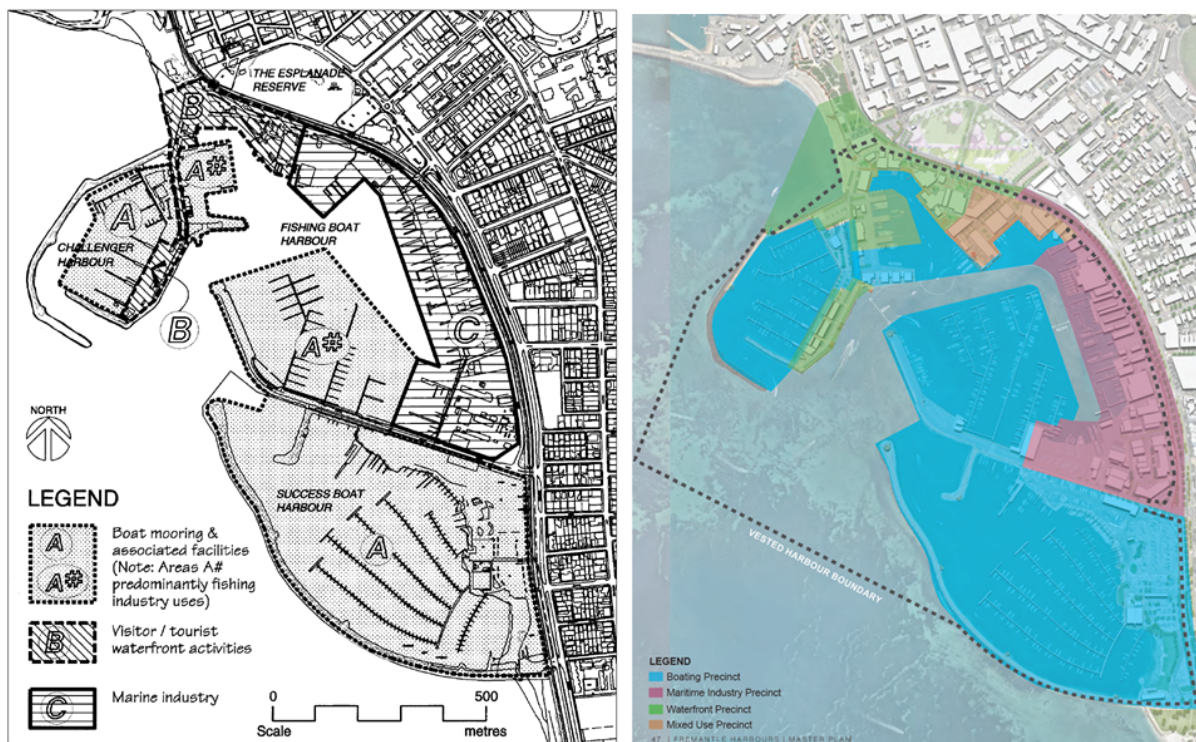


Figure 1. DGF10 map and Masterplan precincts

**12. FUNDING AND IMPLEMENTATION STRATEGY**

The master plan is unclear around the funding and implementation strategy of the various components. Further understanding of this would be useful for the City – especially in relation to the timing and coordination of other State Government projects in Fremantle.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the City to this report.

**LEGAL IMPLICATIONS**

None.



## **CONSULTATION**

This report is a response to the Department of Transport's consultation on the Fremantle Harbours Master Plan.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Rachel Pemberton**

Council:

1. Expresses its appreciation to the State Government in being involved in the masterplanning process for Fremantle Harbour, and now having the opportunity to provide final comment on the draft document;
2. Advises the Department of Transport that it supports the general aspirations contained within the master plan, noting that a summary of key areas that would benefit from further study are:
  - In practical terms, how/where the boat-lifters facilities will be retained within Fremantle Harbours;
  - How residential uses might be introduced without this threatening the future sustainability of a working harbour;
  - What planning mechanisms will be developed to guide future locations, built form and heights, of new developments within the precinct to contribute to, rather than depart from, the established character, grain and architectural scale;
  - Funding and implementation strategy of infrastructure changes, especially of items beyond the cadastral boundaries of the harbour;
  - Future planning, provision and management of public parking in liaison with the City of Fremantle to ensure adequate service levels, branding, marketing and way-finding.
3. Provides a copy of this report to the Department of Transport for a full summary of the City of Fremantle's feedback.



## **AMENDMENT**

**Moved: Cr Fedele Camarda**

**Seconded: Mayor Hannah Fitzhardinge**

**Add an additional dot point to part 2, to read as follows:**

- **Acknowledgment and consideration of the rich cultural and historical value of the harbour through all phases from planning to implementation.**

**Amendment carried: 7/0**

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

## **COMMITTEE RECOMMENDATION ITEM FPOL2209-3** **(Officer's amended recommendation)**

**Moved Cr Jenny Archibald**

**Seconded Cr Rachel Pemberton**

### **Council:**

- 1. Expresses its appreciation to the State Government in being involved in the masterplanning process for Fremantle Harbour, and now having the opportunity to provide final comment on the draft document;**
- 2. Advises the Department of Transport that it supports the general aspirations contained within the master plan, noting that a summary of key areas that would benefit from further study are:**
  - **In practical terms, how/where the boat-lifters facilities will be retained within Fremantle Harbours;**
  - **How residential uses might be introduced without this threatening the future sustainability of a working harbour;**
  - **What planning mechanisms will be developed to guide future locations, built form and heights, of new developments within the precinct to contribute to, rather than depart from, the established character, grain and architectural scale;**
  - **Funding and implementation strategy of infrastructure changes, especially of items beyond the cadastral boundaries of the harbour;**
  - **Future planning, provision and management of public parking in liaison with the City of Fremantle to ensure adequate service levels, branding, marketing and way-finding.**
  - ***Acknowledgment and consideration of the rich cultural and historical value of the harbour through all phases from planning to implementation.***



- 3. Provides a copy of this report to the Department of Transport for a full summary of the City of Fremantle’s feedback.**

**Carried: 7/0**

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



## **FPOL2209-4 TENDER FCC600/22 - GRIFFITHS PARK UPGRADE**

<b>Meeting date:</b>	14 September 2022
<b>Responsible officer:</b>	Manager Parks and Landscape
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	Nil
<b>Additional information:</b>	Confidential price matrix

### **SUMMARY**

**The purpose of this report is to consider tender number FCC600/22 for Griffiths Park Upgrade at Griffiths Park in Hilton. This report recommends that Council accepts the tender submitted by Phase 3 Landscape Construction in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document, subject to the approval of a suitable project budget amendment.**

### **BACKGROUND**

An upgrade of Griffiths Park has been planned to ensure it meets the needs of the community. The upgrade combines the renewal of three key assets being playground, conversion of the drainage system including sump and the irrigation system. The scope of works includes:

- Preliminaries
- Demolition
- Play Equipment
- Furniture
- Swale Hard Landscaping
- All other Hard Landscaping
- Irrigation
- Soft Landscaping

This tender was first advertised on 27 October 2021. As no tenders received were in budget, all offers were rejected. Prior to retendering, officers rescoped the project to ensure it met the core scope and then priced in additional scope items separately that could be awarded should the budget be sufficient. The project was re-tendered in May 2022 directly with the tenderer's who previously submitted in accordance with procurement requirements.



**FINANCIAL IMPLICATIONS**

The table below summarises the available budget, current expenditures and recommended tender price by Phase 3 for the Griffiths Park Upgrade works:

<b>Budget Account</b>	<b>Account Description</b>		<b>Amount</b>
300251	P-12027 Design and construct - Griffiths Park - Upgrade	LCRI Grant Income	\$247,000
300251	P-12027 Design and construct - Griffiths Park - Upgrade	Municipal Contribution	\$95,327
<b>Total</b>			<b>\$342,327</b>

The allocated project budget is insufficient to deliver the Griffiths Park Upgrade scope within budget. This budget was originally developed in 2021 and pricing in the construction market has increased significantly in this time. To accept this tender, a suitable budget amendment will need to be approved by Council.

To determine whether the offer from Phase 3 represents value for money, officers have reviewed the pre-tender estimate to produce an updated Order of Probable Costs as well as producing an estimate based on estimated current market pricing, as follows:

Item	Total (ex GST)
Order of Probable Costs (inc. escalation)	\$445,724.79
Estimate on current market pricing analysis	\$472,526.17
Phase 3 Pricing	\$507,167.37

Phase 3’s pricing is within an acceptable range of the updated estimates and given the high quality of their submission, represents a price that will deliver the project within an appropriate budget.

It is important to note the updated scope of the project provided clarification around the requirements for working around trees, with particular reference to trenching for irrigation works. This has led to an increase in the pricing to allow for this and it is considered a fundamental part of the project to retain and protect all existing trees. This improved methodology for working around trees is being applied to all parks projects to ensure these important assets are protected.

**LEGAL IMPLICATIONS**

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

This contract will be awarded and managed through General Conditions of Contract (AS 2124-1992).



## **CONSULTATION**

The Griffiths Park Upgrade project went through a significant Community Engagement process to develop the final design and has been regularly updated on the My Say Freo project page.

The WALGA Preferred supplier program was not used for this tender as officers wanted to test the broader.

Before any works or construction commences, a sign will be erected at the site and information about the upcoming works will be posted on the City's website and social media channels.

## **OFFICER COMMENT**

### **Detail**

Tender FCC600/22 for the Griffiths Park Upgrade at Griffiths Park in Hilton was opened on 6 May 2022 and closed on 3 June 2022.

Essential details of the contract are outlined below:

Contract type	AS2124 1992
Contract duration	The Contract will conclude following the 12 month Defects Liability Period after Practical Completion of the works.
Commencement date	On award, anticipated 7 October 2022

## **Tender evaluation**

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

- Eighth St Pty Ltd T/A Ligna Construction [ABN: 51 613 113 214, ACN: 613 113 214] Wangara WA 6065
- Environmental Industries Pty Ltd [ABN: 80 009 156 343, ACN: 009 156 343] Canning Vale WA 6155
- PHASE3 Landscape Construction [ABN: 55 126 011 621, ACN: 126 011 621] O'Connor WA 6011.

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

The tender evaluation panel comprised:

- Manager Parks and Landscape (V)
- Project Manager(V)
- Senior Landscape Architect (V)
- Procurement Team Leader (N/V)



Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

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

<b>Item No</b>	<b>Description</b>	<b>Weighting</b>
1	Relevant Experience	20%
2	Key Personnel, Skills & Resources	20%
3	Demonstrated Understanding	20%
4	Sustainability & Local Economic Benefit	10%
5	Price	30%

The 3 tender submissions received were conforming. The submission received from Phase 3 has an overall score of 80 out of 100 demonstrating a high level of experience, skills and understanding to deliver the project. They were also highly rated in Sustainability and Local Economic Benefit with a strong local presence.

<b>Overall Weighted Score Including Pricing</b>	<b>Relevant Experience of Delivering Similar Services</b>	<b>Key Personnel Skills &amp; Resources</b>	<b>Demonstrated Understanding</b>	<b>Sustainability and Local Economic Benefit</b>	<b>Price</b>	<b>Total Score</b>
<b>Tenderer</b>	20	20	20	10	30	<b>100</b>
Ligna Construction	13	9	7	4	<b>28</b>	<b>61</b>
Environmental Industries	11	11	9	6	<b>30</b>	<b>67</b>
Phase 3	18	16	13	8	<b>26</b>	<b>80</b>

**Environmental considerations**

The project includes the reclamation of a fenced drainage sump and its conversion to a publicly accessible vegetated winter wet depression that will provide significant habitat and forage potential to local wildlife while increasing urban greening and canopy cover.

The project also includes the hydro-zoning of areas under tree canopy by removing turf and planting with native species to conserve water use.

The project includes the planting of an additional 34 native tree species selected for forage and habitat for native bird species.





## **Risk consideration**

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report. Officers will manage project risks through the City's project management framework.

## **Comment**

The submission received from Phase 3 has scored an overall score of 80 out of 100 demonstrating a high level of experience, skills and understanding to deliver the project. They were also highly rated in Sustainability and Local Economic Benefit with a strong local presence through the contractor and sub-contractors.

The project requires the closure and fencing of Griffiths Park for the duration of the 3 month construction period. Fencing will be managed to minimise the impact on the community and sections will be reopened when possible.

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

Award contract:	07/10/2022
Commence construction:	24/10/2022
Completion:	27/01/2022

The proposed budget amendment allows the full scope of the project to be awarded and provides a small contingency for the construction of the project should it be needed.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2209-4** **(Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Frank Mofflin**

#### **Council:**

- 1. Accept tender FCC600/22 for the Griffith Park Upgrade from PHASE3 Landscape Construction [ABN: 55 126 011 621, ACN: 126 011 621] for the value of \$507,167.37, subject to approval of the revised project budget in part 2 below.**



**2. Approve the following budget amendment to facilitate delivery of the works:**

Item	Account Details	Account #	2022/23 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2022/23 Proposed Budget
1.1	<p>The budget amendment is to transfer money to P-12027 Design and construct - Griffiths Park – Upgrade from the following accounts:</p> <p>P-12024 Design and construct - Bathers South Beach – Structures: This project was to undertake works to the coastal seawalls at Bathers Beach, however it was unsuccessful in obtaining grant funding and the municipal budget is insufficient to deliver the works. The project will be rescoped and resubmitted with a supporting grant application in the 23/24 financial year.</p> <p>P-11987 Design and construct - Fremantle Education Centre: these works are not forecast to commence until 2023/24 and a revised project budget will be resubmitted for consideration in the 23/24 financial year.</p>					
Exp	300248.1606	P-12024 Design and construct - Bathers South Beach - Structures	(36,381)		36,381	0
Exp	300214.1606	P-11987 Design and construct - Fremantle Education Centre	(146,210)		141,460	(4,750)
Exp	300251.1606	P-12027 Design and construct - Griffiths Park - Upgrade	(342,327)		(177,841)	(520,168)

**Carried: 5/2**

**For:**

Mayor Hannah Fitzhardinge, Cr Fedele Camarda,  
Cr Jenny Archibald, Cr Rachel Pemberton, Cr Frank Mofflin

**Against:**

Cr Marija Vujcic, Cr Doug Thompson



## **ADDITIONAL OFFICER COMMENT**

The following additional information is provided for Council consideration in relation to the award of Tender FCC600/22 - Griffiths Park Upgrade, and includes:

- Local Roads and Community Infrastructure Program Grants
- Dog exercise area
- Scope reduction and budget implications

### **Local Roads and Community Infrastructure Program Grants**

The project is part funded by a \$247,000 grant from the Local Roads and Community Infrastructure Program Grants – Phase 2. This round of funding did require the works to be completed by 30 June 2022. The delayed project commencement date has been reported in to LRCIP Grants and a further extension for this project will be sought to align the grant with a revised / delayed project delivery date.

### **Dog Exercise Area**

The project proposes no change to the Dog Exercise and Prohibited Areas Council Policy and Griffiths Park will remain a declared dog exercise area. As part of the project, officers will ensure appropriate location and number of dog exercise signage is displayed.

Officers acknowledge there needs to be a broader piece of work undertaken on provision of dog exercise areas across the City. Officers are gathering information to prepare a briefing for Council on the provision of dog exercise areas and in anticipation of determining a viable solution / program of works, Officers have also included a provisional budget provision for implementation in the City's Long Term Financial Plan.

### **Scope Reduction and Budget Implications**

The Griffiths Park Upgrade combines three separate renewal projects identified through asset management planning being playground renewal, upgrade of drainage system including sump and renewal of the irrigation system. Combining three projects into one has numerous benefits, and is an approach officers endeavour to recommend to Council, including:

- Consolidated community engagement.
- Holistic design, notably in this project the ability to integrate the drainage swale into the park as useable POS and the ability to upgrade irrigation to include hydrozoning around the new biodiversity plantings, swale and playground.
- Improved construction efficiency leading to lower costs.
- Reduced impacts of construction on the community.



If Council were to consider a proposal for scope reduction to reduce the total project cost, the most practical/viable aspect of the works to delete would be the drainage swale works.

Officers have received feedback and considered several scope reduction opportunities; they have concluded there are two potential options for consideration. The first option is a redesign and deletion of the drainage swale works to deliver the project within the existing available budget. The second option is to award the existing tender with a deletion of scope items to reduce the budget.

Splitting a construction project into stages typically costs more as the efficiencies associated with one package of works such as overheads, mobilisation, site management and project management are lost. This approach will also delay construction and expose the project to further escalation of construction costs in the market.

Based on feedback provided at the Committee meeting, the following options and alternative recommendations have been provided for Council to consider, should they wish to move an alternative recommendation based on a preferred option.

### **OPTION 1**

To deliver the project within the available budget of \$342,327 the project would need to be redesigned. A proposal to achieve this is to remove the drainage basin works from the scope. This would leave the existing fenced, trapezoidal drainage basin in its current state and it would not provide the amenity and environmental outcomes in the project as designed. These works could be delivered at a later date as a separate stage whilst noting increased costs due to re-mobilisation and the cost of removal of significant volumes of spoil that would otherwise have been incorporated into the project area. If this was the preferred approach provision would be made in the design and construction methodology, including irrigation, to be able to accommodate the staged approach.

Should Council prefer the above option, the following alternative recommendation to decline all tenders is provided. With this option, officers would need to revise the design documentation and re-tender the project which will delay the commencement of construction by approximately 4 months.

### **Alternative recommendation (Option 1)**

#### **Council:**

- 1. Reject all tenders received for FCC600/22 for the Griffith Park Upgrade.**



- 2. Request officers revise the design to remove the drainage basin upgrade and associated works, making provision to complete them as a future stage, and retender the project.**

## **OPTION 2**

The second available option is to reduce the scope of the project as tendered through negotiation with the preferred Contractor. There are two areas that can be reduced which won't impact the overall intent of the project; however, it should be noted that these will have longer term maintenance implications, as follows:

- **Garden Edge Kerb:** The current design has a concrete mowing kerb between the garden beds and turf to reduce the maintenance requirements of this interface. The extent of this can be reduced to the high-profile areas around the playground. This will lead to higher ongoing maintenance requirements on the other garden beds to prevent turf ingress.
- **Mulch:** The areas converted from turf to garden areas (biodiversity / green linkage plantings) have recycled tree pruning mulch. The depth and extent of this mulch can be reviewed. Ongoing mulching is already part of the parks service level and these works can be undertaken through this program in subsequent years.

Pending the final scope reduction of these negotiations, Officers forecast a saving of between \$30,000 and \$40,000. If this was realised, it would provide the potential for the project to be awarded within a proposed (revised) project budget maximum of \$484 168 ex GST.

Should Council wish to reduce the scope as noted above, the following alternate recommendation is provided for Council consideration.

### **Alternative recommendation (Option 2)**

#### **Council:**

- 1. Accept tender FCC600/22 for the Griffith Park Upgrade from PHASE3 Landscape Construction [ABN: 55 126 011 621, ACN: 126 011 621] as the preferred tenderer, and delegates authority to the Chief Executive Officer to:**
  - a. Enter into negotiations with PHASE3 Landscape Construction on the scope of works to a budget maximum of \$484 168 ex GST.**
  - b. Subject to agreeing works within the project budget, authorises the Chief Executive Officer to execute a contract with PHASE3 Landscape Construction to deliver the project.**



**2. Approve the following budget amendment to facilitate delivery of the works:**

Item	Account Details	Account #	2022/23 Adopted Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2022/23 Proposed Budget
1.1	The budget amendment is to transfer money to P-12027 Design and construct - Griffiths Park - Upgrade from the following accounts:  P-11987 Design and construct - Fremantle Education Centre: these works are not forecast to commence until 2023/24 and a revised project budget will be resubmitted for consideration in the 23/24 financial year.					
Exp	300214.1606	P-11987 Design and construct - Fremantle Education Centre	(146,210)		141,460	(4,750)
Exp	300251.1606	P-12027 Design and construct - Griffiths Park - Upgrade	(342,327)		(141,460)	(484,168)



## 12. Reports and recommendations from officers

### C2209-1 MONTHLY FINANCIAL REPORT - AUGUST 2022

<b>Meeting date:</b>	28 September 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	Monthly Financial Report – August 2022
<b>Additional information:</b>	Nil

#### SUMMARY

The monthly financial report for the period ending 31 August 2022 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

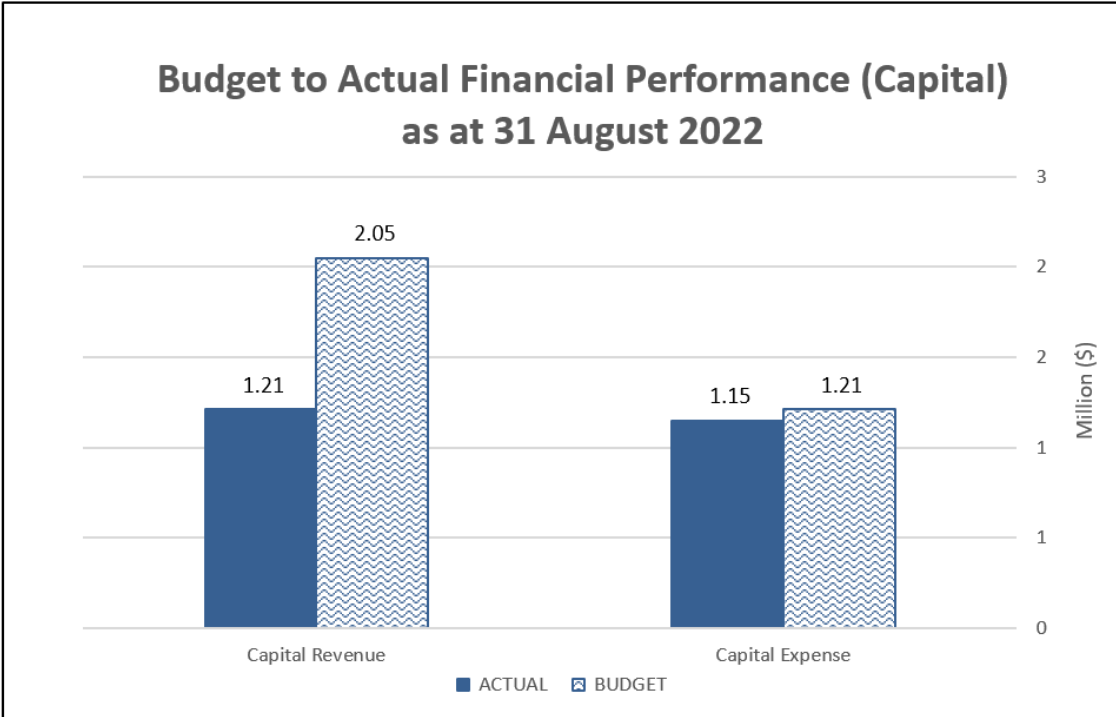
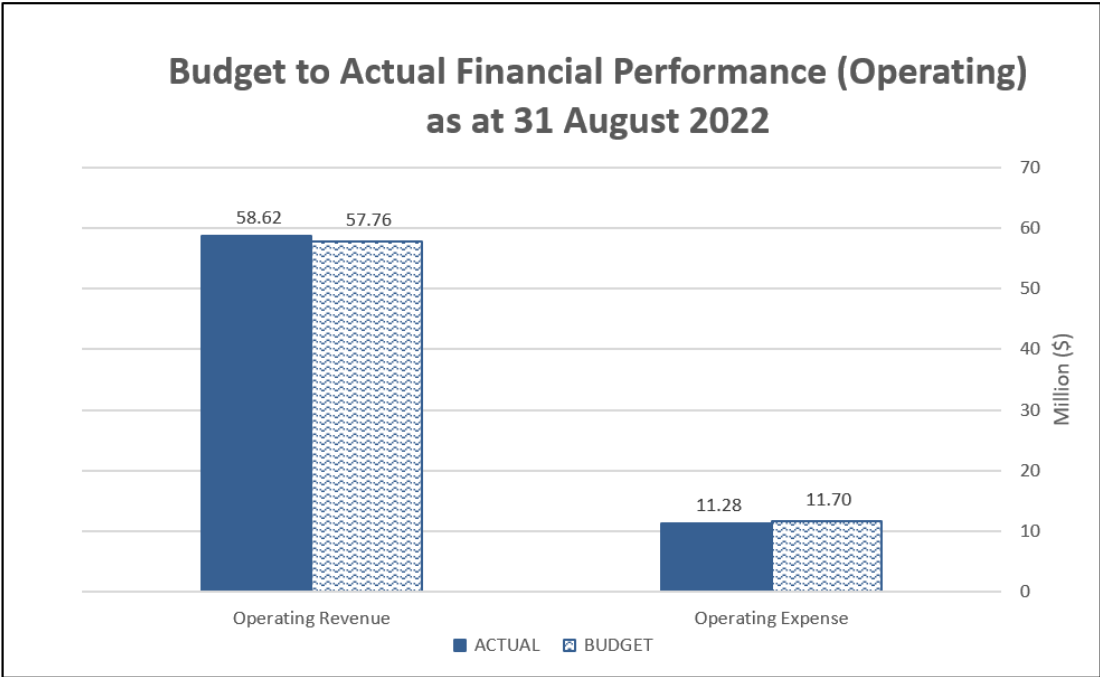
This report provides an analysis of financial performance for August 2022 based on the following statements:

- **Statement of Comprehensive Income by Nature & Type and by Program;**
- **Rate Setting Statement by Nature & Type and by Directorate; and**
- **Statement of Financial Position with Net Current Assets.**

This financial report for the period ending 31 August 2022 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums. Please note figures reported for 30 June 2022 in this report are subject to change with end-of-year adjustments and are as yet un-audited.

#### BACKGROUND

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 31 August 2022.







**RATE SETTING STATEMENT – BY NATURE AND TYPE  
FOR THE PERIOD TO 31 AUGUST 2022**

Below is a summary of the year-to-date Rate Setting Statement, by Nature and Type, to 31 August 2022. The detailed Statement can be found in the attached Financial Report.

Description	YTD Adopted Budget \$M	YTD Actual \$M	Variance \$M	Variance %
<b>Opening Surplus</b>	<b>8.89</b>	<b>13.93</b>	<b>5.03</b>	<b>56.61%</b>
<b>Operating</b>				
Rate Revenue	52.59	52.87	0.28	0.54%
Revenue	5.17	5.75	0.58	11.32%
Expenses	(11.70)	(11.28)	0.42	3.56%
Non-Cash Adj.	1.89	1.97	0.08	4.00%
	<b>47.95</b>	<b>49.31</b>	<b>1.36</b>	<b>2.84%</b>
<b>Investing</b>				
Capital Revenue	2.05	1.21	(0.84)	(40.91%)
Capital Expenses	(1.21)	(1.15)	0.06	4.98%
	<b>0.84</b>	<b>0.06</b>	<b>(0.78)</b>	<b>(93.00%)</b>
<b>Financing</b>				
Repayment Loans & Leases	(0.58)	(0.27)	0.31	54.08%
Reserve Transfers	0.57	(0.06)	(0.63)	(109.93%)
	<b>(0.00)</b>	<b>(0.33)</b>	<b>(0.32)</b>	<b>(7594.85%)</b>
<b>Closing Surplus</b>	<b>57.68</b>	<b>62.97</b>	<b>5.30</b>	<b>9.19%</b>



**STATEMENT OF COMPREHENSIVE INCOME – BY NATURE AND TYPE  
FOR THE PERIOD TO 31 AUGUST 2022**

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Adopted Budget as follows:

Description	YTD Adopted Budget \$	YTD Actual \$	Variance \$	Variance %
<b>Operating Income</b>				
<b>Rates (including Annual Levy)</b>	52,712,637	53,057,359	344,722	0.65%
<b>Service Charges</b>	-	8,804	8,804	0.00%
<b>Op.Grants, Subsidies &amp; Cont'bens</b>	577,778	555,461	(22,317)	(3.86%)
<b>Fees and Charges</b>	4,047,364	4,413,364	366,000	9.04%
<b>Interest Earnings</b>	226,057	215,697	(10,360)	(4.58%)
<b>Reimbursement Income</b>	123,822	163,834	40,012	32.31%
<b>Other Income</b>	69,855	209,541	139,686	199.97%
<b>Total</b>	<b>57,757,513</b>	<b>58,624,060</b>	<b>866,546</b>	<b>1.50%</b>
<b>Operating Expenses</b>				
<b>Employee Costs</b>	(5,759,801)	(6,158,454)	(398,653)	(6.92%)
<b>Employee costs - Agency Labour</b>	(92,340)	(252,036)	(159,696)	(172.94%)
<b>Materials and Contracts</b>	(3,259,997)	(2,463,623)	796,374	24.43%
<b>Depreciation – Non-Curr. Assets</b>	(1,889,650)	(1,939,816)	(50,166)	(2.65%)
<b>Interest Expenses</b>	(83,884)	(80,781)	3,103	3.70%
<b>Utility Charges</b>	(204,912)	(92,437)	112,475	54.89%
<b>Insurance Expenses</b>	(176,979)	(166,722)	10,257	5.80%
<b>Other Expenditure</b>	(229,143)	(126,577)	102,566	44.76%
<b>Total</b>	<b>(11,696,706)</b>	<b>(11,280,445)</b>	<b>416,261</b>	<b>3.56%</b>

Further explanation of material variances can be found under Officer's Comments below.

**FINANCIAL IMPLICATIONS**

This report is provided to enable Council to assess how revenue and expenditure are tracking against budget, and to identify any budget issues of which the Council should be informed.

**LEGAL IMPLICATIONS**

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement and an explanation of any material variances to be prepared and presented to an ordinary council meeting.



## **CONSULTATION**

Nil

## **OFFICER'S COMMENT**

Year to date, as at the end of August 2022, the City of Fremantle is carrying an additional surplus of \$5,298,072 over the budget anticipated, which is mainly due to:

Favourable variances against the year-to-date budget:

- Additional carry forward funds from the 2021-22 financial year of \$5.03m;
  - Note: This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end-of-year closing journals, accruals, etc. A final opening position for the 2022-23 financial year will be determined upon completion of the City's external audit.
- Increased Fees and Charges revenue of \$366k;
- Increased Reimbursement and Other Income of \$180k; and
- Below-budget operating expenditure of \$416k.

These favourable variances were partially offset by:

- Below-budget Capital Grants and Subsidies/ Contributions for the development of Assets of \$837k; and
- Reduction in transfer from Reserves (Capital) of \$554k.

## **Explanation of Material Variances**

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in the 2022-23 financial year for reporting material variances as 10% together with the minimum value of \$100,000 (Refer Item C2201-1 from Council meeting on 20 July 2022).

The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year to date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Rate Setting Statement by Nature and Type.

**Agenda – Ordinary Meeting of Council  
28 September 2022**






The below comments are to be read in conjunction with the Rate Setting Statement in the attached Monthly Financial Report – August 2022:

<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
<b>Net current assets at the start of the financial year</b>	<b>5,034,614</b>	<b>▲ 56.61%</b>
<b>Major Variances:</b>		
Operating Grants, Subsidies and Contributions	(410,505)	Timing variance: Primarily attributed to the following operating projects that were carried forward to the 2022-23 financial year: <ul style="list-style-type: none"> <li>• Program-In Cahoots art exhibition - (\$110k);</li> <li>• Better Bins Plus - Go FOGO - (\$106k); and</li> <li>• Events and initiatives to reconnect vulnerable people - (\$98k).</li> </ul>
Fees and Charges	(279,310)	Timing variance: Membership income received in advance for the Leisure Centre Swim School and Health Club has been carried forward to 2022-23.
Expenditure from Operating Activities – Employee Cost	(799,383)	Timing variance: Mainly due to: <ul style="list-style-type: none"> <li>• Accrued Salary &amp; Wages related to the 2021-22 financial year, paid in July 2022; and</li> <li>• Annual leave and Long Service Leave provision adjustments at the end of the financial year.</li> </ul>
Expenditure from Operating Activities – Materials & Contracts	(697,233)	Timing variance: Actual accrued expenses were higher than anticipated.
Capital Grants and Subsidies/Contributions for the development of Assets	(4,017,398)	Timing variance: Mainly due to the unspent grants related to the following capital projects being carried forward to the 2022-23 financial year: <ul style="list-style-type: none"> <li>• Fremantle Golf Course; and</li> <li>• Port Beach Coastal Adaptation.</li> </ul>
Capital Expenditure	11,584,796	Timing variance: Underspent position is attributed primarily to the following projects that were deferred to the 2022-23 financial year: <ul style="list-style-type: none"> <li>• Fremantle Golf Course project on hold as per the council decision, \$3m;</li> <li>• Port Beach Coastal Adaptation project was postponed due to a delay in awarding the contract, \$2.5m;</li> </ul>

**Agenda – Ordinary Meeting of Council  
28 September 2022**





Description	Variance Amount	Comment
		<ul style="list-style-type: none"> <li>Markets Building Services project is in negotiation stage, \$2.3m;</li> <li>Booyembara Park Bike Trail, \$1.4m; and</li> <li>Naval Store project, \$0.9m.</li> </ul> Other capital projects have been delayed due to market conditions.
<b>Employee Costs</b>	<b>558,349</b>	 <b>9.54%</b>
<b>Major Variances:</b>		
Staff Establishment	537,406	Favourable/timing variance: Combination of budget alignment, and vacancies. Offset partially by over-spend on Agency Labour.
On Costs	(936,059)	Timing variance: The budget phasing for cost allocations was entered incorrectly. This will be corrected in September after which Employee/ Agency costs are expected to be net favourable.
Agency Labour	(159,696)	Unfavourable variance: Over-spend relative to budget. Offset by favourable staff establishment costs.
<b>Other Revenue</b>	<b>139,687</b>	 <b>199.97%</b>
<b>Major Variances:</b>		
WCC Flood Damage	115,904	Favourable variance: Receipt of an insurance settlement for the WCC flood damage claim.
<b>Materials and Contracts</b>	<b>796,374</b>	 <b>24.43%</b>
<b>Major Variances:</b>		
Collection & Disposal - Domestic - Residual Waste	71,213	Timing variance: Delay in receiving in invoices.
P-10300 Plan-Fremantle Oval Precinct	70,198	Timing variance: Budget phasing to be adjusted.
Maintain footpaths	67,712	Timing variance: Works have been carried out, invoices to be received.
Collect & dispose bulk waste (Verge)	52,500	Timing variance: Jul/Aug invoices are yet to be received.
Maintain trees - road reserves and carparks	51,483	Timing variance: Budget will be utilised in the following months.

**Agenda – Ordinary Meeting of Council  
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<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
Maintain & operate public toilets	38,790	Timing variance: Delay in receiving Aug invoices.
Clean city wide	31,948	Timing variance: Budget phasing to be adjusted.
P-10426 Plan - Undertake heritage review	30,000	
Coordinate and undertake sustainability projects	29,170	Timing variance: Carbon credit purchases are yet to be made.
Clean CBD	25,585	Timing variance: Budget phasing to be adjusted.
<b>Utility Charges (gas, electricity, water)</b>	<b>112,475</b>	<b>▲ 54.89%</b>
<b>Major Variances:</b>		
Maintain Walyalup Civic Centre	32,941	Timing variance: Jul/Aug invoices are yet to be received.
Maintain Hard Landscaping	25,558	Timing variance: Delay in receiving invoices.
<b>Other Expenditure</b>	<b>102,565</b>	<b>▲ 44.76%</b>
<b>Major Variances:</b>		
Support CAT bus service	56,000	Timing variance: July Invoice received – to be processed/paid in September.
Contribute to the operations of Regional Resource Recovery C	29,373	Timing variance: Q1 Invoice received – to be processed/paid in September.
<b>Capital Revenue - Capital Grants and Subsidies/ Contributions for the development of Assets</b>	<b>837,579</b>	<b>▼ 40.91%</b>
<b>Major Variances:</b>		
P-12058 Design and construct - Booyeembara Park - Bike trail	294,527	Timing variance: Expected to be received in following months.
P-12047 Road safety - Wiluna and Hope - Intersection	171,341	Timing variance: Expected to be received in following months.



<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
P-10350 Design and construct-Fremantle Park Sport and Community	109,318	Timing variance: Budget to be corrected through the end of financial year carry forward adjustments.
<b>Capital Expense - Purchase Infrastructure - Roads</b>	<b>219,113</b>	 <b>60.80%</b>
<b>Major Variances:</b>		
P-12047 Road safety - Wiluna and Hope - Intersection	115,904	Timing variance: Carry forward project. Balance from 2021-22 to be carried forward and adjusted.
P-12002 Resurface - MRRG - Hampton Rd (SB)	68,494	Timing variance: Project completed in 2021-22. The estimated brought forward balance needs to be adjusted.
<b>Reserve Transfers</b>	<b>(629,991)</b>	 <b>109.93%</b>
Transfer from Reserve (Restricted) - Capital	(554,595)	Timing variance: Variance is primarily attributed to an underspend on capital works, therefore, the required funding from Reserves is less than budgeted.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

**OFFICER'S RECOMMENDATION**

**Council receives the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 31 August 2022.**



## **C2209-2 STATEMENT OF INVESTMENTS – AUGUST 2022**

<b>Meeting date:</b>	28 September 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Statement of Investments – August 2022
<b>Additional information:</b>	Nil

### **SUMMARY**

**This report outlines the investment of surplus funds for the month ending 31 August 2022 and provides information on these investments for Council consideration.**

**This report recommends that Council receive the Investment Report for the month ended 31 August 2022, as provided in Attachment 1.**

**The investment report provides a snapshot of the City’s investment portfolio and includes information as at 31 August 2022 in relation to:**

- **Portfolio details;**
- **Portfolio credit framework;**
- **Portfolio liquidity;**
- **Portfolio fossil fuel summary;**
- **Interest income; and**
- **Investing activities.**

### **BACKGROUND**

In accordance with the Investment Policy adopted by Council, the City of Fremantle invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds into appropriately rated and liquid investments, until the City requires the money for operational expenditure.

The City has committed to carbon neutrality and therefore seeks to ensure its financial investments consider the City’s One Planet Fremantle Strategy. The City therefore seeks to limit investments in financial institutions which support, either directly or indirectly, fossil fuel companies, while balancing compliance with the Investment Policy.





## **FINANCIAL IMPLICATIONS**

Investment interest earned year to date is \$60,936 against a budget of \$54,557, and a full year adopted budget of \$310,950.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 1.39% for the month of August 2022. The City's actual portfolio return in the last 12 months is 0.46%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.37% (refer to Attachment 1 point 8).

## **LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

## **CONSULTATION**

Nil

## **OFFICER COMMENT**

The City's Investment Portfolio Manager has provided a comprehensive Investment Report for the month ending 31 August 2022 which can be viewed in the Attachment. A summary of the investment report is provided below.

### **1. Portfolio Details**

As at 31 August 2022, the City's investment portfolio totalled \$37.96m. The market value of this investment was \$38.04m at that time, which takes into account accrued interest.

The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 11.46m
Term Deposits (> 3 months)	\$ 26.50m
<b>TOTAL</b>	<b>\$ 37.96m</b>



Of which:

Unrestricted cash	\$ 31.25m
Restricted cash (Reserve Funds)	\$ 6.71m
<b>TOTAL</b>	<b>\$ 37.96m</b>

The current amount of \$31.25m held as unrestricted cash represents 37.5% of the total adopted budget for operating revenue (\$83.31m)

## 2. Portfolio Credit Framework

The City’s Investment policy determines the maximum amount to be invested in any one Tier, or any one financial institution within a Tier, based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020, and the current adopted Counterparty Credit Framework is noted below.

### Portfolio Credit Framework limits

The Portfolio Credit Framework limits prescribe the limit of investments that may be made within any Tier of financial institutions. The maximum allocation to be invested in each Tier, and our actual investment allocation in those Tiers as at 31 August 2022, is outlined below, and shows that the distribution of the City’s investments across the four Tiers is compliant.

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	8,404,309.31	22.14%	100.00%	22.14%	77.86%	0.00%
Tier 2	21,058,953.82	55.47%	60.00%	92.45%	7.55%	0.00%
Tier 3	8,500,000.00	22.39%	35.00%	63.97%	36.03%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	37,963,263.13					

Values used in the above calculations exclude interest for term deposits and other simple interest securities.

Within each Tier, the Counterparty Credit Framework limits prescribe the limit of investments that may be made with any one financial institution. The maximum percentage of investments to be held with any one financial institution, within a given Tier, are outlined below.

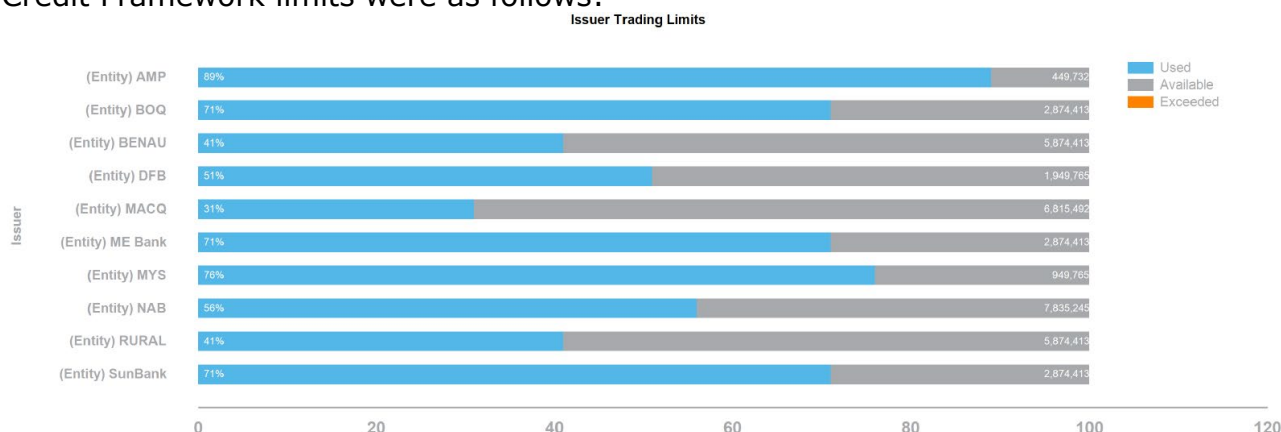


**Counterparty credit framework**

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

The City’s funds invested as at 31 August 2022, relative to the Counterparty Credit Framework limits were as follows:



As reported in the above graph, the City’s portfolio of investments as at 31 August 2022 was compliant. This result shows a correction of the non-compliance reported last month in relation to the City’s investment in AMP. Last month, the total amount invested in AMP – with AMP being our only Tier 3 investment at this time – equated to 12.1% of the City’s total investment portfolio. This exceeded the allowable investment for any one institution within Tier 3 of 10%. The total amount invested in AMP still has not changed since, but now that the City’s total investments have increased through August – with the inflow of rate revenue – the relative investment in Tier 3 investments has now decreased resulting in the AMP investment being compliant.

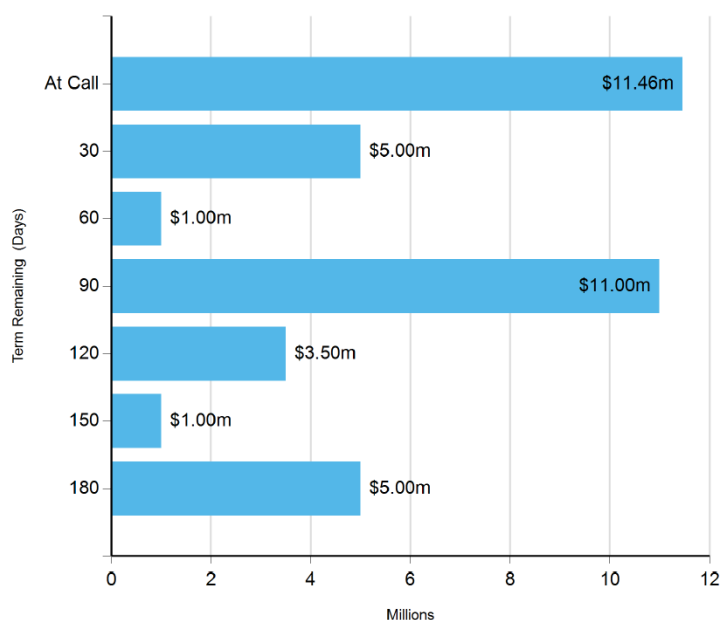
**3. Portfolio Liquidity Indicator**

The City’s investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

The below graph provides details on the maturity timing of the City’s investment portfolio as at 31 August 2022. Currently, all investments will mature in one year or less.



Face Value by Term Remaining



**4. Portfolio Summary by Fossil Fuels Lending Authorised Deposit-Taking Institutions (ADIs)**

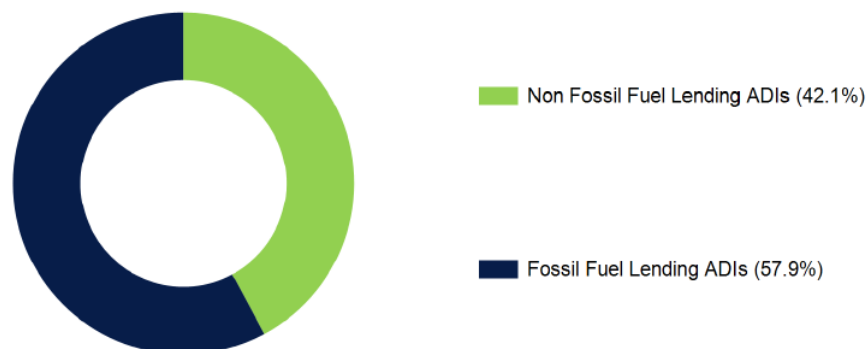
To support the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to Tier 3 and Tier 4 categories, allowing greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase the percentage invested in “Green Investments”; being ADIs that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel Lending ADIs).

To date, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits. However, we are starting to see movement in this market that may allow for increased Green Investments in the future.

As at 31 August 2022, \$16m (42.1%) of the City’s portfolio was invested in “Green Investments”. The total of Green Investments, at \$16m, has not changed from last month, but the relative percentage of Green Investments has decreased from 55% last month to 42%. This is an outcome of the increase in total investments over the month of August.



**Fossil Fuel vs  
Non Fossil Fuel  
Lending ADI**



Refer to Attachment 1 (Note 7) for details on which financial institutions these investments are held in.

Now that we start the new financial year and see increased revenue through receipt of annual Rates, we are actively looking for opportunities to improve this measure.

## **5. Interest Income for Matured Investments**

Per Attachment 1 (Note 9), interest income earned during August 2022 from matured investments was \$31,317.40.

## **6. Investing Activities**

In August 2022, eight-term deposits of \$8.0m were matured and \$10m were reinvested in four-term deposits.

Full details of the institutions invested in, interest rates, number of days and maturity date for investments held as at 31 August 2022 are provided in the Attachment.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

**Council receive the Investment Report for the month ending 31 August 2022, as provided in Attachment 1.**



## C2209-3 SCHEDULE OF PAYMENTS – AUGUST 2022

<b>Meeting date:</b>	28 September 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Schedule of Payments and Listings 2. Purchase Card Transactions <i>Attachments viewed electronically</i>
<b>Additional information:</b>	Nil

### SUMMARY

**The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending 31 August 2022, as required by the *Local Government (Financial Management) Regulations 1996*.**

**This report recommends that Council accept the list of payments made under delegated authority and accept the detailed transaction listing of Purchase Card expenditure.**

### BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of August 2022, is provided within Attachments 1 and 2.

### FINANCIAL IMPLICATIONS

A total of \$9,552,023.88 in payments were made this month from the City's municipal and trust fund accounts.

### LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
  - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
    - (a) *the payee's name; and*
    - (b) *the amount of the payment; and*
    - (c) *the date of the payment; and*



- (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing*
  - (a) for each account which requires council authorisation in that month –*
    - (i) the payee’s name;*
    - (ii) the amount of the payment; and*
    - (iii) sufficient information to identify the transaction; and*
  - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under sub-regulation (1) or (2) is to be –*
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) recorded in the minutes of that meeting.*

**CONSULTATION**

Nil

**OFFICER COMMENT**

The following table summarises the payments for the month ending 31 August 2022 by payment type:

<b>Payment Type</b>	<b>Amount (\$)</b>
Cheque / EFT / Direct Debit	\$ 6,479,354.79
Purchase card transactions	\$ 49,974.56
Salary / Wages / Superannuation	\$ 3,022,694.53
Other payments	\$ 0.00
<b>Total</b>	<b>\$ 9,552,023.88</b>

Attachment 1 provides a detailed listing of the payments by Cheque, EFT and Direct Debit, while Attachment 2 provides a detailed listing of Purchase Card transactions for the month ending 31 August 2022.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required



**OFFICER'S RECOMMENDATION**

**Council:**

- 1. Accept the list of payments made under delegated authority, totalling \$6,479,354.79 for the month ending 31 August 2022, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, totalling \$49,974.56 for the month ending 31 August 2022, as contained within Attachment 2.**





### **13. Motions of which previous notice has been given**

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

#### **PC2209-6 NOTICE OF MOTION – SUSTAINABLE DEVELOPMENT – CR ADIN LANG**

**Meeting date:** 7 September 2022  
**Responsible officer:** A/Director Strategic Planning and Projects  
**Decision making authority:** Council  
**Attachments:** Nil  
**Additional information:** Nil

#### **ELECTED MEMBER SUMMARY**

To encourage more sustainable development of new buildings in Fremantle which reduce impacts of urban heat island effect and to align with our One Planet Goals, we should consider reviewing our existing LPP 2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule. Specifically, the introduction of a requirement for the roof structures of new dwellings to comply with a specified maximum solar absorbance rating, as an addition to the current sustainability requirements in the policy, in order to obtain approval at the higher density coding.

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

Simple majority

#### **OFFICER COMMENT**

The City's Local Planning Scheme No. 4 map identifies several areas that are subject to split residential density codes (e.g. R20/25). In many instances, this can mean the ability to subdivide a lot or not. These areas are subject to a clause in the scheme which outlines additional requirements for a developer to reach the higher density, with one of the options being to design buildings in accordance with Council's energy efficiency and sustainability schedule.

The City's LPP 2.2 Split Density Codes and Energy Efficiency Sustainability Schedule sets out this schedule and at present includes the following requirements for developers seeking the higher density –

- One star rating in excess of the current energy efficiency requirement of the Building Codes of Australia;
- A minimum 3kW photovoltaic solar panel system;
- Either a 3000L rainwater tank, greywater reuse system or registration of a tree on the Significant Tree Register; and

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28 September 2022**



- Solar, electric heat pump or PV connected electric storage water heaters and non-gas cooking appliances.

The proposed additional wording simply builds on the existing measures and remains consistent with the intent of the LPS4 clause.

**ELECTED MEMBERS MOTION**

**Moved: Cr Bryn Jones**

**Seconded: Cr Adin Lang**

Council request the City’s administration to prepare a report for the next appropriate meeting of the Planning Committee with recommended wording for an amendment to Local Planning Policy 2.2 ‘Split Density Codes and Energy Efficiency and Sustainability Schedule’ to introduce into the policy a requirement for the roof structures of new dwellings to comply with a specified maximum solar absorbance rating, as an addition to the current sustainability requirements in the policy, in order to obtain approval at the higher density coding.

**Lost: 2/4**

**For**

**Cr Adin Lang, Cr Su Groome**

**Against**

**Cr Bryn Jones, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Ben Lawver**

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



**C2209-4 NOTICE OF MOTION – RESPONSE TO DEMERSAL SCALEFISH RESOURCE CONSULTATION – CR BEN LAWVER**

**Meeting date:** 28 September 2022  
**Responsible officer:** Chief Executive Officer  
**Decision making authority:** Council  
**Attachments:** Nil  
**Additional information:** Nil

**ELECTED MEMBER SUMMARY**

In February 2022, the Western Australian State Government approved a 50 per cent reduction in the West Coast Demersal Scalefish Resource to support the recovery of demersal stocks by 2030. The Department of Primary Industries and Regional Development (DPIRD) have been undertaking a six-week consultation process to seek the views of recreational, charter and commercial fishers on proposed management packages to support the recovery of demersal scalefish stocks, including WA dhufish and pink snapper.

With the closing date for the consultation period being 30 September 2022, it is requested that the City (on behalf of Council) write to the Minister for Fisheries before the consultation period closes, to encourage further dialogue with recreational, charter and commercial fishers before making any final decisions on how best to manage our marine fish stocks.

**OFFICER COMMENT**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

**ELECTED MEMBER MOTION**

**Council resolves to send the following message to the Minister of Fisheries, the Hon. Don Punch, before the consultation period closes on 30 September 2022:**

**Fishing Boat Harbour is an important part of our community and is the home port to many charter, commercial, and recreational fishers.**

**Their contribution to the local economy is an integral part of our very identity as a proud port city and we encourage the Minister for Fisheries to have further dialogue with these parties before making any final decisions on how best to manage our marine fish stocks.**



**We encourage a path forward that is sustainable for both the fish stocks off our coast as well as the recreational, charter, and commercial fishers who call our port city home.**



## **14. Urgent business**

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

## **15. Late items**

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

## **16. Confidential business**

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

## **17. Closure**