



Minutes

Finance, Policy, Operations and Legislation Committee

Wednesday, 22 January 2020, 6.00pm

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FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE

Minutes of the Finance, Policy, Operations and Legislation Committee
held in the North Fremantle Community Hall
on **22 January 2020** at 6.00 pm.

1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6:01 pm.

2.1. Attendance

Dr Brad Pettitt	Mayor
Cr Hannah Fitzhardinge	Presiding Member/Beaconsfield Ward
Cr Jenny Archibald	Deputy Presiding Member/East Ward
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Doug Thompson	North Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward
Cr Marija Vujcic	South Ward (<i>observing only</i>)
Cr Bryn Jones	North Ward (<i>observing only</i>)
Cr Frank Mofflin	Hilton Ward (<i>observing only</i>)
Mr Philip St John	Chief Executive Officer
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Michelle Brennan	Director Community Development
Ms Narelle French	Acting Director City Business
Mr Matt Hammond	Manager Economic Development and Marketing
Mr Ryan Abbott	Manager Parks and Landscape
Ms Beverley Bone	Manager Community Development
Mr Jay Ellis	Manager Customer Service and Visitor Information
Mr Paul Dunlop	Manager Communications and Events
Ms Charlie Clarke	Manager Governance
Ms Alexandra Peach	Meeting Support Officer

There were approximately 8 members of the public and 2 members of the press in attendance.

2.2. Apologies

Nil

2.3. Leave of absence

Nil

3. Disclosures of interests

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

The following member of the public spoke in relation to item FPOL2001-5.

Sam Wilkinson

The following members of the public spoke in relation to item FPOL2001-9.

Shirley Burbidge
Bill Burbidge

The following member of the public spoke in relation to item FPOL2001-6.

Gerry Macgill

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

That the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 13 November 2019 be confirmed as a true and accurate record.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

9. Elected member communication

Nil

10. Reports and recommendations

10.1 committee delegation

FPOL2001-1 ABORIGINAL CULTURAL CENTRE FEASIBILITY STUDY UPDATE

Meeting date:	22 January 2020
Responsible officer:	Manager Community Development
Decision making authority:	Committee
Agenda attachments:	1. Nil
Additional information:	1. Nil

SUMMARY

In April 2019, Council received and noted the visioning report for the Aboriginal Cultural Centre. This report included state and local significance, the celebration of Aboriginal and Nyoongar culture with a focus on tourism, Aboriginal living culture and heritage and a place to experience Aboriginal cultural practices.

Council allocated \$50,000 (project P11669) in the current financial year's budget to undertake the next stage of the feasibility study, being the market analysis, business case and financial modelling.

To date officers have undertaken consultation with local government authorities who have similar interests for Nyoongar cultural centres. Written correspondence has been forwarded to the State Government regarding the future intent and willingness for the State to partner with the City in the development of an Aboriginal Cultural Centre in Fremantle.

A request for quote (RFQ) is currently being finalised to undertake the next stage being the market analysis of existing and potential cultural centres. This will determine how the various centres will satisfy the demand within the market and what risks exist for Fremantle competing in that market.

This report recommends that Council note the progress to date of the Aboriginal Cultural Centre Feasibility Study and receive a further report following the next stage being the market analysis prior to the business case and financial modelling stages being undertaken.

The RFQ can be delivered within the current operating budget enabling project P11669 budget allocation of \$50,000 be addressed at the mid-year budget review process in the 2019/2020 financial year.

BACKGROUND

There have been calls for a Fremantle "Aboriginal Cultural Centre" since at least 1984. In November 2012, Council identified a site for such a centre within Arthur's Head reserve. Subsequently, Council commissioned Urban Aesthetics (UA) 2013 report to undertake community engagement, and make recommendations on how to proceed. This was completed in April 2013.

In March 2014, the Walyalup Aboriginal Cultural Centre (WACC) opened at 12 Captain's Lane with the main objective to celebrate Nyoongar and Aboriginal culture within the Arthur's Head precinct and most recently celebrated five years of operation in 2019.

The WACC is a centre where people can connect with Aboriginal culture and is a venue that strives to create opportunities for Aboriginal cultural guides, artists, performers and other businesses. All activities are programmed around the six Nyoongar seasons.

The UA 2013 report recommended that there should be a long term plan to move to more suitable premises and that 12 Captain's Lane is understood as an interim option.

In November 2017, Council endorsed a feasibility study be undertaken for a potential Aboriginal Cultural Centre, as part of the South Quay redevelopment at Victoria Quay or at another location in Fremantle. The City engaged Richmond Consulting in May 2018 to undertake phase one of the feasibility study that was presented to Council in April 2019, as the visioning report for Aboriginal Cultural Centre.

In April 2019, Council noted the visioning report and endorsed the five principles for provision of any future purpose built Aboriginal Cultural Centre being:

- A place of significance;
- A place of belong;
- A place to celebrate living culture;
- A place to thrive;
- A place of good cultural governance.

A budget of \$50,000 was allocated in the 2019/2020 financial year to undertake the scope of works for the preferred location and detailed feasibility study for a purpose built Aboriginal Cultural Centre in Fremantle.

FINANCIAL IMPLICATIONS

In the 2019/2020 budget there is currently an allocation of \$50,000 for Project P11699 Plan-Aboriginal Cultural Centre however the original scope has been broken down into three stages with the next stage being the Market Analysis that can be delivered within the current 2019/2020 operational budget. As a result, the project budget of \$50,000 and the budget amendment within operating accounts for the Market Analysis will both be included in the mid-year budget review.

LEGAL IMPLICATIONS

There are no legal implications.

CONSULTATION

Officers have met with City of Cockburn representatives in regards to the Cockburn Aboriginal Cultural and Visitors Centre (September and December 2019).

Officers have also met with City of Perth representatives (December 2019).

Officers have visited the Bilya Koort Boodja Cultural Centre in Northam (July 2019) and the Kodja Place and Kojonup Visitor Centre in Kojonup (August 2019).

Officers have written to the Honourable Ben Wyatt, Minister for Aboriginal Affairs (December 2019).

This project is also supported as an action from the Walyalup reconciliation action plan endorsed by Council (July 2019).

OFFICER COMMENT

Phase one of the visioning report provided a foundation on which to develop a strategic approach to funding and partnerships with respect to the construction and successful operation of the significant state and local facility. This is a project of state significance and of which the total cost is beyond the City's capacity to fund. Due to the significance of the project and costs involved, the City would need to establish significant external funding partnerships with the state and federal governments to progress.

The City has written to the Minister for Aboriginal Affairs and is awaiting advice and response on the future intent and willingness for the state to partner with the City in the development of an Aboriginal Cultural Centre. It has become evident from the discussions to date that other local government areas are determining their needs for cultural centres. City of Cockburn (neighbouring council) has concept plans developed for a purpose built Aboriginal Cultural and Visitor Centre located 17 kilometres from Fremantle CBD at a cost of \$6,000,000 due for completion in 2022. This centre is to be based around education and tourism, which overlaps the City of Fremantle's focus on reconciliation through interpretation and a place where the Aboriginal community can practice cultural activities.

Conversations are continuing with different parties in regards to opportunities within the Perth area for a cultural centre as identified by the government. The location for The World Centre for Indigenous Culture is undecided which was previously planned for Elizabeth Quay.

An Aboriginal Cultural Centre was proposed in 2007 by the Committee for Perth as a potential component of the Elizabeth Quay development on the foreshore of the Swan River. The initial concept was to establish a landmark 'national indigenous cultural centre' so Perth could become a hub of cultural expression and could position itself as the first capital city in Australia to fully celebrate and promote Indigenous culture with an anticipated budget \$500,000,000.

The location was reserved in 2016, with the Premier at the time allowing revival of the plans for the centre by placing a three to five year contracture schedule on the project. In 2018, advice was received that the centre is still on hold, whilst the new \$400,000,000 museum is built (due for completion 2020).

Based on the uncertainty of the commitment to various projects that are on the horizon at present, it would be prudent to undertake feasibility assessment through a market analysis of existing and potential cultural facilities. An analysis could determine how various centres will satisfy the demand within the market and what risks exist for

Fremantle in competing in that market. This would also investigate funding sources and the likelihood of funding from state and federal government to fund multiple projects. Hence, this would outline what criteria would be set for that funding, for example ensuring that there is no duplication of programs/services or amenities across the various facilities and what it would mean for Fremantle. The market analysis could be undertaken within existing budget resources allowing Council to reconsider the allocated budget of \$50,000 as part of the next budget review process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2001-1 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

- 1. Note the progress of the Aboriginal Cultural Centre Feasibility Study and the next stage being Market Analysis can be undertaken within the existing 2019/2020 operational budget.**
- 2. Note the current budget allocation of \$50,000 (Project P11699) will be considered for reallocation at mid-year budget review.**
- 3. Request a further item on the Aboriginal Cultural Centre feasibility study be brought back to Council by June 2020.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-2 BLACK SWAN HEALTH 'FREO STREET DOCTOR' FUNDING REQUEST

Meeting date: 22 January 2020
Responsible officer: Manager Community Development
Decision making authority: Committee
Agenda attachments: 1. Nil
Additional information: 1. Nil

SUMMARY

To consider Black Swan Health Ltd. donation request of \$20,000 towards the operational costs of the Freo Street Doctor mobile health clinics for the 2020/2021 financial year.

Black Swan Health Ltd. received \$20,000 funding from the City in the 2019/2020 financial year to deliver five mobile service clinics per week to the Fremantle community.

This report recommends that Council continue the financial support of \$20,000 towards the operational costs to deliver ongoing mobile health care services in the 2020/2021 financial year.

BACKGROUND

Black Swan Health Ltd. has been delivering the 'Freo Street Doctor' mobile health service in Fremantle for more than 15 years. The service model was reviewed at the time when State funding ceased in 2018. Clients are bulk billed through the Medicare Benefit Schedule, covering the cost of the GP only. The Medicare benefit does not cover operational costs for running the mobile service.

Freo Street Doctor is a mobile General Practice providing free medical and mental health support to at-risk, marginalised, disadvantaged and vulnerable people in the Fremantle community.

In 2019 the City supported the mobile service with a donation of \$20,000 towards the operating costs, to ensure some of the most vulnerable in our community continued to have access to health services.

A mobile service is essential for people who would otherwise go without medical care and mental health support due to barriers such as access to transport, ability to pay for services, complex mental health and social issues or stigma.

The Freo Street Doctor is accredited against the Royal Australian College of General Practitioners Standards for General Practice. Highly experience and qualified General Practitioners, supported by Registered Nurses, Outreach Workers and Counsellors provide the highest quality medical care to clients. Freo Street Doctor delivers physical

and mental health care as well as linking and referring clients with complementary social services to support their complex needs.

The objectives of the Freo Street Doctor service are:

- Improve health outcomes for clients and increase positive social functioning.
- Promote positive community interactions by clients requiring accessible and regular mental health supports and medical care.
- Reach as many vulnerable, disadvantaged and marginalised people in Fremantle and surrounding areas as possible.
- Deliver a sustainable service.
- Continue to partner with other service providers to support access to health and wellbeing services for clients.

For the period 1 July 2019 to 31 December 2019 (6 months) the mobile service;

- Delivered 115 x 3 hour clinics within the Fremantle community.
- Provided 872 medical consultations and over 700 mental health interactions.

The Fremantle community clinics indicate that:

- 99% of patients have no other source of healthcare
- 66% of patients are older than 45 years of age
- 22% of patients identify as Aboriginal or Torres Strait Islander people
- 15% of clients, in the October to December period, are from a CALD background
- 24% of patients are homeless or in crisis accommodation
- 66% of patients have at least two chronic health conditions

FINANCIAL IMPLICATIONS

The City has donated \$20,000 towards the operating costs of five mobile clinics per week to the Fremantle community in 2019/2020.

LEGAL IMPLICATIONS

Black Swan Health Ltd. is endorsed as a Deductible Gift Recipient (DGR).

CONSULTATION

Two other local government authorities within the boundaries of the South Metropolitan Health Service have contributed financial support, City of Cockburn and City of Rockingham.

Feedback from South Metropolitan Health Service, are not in a position to provide any future funding to the Freo Street Doctor.

OFFICER COMMENT

Freo Street Doctor is a mobile medical health service that provides a visible, easily accessible and non-judgemental primary health care service to marginalised, disadvantaged and homeless people in the Fremantle community over the past 15 years.

Whilst this proposal could be viewed as local government assuming responsibility for a previously state-funded service there is no doubt that the mobile health service has assisted and supported the most vulnerable within our community and has become a regular support service along with other providers such as the Red Cross Food Van.

Clients receiving the service are bulk billed through the Medicare Benefits Schedule administered through the Commonwealth primary health care service.

The mobile service is based around a sustainable community development model for the mobile health service. Good community linkages have been achieved through the strong relationships with Notre Dame and the University of Western Australia, to provide student placements and work experience along with volunteers to provide additional support to the health practitioners. Local community organisations, such as Soroptimist International Fremantle have been a regular supporter through fundraising events. In 2019 the Freo Street Doctor was recognised as a finalist in the Fremantle Foundation Impact 100 grant.

The Freo Street Doctor has developed strong community linkages with some of the most vulnerable in our community. Relationships are built with clients to support their wellbeing, from a person centred approach, based on their individual needs. This could be a referral to another agency for associated medical needs such as dental, podiatry and eye examinations at no or low costs.

Whilst the GP costs are covered from the Medicare Benefits Schedule, financial support is needed to assist with the day to day operational costs to meet the service need of the Fremantle community.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council note that an allocation of \$20,000 for Black Swan Health Ltd. for the Freo Street Doctor mobile health, be included for consideration as part of the draft 2020/2021 budget deliberation process.

Amendment 1

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Add an additional part 2 to the officer's recommendation, to read as follows:

- 2. Request the City writes to South Metro Health and the State Government to seek consideration of ongoing funding for the free mobile health services in Fremantle.***

Amendment Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

COMMITTEE DECISION ITEM FPOL2001-2
(Officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council:

1. Note that an allocation of \$20,000 for Black Swan Health Ltd. for the Freo Street Doctor mobile health, be included for consideration as part of the draft 2020/2021 budget deliberation process.
2. *Request the City writes to South Metro Health and the State Government to seek consideration of ongoing funding for the free mobile health services in Fremantle.*

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

FPOL2001-3 FREMANTLE VISITOR INFORMATION CENTRE REVIEW - LONG TERM LOCATION

Meeting date:	22 January 2020
Responsible officer:	Manager Customer Service and Visitor Information
Decision making authority:	Committee
Agenda attachments:	Nil
Additional information:	Nil

SUMMARY

This report recommends that Council approve the criteria to undertake a public expression of interest (EOI) process that seeks ideas and concepts for the development and delivery of an innovative and world class visitor centre model for Fremantle. In seeking potential ideas and concepts, it is important that the current level of service delivery is maintained as well as the achievement of significant improvements to service delivery. This must be at no additional cost to the City of Fremantle above the current net operating costs.

BACKGROUND

The Fremantle Visitors Centre (VC) is an essential part of creating a positive experience for visitors and provides a focal point for the delivery of information to visitors that guides unique experiences and develops the visitor's curiosity to explore the hidden treasures of Fremantle.

With 67,000 visitors throughout 2019, the Visitor Centre will continue to develop its visitor servicing model in order to add value to the visitor experience and connect visitors with our key offerings – heritage, cultural, hospitality, retail and all things associated with Fremantle's spirit and soul.

On 8th May 2019 the City of Fremantle Finance, Policy, Operations and Legislation Committee received a report that recommended endorsing the continuation of the Fremantle Visitor Centre with its primary focus being welcoming visitors to Fremantle and providing and distributing up-to date information on Fremantle and the surrounding area. It was requested a report be brought back to Council which further investigates the long-term location and future operational model of the Fremantle Visitor Centre.

As part of the ongoing review for a suitable visitor servicing model and the ideal longer term location of the Visitor Centre, the city would like to undertake a public expression of interest (EOI) process that seeks ideas and concepts for the development and delivery of an innovative and world class visitor centre model for Fremantle that positions the visitor centre as an attraction in its own right.

FINANCIAL IMPLICATIONS

There should be no additional cost to the City of Fremantle above the current net operating costs.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

Visitor Centres continue to play an important role in dispersing visitors once they arrive at the destination. They are a source of unbiased credible information that assists visitors in navigating the city and identifying local businesses, sites and attractions. Several studies have concluded that visitors who utilise a visitor centre are more likely to spend more in the destination than visitors who don't utilise a visitor centre.

As the second most visited destination in Western Australia, arrival point for cruise ships, the location of some of WA's biggest attractions and the departure point for Rottnest Island, visitor information is a highly sought after commodity for visitors when coming to Fremantle.

In order to provide visitor servicing that is at an international standard (an objective within the City's Destination Marketing Strategic plan) it is important to explore opportunities that may improve the level of service and experience provided by the Fremantle Visitor Centre, as well as those that represent good value for money.

Whilst having a visitor centre that offers an international standard of service and experience is critical to supporting visitor servicing within tourism driven economies, the establishment of a world class visitor centre will require significant capital investment both in terms of establishment and in ongoing maintenance.

The 10 year financial plan has no additional allocation over and above the current funding to undertake the development of an improved visitor servicing model. The intent of the EOI process therefore, is to seek potential ideas and concepts for the development and delivery of an innovative and world class visitor centre that are less than or comparable with the current net operating costs and will deliver an increased level of service.

In seeking potential ideas and concepts, it is important that the current level of service delivery is maintained as well as the achievement of significant improvements to this service delivery in order to represent value for money. To achieve this, a series of criteria have been developed that potential ideas and concepts collected as part of the EOI process must address. These include:

- Operation and day to day management of a Visitor Information Centre (VC) in central Fremantle. This includes the provision of visitor information to the public via printed and digital materials as well as interactions with customers in person, via phone, email and online.

- Management and coordination of a large team of volunteers working within the VC and also dispersed throughout Fremantle providing on the ground visitor information during peak times and cruise ship visits
- Servicing of cruise ship visits which includes running and staffing a visitor information kiosk at the passenger terminal and coordinating free shuttles to the CBD from the ship (for transit ships).
- Provide opportunities for local businesses to engage with and leverage the VC via a physical or digital presence within the facility or through events. This should include ongoing engagement with tour/accommodation operators through regular communication and familiarisation with their products.
- Work in close alignment with City of Fremantle destination marketing campaigns, activities, and digital platforms including but not limited to:
 - Integration and significant exposure of the 'This is Fremantle' destination brand within the VC both in terms of static and digital content.
 - Integrating with and utilising the Visit Fremantle website and social media platforms (as opposed to creating a separate platforms solely for the VC).
 - Provide customers with the ability to book tour and accommodation products both via the Visit Fremantle website and also via digital platforms within the VC that link to the Visit Fremantle website.
 - Inclusion of a line of 'This is Fremantle' merchandising within any retail merchandising component that is offered.
 - Provide a point of contact to manage and coordinate bookings associated with tourism packages developed in partnership with COF destination marketing team

This EOI process forms part of the ongoing review of the Fremantle Visitor Centre and will assist officers and Council in determining the most suitable future location and model for the centre.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2001-3
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve the criteria to undertake a public expression of interest (EOI) process that seeks ideas and concepts for the development and delivery of an innovative and world class visitor centre model for Fremantle. In seeking potential ideas and concepts, it is important that the current level of service delivery is maintained as well as the achievement of significant improvements to service delivery. This must be at no additional cost to the City of Fremantle above the current net operating costs.

The following criteria for submissions received via the EOI must be addressed:

- 1. Provide a realistic concept for the development of an innovative and interactive visitor centre model that focuses on an experiential outcome for visitors and positions the visitor centre as an attraction in its own right.**
- 2. Provide details of the operational and financial model for the ongoing management of the visitors centre concept, including initial capital investment required to establish it and indicative ongoing operational costs.**
- 3. Provide details of the proposed location for the visitor centre, which must be within a prominent street level location in the inner CBD of Fremantle.**
- 4. A detailed outline of any financial support that may be required from the City of Fremantle and/or other stakeholders to support the concept either initially and/or ongoing.**
- 5. Provide details around how the concept will incorporate, support and promote all Fremantle tourism operators.**
- 6. The concept must include the delivery of the following base level of services:**
 - i. Operation and day to day management of a Visitor Information Centre (VC) in central Fremantle. This includes the provision of visitor information to the public via printed and digital materials as well as interactions with customers in person, via phone, email and online.**
 - ii. Management and coordination of a large team of volunteers working within the VC and also dispersed throughout Fremantle providing on the ground visitor information during peak times and cruise ship visits**
 - iii. Servicing of cruise ship visits which includes running and staffing a visitor information kiosk at the passenger terminal and coordinating free shuttles to the CBD from the ship (for transit ships).**

- iv. Provide opportunities for local businesses to engage with and leverage the VC via a physical or digital presence within the facility or through events. This should include ongoing engagement with tour/accommodation operators through regular communication and familiarisation with their products.**
- v. Work in close alignment with City of Fremantle destination marketing campaigns, activities, and digital platforms including but not limited to:**
 - a. Integration and significant exposure of the 'This is Fremantle' destination brand within the VC both in terms of static and digital content.**
 - b. Integrating with and utilising the Visit Fremantle website and social media platforms (as opposed to creating a separate platforms solely for the VC).**
 - c. Provide customers with the ability to book tour and accommodation products both via the Visit Fremantle website and also via digital platforms within the VC that link to the Visit Fremantle website.**
 - d. Inclusion of a line of 'This is Fremantle' merchandising within any retail merchandising component that is offered.**
 - e. Provide a point of contact to manage and coordinate bookings associated with tourism packages developed in partnership with COF destination marketing team.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-4 CORPORATE BUSINESS PLAN - QUARTERLY REPORT - OCTOBER TO DECEMBER 2019

Meeting date: 22 January 2020
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Committee
Agenda attachments: Nil
Additional information: 1. Corporate Business Plan – Quarterly Progress Report – October to December 2019

SUMMARY

This is the second Corporate Business Plan Quarterly Report to be presented to Council for the 2019-20 financial year. This report documents the progress made against those projects in year 1 of the Corporate Business Plan and listed in the Project Plan report for 2019-20, provided to Council in August 2019.

This report recommends the Council receive the Corporate Business Plan Progress Report for October to December 2019.

BACKGROUND

The City of Fremantle Corporate Business Plan 2019-2023 is a four year plan which provides the framework for delivering the City's services and projects and is aligned to the Strategic Community Plan 2015-25. The Integrated Planning and Reporting Framework and Guidelines recommend regular progress reporting to be consistent with good practice.

This report includes all projects in year 1 of the Corporate Business Plan and reported to Council in the Project Plan Report in August 2019 and the July to September 2019 quarterly report provided to the Finance, policy, operations and legislation committee on 9 October 2019. The projects are delivered across a number of business units throughout the organisation. A summary of progress updates are provided for your information with further details in the attachment.

FINANCIAL IMPLICATIONS

Please note, the budget summary will continue to be reported through the Monthly Financial Report.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

This Corporate Business Plan Quarterly Report continues to support an integrated planning framework and allows us to be more transparent in monitoring project performance.

This report provides a summary of project progress for the planned capital and operational projects for 2019/20 as at 31 December 2019. The key projects for the City this financial year include:-

Kings Square New Civic Building

- Works are progressing well on site in accordance with the current schedule; the first and second shipment of steelwork has or is being installed. The third shipment of steel arrives during the Christmas period ready for install in late January 2020.
- Dewatering has ceased and has been decommissioned.
- The lower ground floor, ground floor and sloped lawn concrete slabs have been completed.
- Level 1 concrete floor slabs will be complete by mid-January 2020.
- Lower basement blockwork has commenced and all lift and stair cores are complete.
- Heritage works to the Old Town Hall have commenced and the connections of the existing old town hall to the new civic building are near complete.
- The main contractor has extended the site compound into Kings Square, this is to allow for the Public Realm works to be staged in a more effective manner with a view to hand back Newman Court by September 2020.
- The tender for the loose furniture and workstations for the new civic building has closed. The evaluation will be taking place in January with a view to appoint a supplier April 2020.
- The tender documentation for the installation and purchase of audio visual equipment is currently being prepared with an expected advertisement date of January 2020.
- The tender documentation for the Fire Compliance works is near completion with an estimated advertisement date of January 2020.

Public Realm Works

- MG Group has been awarded the public realm construction contract and commenced works on stage 1A in September 2019.
- The works are to split into three main phases:
- Newman Court Stage 1 –commenced October 2019 and will be completed March 2020
- Newman Court / High Street Stage 2 – estimated start date June 2020 to September 2020
- High Street – estimated start date October 2020 to December 2020.

Moreton Bay Fig

- The tree has been prepared for transplant and a watering contract is in place for the 12 month preparation period. It is estimated the installation date to Kings Square to be August 2020.

Kings Square Planters

- The project is complete with the exception of new solar lighting to be installed on the existing light poles, due January 2020.

Playscape

- The design of the playscape is estimated to be complete by end of December 2019. Playspace equipment fabrication and subsequent construction and installation of the playspace will be tendered early 2020 with the construction due late 2020.

Windows to the Past

- An interpretive designer has been engaged for the concept design phase (Creative Spaces). The concept design will be developed in early 2020.
- Council officers met with Lotterywest in November about grant funding for the Window to the Past project and the initial feedback was positive. A formal application will be made to Lotterywest for additional funding following endorsement of a design concept by the Whadjuk Working Group and Council in early 2020.

FOGO

The roll out was completed on the 11 October 2019. We expect the second stage of the Better Bin grant to be paid in January and the last payment being made once the final number of dwellings has been recalculated to include FOGO phase 2 (multi-unit dwellings) Feedback from the community has been very positive.

Fremantle Park Sports and Community Centre

Works on site continue to progress well. Delays to the installation of permanent power by Western Power in late December 2019 have delayed commissioning of services and as a result, practical completion has now been deferred to 27 January 2020. All internal finishes have now been completed with the sole exception of operable walls which are due mid-January 2020.

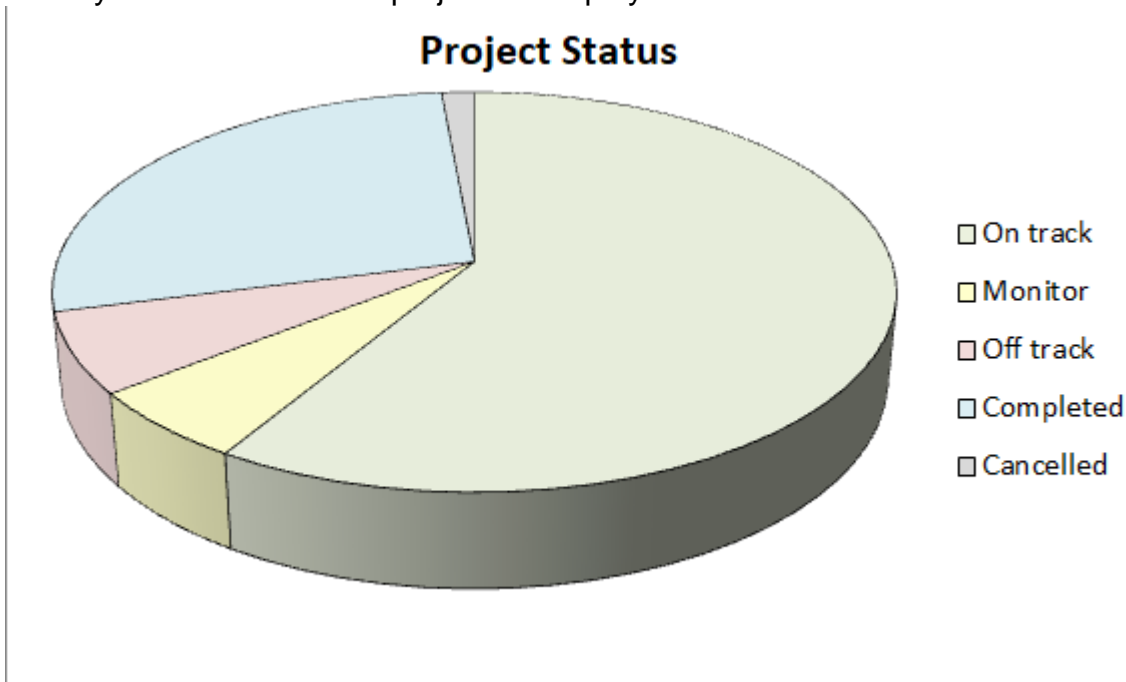
External works are also progressing well. Works include a number of additional items being undertaken as variations direct to the clubs as a result of successful Lotterywest grant funding.

Golf Course Realignment

Officers are progressing with the planning and design for the upgrade of the Fremantle Public Golf Course and Clubhouse facility. The project has been initiated by the Main Roads Western Australia (MRWA) High Street and Stirling Highway upgrade project. The new High Street road alignment and median have been designed to retain and protect as many of the existing significant trees as possible within the High Street road corridor. To accommodate the roundabout and median, MRWA are acquiring a portion of the A class and C class reserves on the southern side of High Street and rezone it as road reserve, land that is currently leased by the Fremantle Public Golf Course. The City has appointed a consultant who has finalised the concept option in engagement with the lessee and stakeholders for the new golf course layout with construction programmed for the second half of 2020. Officers are also in the process of appointing a consultant team to progress with the design of the collocated golf clubhouse and community facility building, with construction programmed for 2021.

Progress Status

A summary of the status of the projects is displayed below.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2001-4
 (Officer’s recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council receive the Corporate Business Plan Quarterly Progress Report for October to December 2019.

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

FPOL2001-5 BOOYEEMBARA PARK MOUNTAIN BIKE TRAIL WORKING GROUP - TERMS OF REFERENCE

Meeting date:	22 January 2020
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Committee
Agenda attachments:	Booyeembara Park Mountain Bike Trail Working Group - Terms of Reference
Additional information:	Nil

SUMMARY

The purpose of this report is to adopt the Terms of Reference for the Booyeembara Park Mountain Bike Trail Working Group as outlined in the Internal Groups Policy framework. At the Ordinary Meeting of Council on 11 December 2019, Council supported the progression of the Booyeembara Park Mountain Bike Trail inclusive of establishing a project Working Group in accordance with the Internal Groups Council Policy.

This report recommends that Council adopts the Booyeembara Park Mountain Bike Trail Terms of Reference and seeks two nominations from Elected Members as representatives on the Booyeembara Park Mountain Bike Trail Working Group.

BACKGROUND

The City were approached by the Fremantle Mountain Biking Collective in 2018, a group of community members, about a proposal to formalise the mountain bike trails that have been constructed in Booyeembara Park by the community. The City has completed a Mountain Bike Trail Assessment which determined the mountain bike proposal could be developed and managed in accordance with the Booyeembara Park Site Management Plan.

At the Ordinary Meeting of Council on 11 December 2019, when considering the proposal, Council resolved:

1. *Note the Booyeembara Park Mountain Bike Trail Assessment (GHD) report, including the advice that, from an environmental perspective, the site can in principle support a mountain bike trail, provided certain design, construction and management practices are implemented.*
2. *Request officers progress with the next phase of the development of the Booyeembara Park Mountain Bike Trail in accordance with the Western Australian Mountain Bike Management Guidelines, noting officers will:*
 - a. *liaise with Department of Water and Environmental Regulation on environmental requirements and approvals required*
 - b. *set up a project Working Group in accordance with the Internal Groups Council Policy*
 - c. *develop a mountain bike trail concept plan*

- d. undertake community consultation
- e. further identify and liaise with potential funding partners
- f. further develop design, consultancy, construction and maintenance cost estimates to inform budget and grant submissions.

3. Note that at the completion of recommendation 2, progression will be subject to gaining sufficient construction and operational budget through Council and grant funding partners.

This report is a follow-up for Council to consider the establishment of the Booyeembara Park Mountain Bike Trail Working Group, in accordance with recommendation 2b, for the progression of the mountain bike trail concept plan.

FINANCIAL IMPLICATIONS

A budget for the mountain bike trail concept plan was included in the 2019/20 budget under project P-11867 Design - Booyeembara Park - Mountain Bike Trail. The establishment of the Booyeembara Park Mountain Bike Trail Working Group has no financial impact on the budget.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The Booyeembara Park Mountain Bike Trail Working Group will be established to work with officers, the consultant and the community to provide information, requirements and feedback to officers; this will assist officers in the development of a concept for the Booyeembara Mountain Bike Trail. A minimum of three meetings will be held over the first 6 months of 2020. The anticipated dates of these meetings are February, April and June. No meetings will occur in school holidays.

It is also anticipated the concept plan will be consulted with the community in accordance with the Community Engagement Policy.

OFFICER COMMENT

The Western Australian Mountain Bike Management Guidelines (WAMBMG) prepared by the Department of Parks and Wildlife in consultation with Department of Sport and Recreation, WestCycle, West Australian Mountain Bike Association and Western Australian Mountain Bike Management Guidelines Working Group has been used as the basis for the preparation of the project proposal.

The WAMBMG has been prepared to ensure mountain bike trails are developed that meet the needs of the users, minimise environmental degradation and ensure longevity of trails. It is acknowledged that these trails are often built in sensitive environments, and that these can easily co-exist when implemented properly. The WAMBMG notes "*the trail development process involves eight stages (figure 1) and encompasses a constant*

evaluation, review and improvement process as trails are being extended or revised. Each stage must be completed before moving on to the next stage.” The eight stage process is as follows:

STAGE	OUTCOME	
1 PROPOSAL	The proposed area is either supported in principle for trail development, or is not supported due to environmental, social or cultural constraints. Or proposal to identify suitable areas.	Desktop
2. FRAMEWORK	A project outline, developed by project steering group (stakeholders), including: project objectives, project management model, stakeholder roles, target market, requirements, standards, execution, and ongoing trail management model.	
3 SITE ASSESSMENT	Undertake a broad scale study of the area and identify constraints, soil types, vegetation etc.	
4 CONCEPT PLANNING	Identify opportunities and conceptual trail plan including infrastructure requirements produced. Broad trail corridors are physically flagged in the field.	Field
5 CORRIDOR EVALUATION	Detailed assessment of corridor.	
6 DETAILED DESIGN	Detailed trail design produced and physically flagged in the field, including: trail classifications, technical trail features (TTFs), construction types and specifications.	
7 CONSTRUCTION	Trail is constructed in line with the detailed design.	
8 MANAGEMENT	Management plan implemented detailing maintenance and monitoring requirements.	

Image: summary of the trail development process stage outcomes (WAMBMG).

In accordance with the WAMBMG, officers are proposing to establish a project steering group, in the form of the Booyeembara Park Mountain Bike Trail Working Group. The Working Group will work with officers and the Consultant to:

- Provide a diverse range of stakeholder and community views to inform officers in the development of a concept plan and associated documentation referencing the Western Australian Mountain Bike Management Guidelines.
- Engage with and communicate the draft and final Mountain Bike Trail concept plan with the community and stakeholder groups.

The outcome of this stage of the project will be officers developing the Booyeembara Park Mountain Bike Trail concept plan, trail management model and costs estimate. This will allow the City to seek grant funding to progress the project into detailed design and construction.

Looking forward, should the Booyeembara Park Mountain Bike Trail gain funding for construction, consideration will be given to transitioning the Working Group into a Reference Group to ensure the plan is delivered in accordance with the original intent.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Adopt the Terms of Reference for the Booyeembara Park Mountain Bike Trail Working Group as provided in attachment 1.
2. Appoint Cr _____ and Cr _____ as members of the Booyeembara Park Mountain Bike Trail Working Group.

COMMITTEE DECISION ITEM FPOL2001-5
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. **Adopt the Terms of Reference for the Booyeembara Park Mountain Bike Trail Working Group as provided in attachment 1.**
2. **Appoint Mayor, Brad Pettitt, Cr Andrew Sullivan Cr Jenny Archibald, Cr Frank Mofflin and Cr Su Groome as members of the Booyeembara Park Mountain Bike Trail Working Group.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-6 HARVEY BEACH JETTY

Meeting date:	22 January 2020
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Committee
Agenda attachments:	Nil
Additional information:	Harvey Beach Jetty – Fixed Timber Structure Inspection

SUMMARY

Harvey Beach Jetty, located in the Swan River North Fremantle, is a public recreation jetty located at the popular swimming and recreational area of Harvey Beach. A condition assessment of the jetty has determined the jetty has structural issues rendering it unsafe for current use by the community. This report presents options for repair and/or replacement of the jetty for Council consideration.

The report recommends that Council:

- 1. Request the Chief Executive Officer progress with procurement for the short term repairs to the Harvey Beach Jetty pylons and associated infrastructure prior to budget approval and note that a budget allocation of \$64,000 for the estimated cost of repair works will be included for consideration as part of the 2019-20 mid-year budget review.**
- 2. Subject to budget approval (item 1), approve officers to undertake short term repairs to the Harvey Beach Jetty pylons and associated infrastructure, while a longer term replacement is finalised, noting**
 - a. A capital budget for the replacement of the jetty will be submitted for consideration in the long term financial plan.**
 - b. Community consultation on the replacement jetty options will be undertaken to determine the preferred option and to coincide with the replacement timeframe in the long term financial plan.**

BACKGROUND

Harvey Beach Jetty, located in the Swan River North Fremantle, is a public recreation jetty located at the popular swimming and recreational area of Harvey Beach. The City received a report highlighting a concern with the structural condition of the jetty, particularly the pylons. As a result, the City commissioned a Consultant to undertake an underwater / above water condition assessment of the jetty piles and substructure. The inspection noted severe structural issues due to rot and determined that due to the severe defects present throughout the structure, particularly around the intertidal zone, immediate and comprehensive remediation will be required to ensure the safety to those who use the jetty.

As a result of the issues highlighted in the report, officers cordoned off the jetty and installed signage to prevent public use.

FINANCIAL IMPLICATIONS

There is currently no financial provision in the 2019/20 budget for any works or repairs to the jetty as the issue was identified after the budget cycle.

Any works undertaken in the 2019/20 financial year will need to be funded through midyear review. A provision will be made in the 2020/21 budget or 10 year financial plan for consideration of Council pending the outcome of this report.

An estimate of costs for the works is as follows:

- Jetty removal: \$7,000
 - Jetty pylons and associated infrastructure – immediate repairs: \$43,000
 - Jetty pylons and associated infrastructure – remedial repairs: \$21,000
- Total \$64,000**

In terms of Jetty replacement, options have been provided with cost estimates ranging from \$70 000 - \$164 000 depending on confirmation of type, design, size, material selections and design life of the jetty.

It is anticipated that a preferred option would be determined following community consultation and would be presented back to Council for further consideration.

LEGAL IMPLICATIONS

Nil

CONSULTATION

It is anticipated the jetty replacement options will be consulted with the community in accordance with the City's Community Engagement Policy.

OFFICER COMMENT

Should Council support the retention of a public recreation jetty at Harvey Beach, officers have identified the following two options for consideration.

Repair Option (short-term)

The repair option (that is both the immediate works and remedial works) seek to extend the lifespan of the existing jetty for the short-term (estimated 2-5 years) while a replacement is planned for the longer term.

The condition assessment of the jetty piles and substructure identified a methodology to repair the immediate issues. This involves 'splicing' the jetty piles and remediating the headstock to return the jetty to a serviceable condition.

Further remedial works are also recommended to repair or replace some items on the jetty deck. It is anticipated these repair works will extend the lifespan of the jetty for 2-5 years to give time for the finalisation and budgeting of a longer term jetty replacement.

In this scenario, the community is likely to be without the use of the jetty until March/April 2020 while the works are completed.

Officers would still make provision for the replacement of the jetty in the 10 year financial plan. It is anticipated the planning for the replacement would be progressed as noted in the option below.

Remove and Replace Option

The remove and replace option removes the jetty alleviating the immediate safety issue, while planning for the replacement of the jetty in 2020/2021.

The City has commissioned a report to investigate replacement options for the jetty. There are three options being considered, Officers would propose to take these to community consultation prior to further consideration by Council, these being:

1. Replacement Jetty (like-for-like):

- Replacement of the existing jetty using more durable materials while maintaining the existing dimensions and function of the jetty. There is also the option to extend the jetty further into the water, depending on budget availability.
- The cost of this option is estimated to be \$123,000 to \$155,000.

2. Jetty, Gangway and Floating Pontoon:

- A jetty, via a gangway, leads to a floating pontoon secured by piles and using lightweight and durable materials. The floating pontoon can be customised to provide a larger recreational area, extend into deeper water for diving and/or add slide/ladder, depending on budget availability.
- The cost of this option is estimated to be \$164,000.

3. Floating Pontoon:

- A floating pontoon will be secured by piles or an anchor and utilise lightweight and durable materials. It would not be connected to land via a jetty and will encourage swimming and paddling out to it. The floating pontoon can be customised to provide a larger recreational area, extend into deeper water for diving and/or add slide/ladder, depending on budget availability. This option could also be retrofitted with a jetty and gangway in the future.
- The cost of this option is estimated to be \$54,000 to \$81,000.

A fourth option was investigated however it was discounted as the anchoring system was not suitable for use in a public environment.

Community consultation on the replacement jetty options will be undertaken to determine the preferred option.

The cost estimates for the options range from \$54,000 - \$164,000 depending on confirmation of type, design, size, material selections and design life of the jetty and would be determined following community consultation.

Due to the location and nature of the jetty, a number of approvals will be required in order to progress with the construction of the replacement; these are likely to take up to 6 months and include:

- Department of Aboriginal Affairs – Aboriginal Heritage Site
- Department of Transport – maritime planning approval
- City of Fremantle – planning approval
- Department of Biodiversity, Conservation and Attractions (DBCA) – Swan River Trust
- The Department of Water and Environmental Regulation (DWER) – bed and banks permit.

In anticipation of removing the jetty, the City has obtained all the required permits, engaged a Contractor and is ready to remove the jetty as soon as possible pending Council resolution. Due to the timeframes of the proposal, it is anticipated that (subject to budget approval) the community would not have a jetty for use until at least early to mid-2021.

Should Council wish to progress with the Remove and Replace option, officers have prepared the following alternative recommendation:

1. *Approve officers to remove the Harvey Beach Jetty, North Fremantle, as soon as practical, noting:*
 - a. *Community consultation on the replacement jetty options will be undertaken to determine the preferred option.*
 - b. *A capital budget for the replacement of the jetty will be submitted for consideration in the 2020/2021 financial year pending the outcome of community consultation.*

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2001-6
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Request the Chief Executive Officer progress with procurement for the short term repairs to the Harvey Beach Jetty pylons and associated infrastructure prior to budget approval and note that a budget allocation of \$64,000 for the estimated cost of repair works will be included for consideration as part of the 2019-20 mid-year budget review.**
- 2. Subject to budget approval (item 1), approve officers to undertake short term repairs to the Harvey Beach Jetty pylons and associated infrastructure, while a longer term replacement is finalised, noting**
 - a. A capital budget for the replacement of the jetty will be submitted for consideration in the long term financial plan.**
 - b. Community consultation on the replacement jetty options will be undertaken to determine the preferred option and to coincide with the replacement timeframe in the long term financial plan.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-7 PROPOSED CITY OF FREMANTLE CAT MANAGEMENT LOCAL LAW 2020

Meeting date:	22 January 2020
Responsible officer:	Manager Governance
Decision making authority:	Committee
Agenda attachments:	Proposed City of Fremantle Cat Management Local Law 2020
Additional information:	Nil.

SUMMARY

During the recent public consultation period, while giving notice of the City's intention to make a Cat Management Local Law 2020, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided the City with advice that an amendment was needed to the draft local law that was considered to be a significant change. As a result, legislation states that the City will must begin the process of adoption again.

The advice provided by the DLGSC is discussed in more detail in the officer comments section of this report.

It is recommended that Council support the recommencement of the lawmaking process, and the commencement of a new public consultation period.

BACKGROUND

At the Ordinary Council Meeting held on 25 September 2019, Councillor Adin Lang raised a motion including the recommendation that the City of Fremantle initiate the adoption of a Cat Management Local Law.

Council supported Councillor Lang's motion and at the Finance, Policy, Operations and Legislation Committee held on 13 November 2019 approved the initiation of the process of adopting a Draft Cat Management Local Law 2020

While giving notice of the City's intention to make a Cat Management Local Law 2020, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided the City with advice that an amendment was needed to the draft local law that was considered to be a significant change. As a result, legislation states that the City will must begin the process of adoption again.

Local Law

In addition to making provision for the control of cats in the City's natural areas it is proposed that the cat local law include more general provisions to outline and clarify the way in which cats (relating to the maximum number of cats) can be kept (no more than 3 cats) without a specific approval and the process for approval.

The purpose for proposing a standard number of cats that may be kept is to allow the City the ability (should it be required) to deal with cases where a resident may keep cats to the extent that while they may not necessarily cause a health hazard or require a referral to the RSPCA, they are in such numbers that it presents a nuisance to the community.

It is intended that anyone who has more than three cats can keep existing cats that are registered with the City but once and if the local law is made, cannot not add any more or substitute them without approval.

The City intends to continue to run the feral animal control program for foxes, feral cats and rabbits, undertaken by independent contractors. This program may involve actual trap setting if evidence of animal activity is discovered during site assessment.

The following areas have been recommended as cat prohibited areas as the City considers them to be significant natural areas which may benefit from additional protection from predation. This would mean, under the proposed local law, that if any registered cat is caught one of these areas the owner would be committing an offence and be subject to a fine.

Proposed cat prohibited areas:

#	Common Name	Location	Description
1	Booyeembara Park	80 Montreal Street Fremantle	Reconstructed landscape of natural bushland local to the area. Established to create a representative landscape and increase local biodiversity. Managed as a natural bushland area and refuge for native wildlife, includes formal turfed parkland with native vegetation garden beds.
2	Sir Fredrick Samson Park	McCombe Avenue, Samson	Remnant bushland. Bush Forever site.
3	Bathers Beach Reserve	Arthur Head, Fleet St Fremantle	Reconstructed dune vegetation
4	Port Beach reserve	Port Beach Road, North Fremantle	Reconstructed dune vegetation
5	Leighton Beach Reserve	Port Beach Road, North Fremantle	Reconstructed dune vegetation
6	South Beach Reserve	Ocean Drive, South Fremantle	Reconstructed dune vegetation
7	Cantonment Hill	135 Queen Victoria Street, Fremantle	Reconstructed natural landscape. Bush Forever site.

#	Common Name	Location	Description
8	Rocky Bay Reserve	Rocky Bay, North Fremantle	Swan River foreshore and part of the Swan and Canning Riverpark.
9	North Fremantle Foreshore Reserve (including Prawn Bay)	Johannah St, North Fremantle	Swan River foreshore and part of the Swan and Canning Riverpark. Migratory birds.
10	Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site	Lot 39 Daly Street, 17 Cockburn Road and Hollis Park Reserve Fremantle	Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site contains habitat and refuge for native wildlife.
11	Royal Fremantle Golf Course,	359 High Street, Fremantle	Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.
12	Fremantle Public Golf Course	20 Montreal Street, Fremantle	Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.

FINANCIAL IMPLICATIONS

The approximate existing annual cost for the feral animal control program, which may use trapping based on evidence of feral animal presence in natural areas, is \$27,000 per year.

The approximate additional annual cost for mandatory trap setting for cats in significant natural areas, based on trapping in all 9 cat prohibited areas for 4 day periods, twice a year, is \$23,760.

The potential approximate reduction in annual cost to the feral animal program based on overlap with mandatory trap setting for cats in the 9 proposed cat prohibited areas is potentially \$6,600.

This means the net additional cost per year, based on undertaking a mandatory trapping program twice a year may be approximately \$17,160.

Each individual 4 day program of mandatory trapping across all 9 areas is estimated to cost \$11,880.

LEGAL IMPLICATIONS

The ability to create a local law falls under the *Cat Act 2011*. The City does not currently have a regulatory instrument relating to the control of cats within the City of Fremantle and the proposed City of Fremantle Cat Management Local Law 2020 has been drafted based on similar instruments that currently exist within other local governments in WA.

A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under Section 79 of the *Cat Act 2011*.

- (a) the registration of cats;
- (b) removing and impounding cats;
- (c) keeping, transferring and disposing of cats kept at cat management facilities;
- (d) the humane destruction of cats;
- (e) cats creating a nuisance;
- (f) specifying places where cats are prohibited absolutely;
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- (j) the regulation of approved cat breeders, including record keeping and inspection;
- (k) fees and charges payable in respect of any matter under this Act.
- (l) offences and penalties up to \$5,000; if the offence is continuing in nature, the local law can make a further penalty of \$500 per day. Local laws can also specify a minimum penalty.

The procedure for making a local law is set out in Section 3.12 of the *Local Government Act 1995*, as summarised below:

- **Council initiate process** - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) *Local Government (Functions and General) Regulations 1996* - Council to resolve to initiate the local law and include in the resolution the purpose and effect of the local law.
- **Local public notice** – s3.12(3) of the Act - The local government must give local public notice for at least a six (6) week period, advising that the local law is published on the local government's website and that copies may be inspected or obtained from the local government's office.
- **Notification to the Minister** - s3.12(3b) of the Act - Send notification to the Minister as soon as the public notice is given (after advertisement appears in the paper).
- **Considering submissions** – s3.12(4) of the Act - After the last day for submissions, Council to consider any submissions made and may make the local law as proposed or make amendments that are not significantly different from what was proposed (by absolute majority).
- **Gazettal notice** – s3.12(5) of the Act - After making the local law, the local government is to publish it in the Gazette.
- **Giving public notice** – s3.12(6) of the Act - After the local law has been published in the Gazette, Council is to give local public notice stating the title of the local law; summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and advising that copies of the local law may be inspected or obtained.

- **Explanatory Memoranda** – s3.12(7) of the Act - After Gazettal to provide an Explanatory Memoranda to the government (WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).
- **Commencement of local laws** - s3.14 of the Act - The local law will come into effect the 14th day after publication.
- **Review by Government** - s3.17 of the Act - Final point of the process where the local law can be amended or repealed via the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

CONSULTATION

Section 3.12(3) of the *Local Government Act 1995* states that the local government must give local public notice for at least a six week period (42 days), advising that the local law is published on the local government’s website and that copies may be inspected or obtained from the local government’s office.

Public consultation will be undertaken in accordance with the requirements of the Local Government Act.

OFFICER COMMENT

As required by legislation, a copy of the draft local law was provided to the Minister for local government. In response, officers from the DLGSC provided advice to the City that advised that significant amendments to the proposed local law were required and that those amendments would require the lawmaking process to recommence.

The Department assists and monitors the process of making local laws and provides advice to local governments on the making of good local laws and works closely with WALGA and the Joint Standing Committee on Delegated Legislation of the Parliament to ensure that the proposed content of the local laws will be generally acceptable to all concerned.

As a result of the feedback received from the Department the City has made all of the recommended changes and they have been included in the draft Cat Management Local Law 2020 as attached to this report. A summary of the recommended amendments are shown in the below tables.

The Department has suggested the changes identified in the table below would likely be considered as significantly different to what has been advertised, therefore prompting the recommencement of the advertising process.

Significant amendment			
#	Reference	Change	Reason
1.	Clause 6.3(3) and 6.5(2) Maximum penalties	Delete clause 6.3(3) and move clause 6.5(2) to new clause 4.3(3)	There are two contradicting penalty clauses in the local law, and members of the public who inspect the draft will be unable to determine which of the two penalties the City intends to impose. An opportunity to comment on the intended penalty and whether it is appropriate should be provided.

The Department has suggested the changes identified in the table below would not be considered as significantly different to what has been advertised, however are recommended as best practise.

Non - significant amendments			
#	Reference	Change	Reason
1.	Clause 3.2 Maximum number of cats	Delete paragraph (d) Remove the words “or any other body prescribed in regulation 4 of the <i>Cat Regulations 2012</i> ” from paragraph (a).	The Regulations state that the RSPCA, cat management facilities and vet surgeries are exempt from needing to get approval. However, pet shops and other animal welfare organisations are not exempt and the normal process applies to them.
2.	Clause 4.1 and 6.1	Delete clause 4.1	Duplicated clauses
3.	Clause 5.1 and 6.2	Delete the wording of clause 6.2 and replace it with the wording in clause 5.1	Duplicated clauses
4.	Minor edits	Amend formatting throughout the document	Improve readability of the document.

The City advertised the draft Cat Management Local Law 2020 in the Fremantle Herald and on the MySay Fremantle website on 23 November 2019. Community information sessions were also held at Booyeembara Park and Port Direction Reserve on 7 December 2019. The closing date for submissions was 28 January 2020, which is longer than the required 42 days, to allow for the holiday period in accordance with City policy.

This original public consultation period will be allowed to continue to its planned end date and all submissions received during the original consultation period will be considered as submissions received in response to the City’s intention to adopt a local law.

Local law

The proposed local law, along with all submissions, received in both periods of advertising, will be presented to Council for consideration of final approval in due course.

The purpose of the *Cat Act 2011* is to introduce measures to: reduce the large number of stray cats being euthanized each year; encourage responsible cat ownership; and provide for better management of the unwanted impacts of cats on the community and environment.

The DLGSC provide the following advice on their website, in regards to making a local law relating to cats:

“A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- *the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- *there appears a sufficient need for additional regulation in that area.”*

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2002-7 **(Officer’s recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council:

- 1. Give notice, in accordance with the provisions and processes of the Local Government Act 1995, of Council’s intention to make a draft City of Fremantle Cat Management Local Law 2020 (Attachment 1), the purpose and effect of which is as follows:**

Purpose: To provide the City of Fremantle with measures in addition to those under the Cat Act 2011 to control the keeping of cats.

Effect: To make provisions about the keeping of cats, to control the number of cats that can be kept, the places where cats can be kept and prescribe areas in which cats are prohibited.

- 2. Initiate local public notice in accordance with section 3.12 of the Local Government Act 1995.**
- 3. Consider all public submissions received at the conclusion of the advertising period.**

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-8 AUSTRALIAN BUSH FIRES DONATION 2020

Meeting date: 22 January 2020
Responsible officer: Manager Governance
Decision making authority: Committee
Agenda attachments: Nil
Additional information: Nil

SUMMARY

This report recommends that Council approve a donation of \$10,000 from the City's existing donations account and an additional donation of any net surplus revenue from the 'Fire Aid Live Benefit Concerts', held at the Fremantle Arts Centre, to the 'Freo Fire Fund'.

It is also recommended that Council support the provision of in-kind donations by the City, to organisations and community groups, within the City of Fremantle, arranging fundraising events that support official appeals for the Australian bushfire disaster.

BACKGROUND

Many parts of Australia are experiencing catastrophic and unprecedented bushfire activity.

According to news reports, the fires have so far taken at least 24 lives, burned more than 12 million acres, and destroyed nearly 2000 homes and properties.

Numbers beyond count of both native wildlife and livestock animals have also perished in the fires.

Currently thousands of people are in evacuation centres across Australia, as Australian and foreign firefighters and defence force personnel continue to fight the fires and evacuate people out of fire affected areas.

The City of Fremantle endeavours to offer assistance to communities suffering in the wake of disaster where it can and has a donations policy that provides for the giving of donations for disaster relief as follows:

Council will consider donating funds to:

1. *Disaster relief appeals where:*
 - 1.1 *The disaster is in a country or region that has a community, business, tourist or other established relationship with Fremantle in particular or Western Australia in general.*
 - 1.2 *The nature of the disaster is such that it severely impacts on the country or regions ability to deal with it, either in the short or long term.*
 - 1.3 *Requests for disaster relief appeal donations will only be approved where the receiving organisation has a record of providing community aid and is able to actively provide assistance in the circumstances of the disaster.*
 - 1.4 *Requests for donations to disaster appeals are approved by Council.*

It is proposed that a donation of \$10,000 be made to the 'Freo Fire Fund'. This fund is a registered charitable fund that has been set up by members from the local community of Fremantle to raise funds for fire affected communities and to assist other groups who may wish to arrange events or activities to also raise funds.

"The Freo Fire Fund initiative has been set up to assist individuals and businesses to undertake their own fantastic fundraising activity and raise money to assist bushfire affected communities.

Money raised will be distributed to:

- *Emergency assistance to people who have been displaced or impacted by bushfire*
- *Care for wildlife affected by bushfire*
- *Help people who have lost homes and property in the fires to rebuild their lives*
- *Support to Volunteer Fire Brigades in affected areas*
- *Work to reduce fire risk in fire-prone areas or prevent or deal with bushfires"*

The City is also proposing to donate any net surplus revenue from the already scheduled 'Fire Aid Live Benefit Concerts' planned to be held at the Fremantle Arts Centre.

"Friday 31 January 2020

Four of Western Australia's most loved bands are joining together for a night of impassioned music to raise money to assist with the continued fight and recovery of the fire ravaged Victorian and New South Wales States.

In a strong statement of solidarity with the Eastern States, renowned WA musicians John Butler, The Waifs, San Cisco and Stella Donnelly will come together for one night of uplifting live music at Fremantle Arts Centre on Friday 31 January.

All proceeds from ticket sales will be donated to a number of causes but will include local NSW and VIC fire services, local communities and wildlife organisations."

“Saturday 1 February 2020

West Australian’s have shown their true empathy and support for their Eastern States friends by selling out the Fire Aid Concert within the hour of on sale.

We are pleased to announce a second show on Saturday 1 February.

The Waifs, John Butler and San Cisco will be performing again.

Local rising musician Carla Geneve will replace Stella Donnelly, who is committed to performing in Brisbane that night at the Laneway Festival.

All proceeds from ticket sales will be donated to a number of causes but will include local NSW and VIC fire services, local communities and wildlife organisations”

In addition to the donation of funds, the City would also like to make the following in-kind donations to community groups within the City of Fremantle who are raising funds that support official appeals for the Australian bushfire disaster:

- waive hire fees for venues
 - provide Public Liability Insurance cover
 - provide other appropriate in-kind support
- for groups within the City of Fremantle who are trying to raise funds toward the disaster, and

FINANCIAL IMPLICATIONS

The City has an allocated budget for Sponsorship, Contributions and Donations. There are currently sufficient funds available to make the \$10,000 donation outlined in this report.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

The City of Fremantle traditionally reaches out to communities affected by disaster and has previously made donations as follows:

- Lombok Indonesian Earthquake Appeal - 2018
- Waroona and District Fires Appeal - 2016
- Italian Earthquake Appeal - 2016
- Funchal Wildfires Appeal - 2016
- Queensland Flood Appeal - 2011
- Funchal Flood (mudslides) Appeal - 2010

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

Council:

1. Approve to donate:
 - a. \$10,000 from the City's existing donations account; and
 - b. any net surplus revenue from 'Fire Aid Live Benefit Concerts' held at the Fremantle Arts Centre;to the 'Freo Fire Fund' to assist bushfire affected communities.
2. Support the provision of any in-kind donations from the City, such as:
 - a. Waiver of hire fees for venues;
 - b. Provision of Public Liability Insurance cover; and
 - c. Other appropriate in-kind support;to organisations and community groups, within the City of Fremantle, arranging fundraising events that support official appeals for the Australian bushfire disaster.

Amendment 1

Moved: Cr Doug Thompson

Seconded: Mayor, Brad Pettitt

Minor amendment to part 2 to include the words shown in green italics, to read as follows:

2. **Support the provision of any in-kind donations from the City, such as:**
 - a. **Waiver of hire fees for venues;**
 - b. **Provision of Public Liability Insurance cover; and**
 - c. **Other appropriate in-kind support;**to organisations and community groups *holding events*, within the City of Fremantle *or* arranging fundraising events that support official appeals for the Australian bushfire disaster.

Amendment Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

Reason for change:

To accommodate organisations and community groups that may hold events to raise funds that support official appeals for the Australian bushfire disaster.

COMMITTEE DECISION ITEM FPOL2001-8
(Officer's recommendation)

Moved: Cr Doug Thompson

Seconded: Mayor, Brad Pettitt

Council:

Approve to donate:

- a. \$10,000 from the City's existing donations account; and
- b. any net surplus revenue from 'Fire Aid Live Benefit Concerts' held at the Fremantle Arts Centre;

to the 'Freo Fire Fund' to assist bushfire affected communities.

2. Support the provision of any in-kind donations from the City, such as:
 - a. Waiver of hire fees for venues;
 - b. Provision of Public Liability Insurance cover; and
 - c. Other appropriate in-kind support;

to organisations and community groups *holding events*, within the City of Fremantle *or* arranging fundraising events that support official appeals for the Australian bushfire disaster.

Carried: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

10.2 council decision

ITEMS APPROVED “EN BLOC”

The following items were adopted unopposed and without discussion “En Bloc” as recommended.

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

The following items be adopted en bloc as recommended:

FPOL2001-10	Acceptance of the 2018-2019 Annual Report and setting of date for 2019 Electors General Meeting
FPOL2001-11	Budget Amendments – December 2019
FPOL2001-12	Council decision making during Electoral Period Policy

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

FPOL2001-10 ACCEPTANCE OF THE 2018-2019 ANNUAL REPORT AND SETTING OF DATE FOR 2019 ELECTORS GENERAL MEETING

Meeting date:	22 January 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	1. City of Fremantle 2018-2019 Annual Report
Additional information:	Nil

SUMMARY

Each year the City is required to hold an Electors' General Meeting to consider matters arising with respect to the previous financial year. In order to set a date for the 2019 Electors' General Meeting, Council is required to have received the audit report for the prior period as well as having accepted the Annual Report.

A copy of the draft Annual Report for the year ended 30 June 2019 is attached to this agenda for consideration by Council.

In addition to acceptance of the Annual Report, Council approval is sought to set the date of the 2019 Electors' General Meeting.

Council:

- 1. Accept the City of Fremantle 2018-2019 Annual Report as provided in attachment 1.**
- 2. Advertise the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.**
- 3. Set the date for the 2019 Electors' General Meeting as Monday, 9 March 2020, in accordance with Section 5.27 of the *Local Government Act 1995*.**

BACKGROUND

The Annual Report, as attached to this agenda is in final draft format, with minor changes intended to be made to correct any typographical errors.

Following Council approval of the adoption of the Annual Report and the setting of the date of the Electors' General Meeting, statutory advertising notifying the availability of the annual report and meeting date will be placed in a local newspaper. Online copies of the annual report will be made available on the City's website with printed copies made available on request.

The annual report contains an abridged version of the financial report however the full version of the financial report will also be made available online as a separate document with printed copies made available on request.

FINANCIAL IMPLICATIONS

The financial implications of this report are primarily the costs associated with any external printing of the Annual Report as required.

LEGAL IMPLICATIONS

Section 5.27 of the *Local Government Act 1995* includes the following requirements:

1. A general meeting of the electors of a district is to be held once every financial year.
2. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
3. The matters to be discussed at general electors' meetings are to be those prescribed.

Section 5.53 of the *Local Government Act 1995* includes the following requirements:

1. The local government is to prepare an annual report for each financial year.
2. The annual report is to contain —
 - a. a report from the mayor or president; and
 - b. a report from the CEO; and
 - c. an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - d. the financial report for the financial year; and
 - e. such information as may be prescribed in relation to the payments made to employees; and
 - f. the auditor's report for the financial year; and
 - g. a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - h. details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - the number of complaints recorded in the register of complaints; and
 - how the recorded complaints were dealt with; and
 - any other details that the regulations may require; and
 - i. such other information as may be prescribed.

CONSULTATION

The holding of the Electors' General Meeting contributes towards the aims of the City by providing the opportunity to:

- Undertake community consultation
- Measure our performance.

OFFICER COMMENT

Council has a guiding policy in regard to the holding of annual general meetings of electors and special meetings of electors which outlines council's preference for holding the City of Fremantle's Annual General Meeting of Electors in a way that better meets the needs of its community.

This report recommends the acceptance of a date for the Annual General Meeting of Electors to be held that complies with legislative requirements and Council Policy.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required.

COMMITTEE RECOMMENDATION ITEM FPOL2001-10 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Accept the City of Fremantle 2018-2019 Annual Report as provided in attachment 1.**
- 2. Advertise the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.**
- 3. Set the date for the 2019 Electors' General Meeting as Monday, 9 March 2020, in accordance with Section 5.27 of the *Local Government Act 1995*.**

Carried en bloc: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-11 BUDGET AMENDMENTS - DECEMBER 2019

Meeting date:	22 January 2020
Responsible officer:	Manager Finance
Decision making authority:	Council
Agenda attachments:	Nil
Additional information:	Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2019/20 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

1. Consider an additional purpose, or grant acceptance or release of quarantined funds.
2. Reflect any expenditure above the budget amount agreed by the CEO in the previous month, and to adjust other accounts to accommodate the value of these.
3. Make amendments to the carried forward budget to reflect the final position at the end of financial year.

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31st August each year.

Section 6.8 (1) and (2)

The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred;

- (a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
- (b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1st January and 31st March each year.

CONSULTATION

There are no community engagement implications as a result of this report.

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

The proposed budget amendments below are for expenditure for an additional purpose to be determined by Council as required by S6.8 (1) (b) of the Act. The decision will amend the budget by creating a new budget account number to accommodate that proposed expenditure, and by transferring the required funds from one or more existing accounts to the new account.

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	New project budget request of \$50,000 for a capital renewal project to upgrade the change rooms at Fremantle Oval. This project will convert the current home, visitors and umpire change rooms to be functional for the AFLW competition. The project is partly grant funded from the AFL/WAFC Facilities Fund and a City of Fremantle contribution of \$30,000 being funded from end of year surplus. The AFL are cognisant of the fact that the intention is for Fremantle Oval to be a Tier 2 AFL venue in terms of minimum standards, so have provided a considerable grant amount above their usual baseline.					
	xxxxxx.1606	Upgrade change rooms Fremantle Oval – Cap Exp	0		(50,000)	(50,000)
	xxxxxx.4222	Upgrade change rooms Fremantle Oval – Grant	0	20,000		20,000
	xxxxxx.3915	Surplus end of year 30 June 19 – Prior Year	(366,673)	30,000		(336,673)

2. Budget amendments for proposed expenditure for a purpose identified within the budget for which there are insufficient funds allocated

CEO has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there is insufficient funds allocated, where:

- a) The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount, and
- b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

The budget amendments below are to reflect any expenditure above the budget amount agreed by the CEO during the previous month, and to adjust other accounts to accommodate the value of those.

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

3. Carried forward projects estimate budget amendments

The budget amendments below are to adjust the carried forward project estimates and to amend the carried forward budget to reflect the final position at the end of financial year.

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2001-11
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1		New project budget request of \$50,000 for a capital renewal project to upgrade the change rooms at Fremantle Oval. This project will convert the current home, visitors and umpire change rooms to be functional for the AFLW competition. The project is partly grant funded from the AFL/WAFC Facilities Fund and a City of Fremantle contribution of \$30,000 being funded from end of year surplus. The AFL are cognisant of the fact that the intention is for Fremantle Oval to be a Tier 2 AFL venue in terms of minimum standards, so have provided a considerable grant amount above their usual baseline.				
	New	Upgrade change rooms Fremantle Oval – Cap Exp	0		(50,000)	(50,000)
	xxxxxx.4222	Upgrade change rooms Fremantle Oval – Grant	0	20,000		20,000
	xxxxxx.3915	Surplus end of year 30 June 19 – Prior Year	(366,673)	30,000		(336,673)

Carried en bloc: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-12 COUNCIL DECISION MAKING DURING ELECTORAL PERIOD POLICY

Meeting date:	22 January 2020
Responsible officer:	Manager Governance
Decision making authority:	Council
Agenda attachments:	Proposed council decision making during electoral period policy
Additional information:	Nil

SUMMARY

The local government electoral process is a significant local government activity which has the potential to call into question political neutrality and perceptions of bias. It is important therefore that the City refrains from any activities which could cast doubt on its neutrality and impartiality, or making decisions that could compromise or commit an incoming Council.

While there is no evidence to suggest that any such activity has occurred in City of Fremantle elections over recent times, it would be beneficial to clarify the expectations for elected members and council during the approach of an election for future candidates.

It is recommended that Council adopt the proposed council decision making during electoral period policy provided in attachment 1.

BACKGROUND

Decision making during electoral period conventions have existed at both the State and Federal level of government because:

- The dissolution of a Parliament means there is no popular Chamber to which the Executive Government can be responsible.
- Every State or Federal election brings with it the possibility of a change of government.

For these reasons, State and Federal governments assume a 'custodian' role during an electoral period from the time that a Parliament is dissolved to ensure that decisions are not taken which would bind an incoming government and limit its freedom of action.

Although local governments differ in that there can be no change of government, decision making during electoral period conventions may still be applied to place restrictions on the types of decisions and activities that may be undertaken by a local government in the period immediately before an election.

Restrictions on local government decisions and activities during a electoral period have the purpose of preventing actual or perceived advantage or disadvantage to a candidate

that may be actually or perceived to arise from local government decisions, activities or use of public resources.

The previous Department of Local Government and Communities supported individual local governments considering implementing a council decision making during electoral period policy with respect to elections, as such a policy provides guidelines to protect the reputation of the local government's administration and its elected members.

In addition, as part of the Local Government Act Review process currently underway by the Department of Local Government, Sport and Cultural Industries, decision making during electoral period provisions have been highlighted as a matter for local government consideration.

The purpose of the council decision making during electoral period policy as detailed in the officer's recommendation is to:

- Limit major decision-making that may bind an incoming council.
- Ensure public resources and the Council decisions during this period are not seen to be advantageous to Elected Members seeking re-election.
- Provide guidance to ensure the continuation and transparency of ordinary business.

The period before an election may be subject to close scrutiny by the community and it suggested that Council and the City's administration acknowledge this through the implementation of a decision making during electoral period that would commence from the close of candidate nominations.

The proposed council decision making during electoral period policy would provide guidance during this time to ensure the continuation of ordinary business for the City in a responsible and transparent manner that ensures elections are conducted in an ethical, fair and equitable manner and are publicly perceived as such.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

LEGAL IMPLICATIONS

There is no statutory requirement for a decision making during electoral period to be implemented prior to elections, however such a policy would complement the intent of the *Local Government Act 1995* which seeks to ensure that local governments are efficient and effective and accountable to their communities.

CONSULTATION

There was no public consultation undertaken in association with this report.

OFFICER COMMENT

The primary purpose of any decision making during electoral period provisions is to avoid governments making major decisions that may bind an incoming government, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting elected members who are seeking re-election, or new candidates, and ensuring local government officials act impartially in relation to candidates.

It is considered that the implementation of the council decision making during electoral period policy will not only meet the above objectives but also provide for better decision-making and greater accountability.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2001-12 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council adopt the council decision making during electoral period policy provided in attachment 1.

Carried en bloc: 7/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

FPOL2001-9 PROPOSED LEASE FOR CIVIC BUILDING HOSPITALITY SPACE

Meeting date: 22 January 2020
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Council
Agenda attachments: Nil
Additional information: 1. Selection Criteria Maxtrix - Confidential Attachment

SUMMARY

This purpose of this report is to seek Council approval for the proposed lease terms that have been negotiated with the preferred applicant for the hospitality space within the City's new civic building.

The applicant proposes a three level hospitality venue in the triangular portion of the new civic building. The ground floor and first floor will accommodate dining and small functions with the second floor being utilised as an event space.

BACKGROUND

In accordance to Council's Leasing of City Property in a competitive manner policy the City is obligated to advertise commercial properties in an open and competitive manner when they become available for lease.

At Ordinary Council dated 7 August 2017 Council adopted the "criteria for use" for the hospitality space within the City's new administration building.

The following is the approved weighted selection criteria used to assess expressions of interest for the hospitality premises. In conjunction with Council's resolution (shown in italics) officers included criteria that assessed the applicants' experience and financial capacity to deliver their proposal.

Council Criteria and Overview of Business (Weighting 30%)

1. *Mandatory - the business must;*
 - a. *Pay market rent.*
 - b. *Be a business that is considered a "destination" in itself.*
 - c. *Be open on both Saturday and Sundays.*
 - d. *Demonstrate how it can successfully transition from breakfast to lunch to dinner in a way that each offering is equally appealing.*
 - e. *Not sell takeaway or packaged alcohol.*
 - f. *Be externally focused and physically integrate with the public realm.*

Describe how your business concept will cover all mandatory requirements.

2. Desirable

- a. 12 – 16 hours per day operation.*
- b. Businesses that operate later in the day over businesses that operate earlier in the day.*
- c. Seven days per week trading, with a minimum of six days per week.*
- d. A business that is uniquely branded, however franchises may be considered if they are assessed as adding something distinctive to for Fremantle's overall visitor offering.*
- e. A business that does not sell takeaway food as normal part of its operations.*

Describe how your business concept includes any of the desirable requirements.

3. General

- a. Provide examples of possible menu items and any other offering which reflects your proposed concept. Please include details of your pricing range.*
- b. Provide examples of your beverage offering and proposed pricing.*
- c. Advise if you intend on applying for a Restaurant Liquor Licence and if your submission is subject to obtaining a Liquor Licence.*
- d. Provide an overview of key marketing activities you propose to undertake to support the business.*
- e. What will be your Gross Revenue Budget for the first, second and third years of operation (including GST)?*

4. Environmental Considerations;

The applicant is required to provide a brief description of any environmental considerations that will be implemented. The applicant is to provide the following information relating to their environmental objectives;

- Waste Management*
- Water consumption*
- Energy consumption*
- Materials utilised in plant operation, cleaning and general operations.*

- *Management, assessment and implementation of environmental initiatives.*

Experience & Personnel (Weighting 20%)

Please provide a detailed overview of your experience relevant to the hospitality industry, with reference to the following;

- *Information on hospitality locations which you have been and are currently involved in. Provide information on your role and length of time at each location.*
- *Detail your experience in applying for a Liquor License including its outcome and/or in operating a licensed venue.*
- *Provide an overview on how you intend to staff the offering.*
- *Are you an investor or independent operator?*

Design, Fit Out and Concept (Weighting 20%)

Outline your approach to the design, fit-out of the space and concept (theme of business). Where possible, include a design brief.

Financials (Weighting 30%)

Please note that full completion of this section is required in order to meet the selection criteria.

- *Proposed Rent per annum exclusive of GST*
- *Outline any proposed incentive requests if applicable.*

Financial Return: Assessment will be based on proposed rent and the financial impact of requested incentives to a maximum of ten years.

Metier, who is acting on behalf of the City to lease the hospitality and retail spaces, commenced the leasing campaign for the hospitality space on 5 December 2018. The campaign included general advertising and targeted approaches towards operators that aligned with the weighted criteria. It was particularly focused on boutique operators and brands that were not currently located in Fremantle.

The outcome of the campaign has resulted in receiving one offer from Fremantle Doctor Restaurant and Bar Pty Ltd (FDRB). The City received the initial offer from FDRB in May 2019. Terms have been negotiated for a period of seven months resulting in the recommendation being brought to Council for consideration.

FINANCIAL IMPLICATIONS

The proposed rent for the premises is \$233,100 per annum + GST. This is calculated at a rate of \$450m2 per annum +GST for the ground floor and \$200 per annum + GST for levels 1 and 2.

Outgoings for the property have been estimated at \$154,845 for the first year. This equates to approx. \$187m2 and includes an estimate of Council rates at \$44,000 and contribution towards facility management staffing.

The incentive requested by the prospective tenant for the lease includes:

- First three years rent free
- Fourth year rent to be 5% of lessee's gross income
- An incentive payment of \$500,000 towards lessee fit out

The turn over rent for the fourth year (5% of lessee's gross income) will be determined via an independently audited statement at the completion of the third year of trade as provided by the tenant. The rent will be invoiced in monthly instalments.

At the completion of the fourth year of trade an independently audited statement will be provided by the Lessee to the Lessor (the City) which will be used to determine any variation to the rent payable for the fourth year. A balance invoice or credit will then be applied to the Lessee's tenancy account at the end of the fourth year.

Full rent will be applied in the fifth year of the Lease. The sixth year of the lease will be determined via a market rent review, on the basis that Kings Square and FOMO will have been tenanted for six years and there will be sufficient market evidence to determine the market rate.

In summary the negotiated outcome for the first 6 years of the lease in line with the incentive has been provided below:

- Year1: Rent free
- Year 2: Rent free
- Year 3: Rent free
- Year 4: 5% of Lessee's gross income
- Year 5: \$233,100 + GST
- Year 6: Rate as per market rent review

The incentive payment of \$500,000 towards lessee fit out has been requested as a contribution from the City. This includes some amendments to base works to allow for the lessee's fit out and design works to occur. Payment of the incentive will be towards key items within the fitout and be paid upon completion of the works subject to the lessee providing paid invoices for reimbursement or alternatively directly to the contractor who is completing the works. Milestone payment amounts are still subject to the lessee finalising their fit out costs and the City's finalised costs for base works. Details of these milestones can be found in the Incentive Contribution Agreement table under officer comment.

Ownership of any works delivered via the \$500,000 incentive will be retained by the City at the conclusion of the lease. The City's current leasing agents, Metier, advise that the provision of this level of financial incentive for fitout is in line with current market

expectations. The applicants over all fit out budget; including the incentive payment from the City, is \$1,750,000.

The applicant will undertake fit out within 90 days from commencement of the lease for the ground floor and first floor, and have eighteen months to complete the fit out of the second floor. If, after eighteen months the applicant has not completed the fit out of the second floor, the City will be entitled to recover 25% (\$125,000) of the incentive payment from the applicant.

In summary;

- The incentive payment by the City for fit out will be \$500,000
- The fit out contribution by the Lessee will be \$1,250,000

The intention is the payment of the incentive will be catered for within the current Kings Square contingency budget so there are no additional budget implications arising from the incentive payment. A new project for the fit out will be included in the mid-year budget review, with a budget amendment for \$500,000 to be transferred from the Kings Square contingency budget.

The lease will also include a bank guarantee of \$75,000. In addition, should the applicant default resulting in the termination of the lease the ownership of the tenants fit out will be vested to the City.

Officers forecast that the net income for the term of the lease, including the payment of incentive and rent free periods will be in the vicinity of \$1,630,400.

LEGAL IMPLICATIONS

Three documents are required to be finalised as part of the proposed lease.

1. Agreement to Lease: FDRB will be required to secure a conditional liquor licence prior to the commencement and fit out being completed on the premise. The proposed fit out will also require City approval and any planning or building permits as required. An 'agreement to lease' obligates both parties to enter into a lease subject to specific conditions being met. If those conditions are not met, the lease is not entered into. Entering into an 'agreement to lease' will support FDRB's application for a liquor licence and planning approval (if required) without the both parties being locked into a lease if the application is unsuccessful. As per the Council's Lease Agreements for Council Properties Policy, the lease will not be legally executed until proposed Lessee works have been approved.
2. Lease: The lease must comply with the requirements of Section 3.58 of the *Local Government Act 1995*. Officers will ensure that this occurs.
3. Incentive Contribution Agreement: The negotiated terms of this lease include an incentive payment made by the City towards the lessee's fit out. The Incentive Contribution Agreement will outline the agreed terms of how and when payments are made to the lessee for the incentive amount.

CONSULTATION

The premise was marketed via standard real estate channels online as well as advertising in the West Australia Real Estate section for a period of six weeks.

Metier in conjunction with City officers collated a targeted database of over 100 contacts external to Fremantle. These companies, brands and individuals were approached individually regarding the hospitality opportunity within the City's civic building.

OFFICER COMMENT

The Kings Square development offers a substantial opportunity for hospitality operators not currently located in Fremantle to consider establishing a Fremantle presence within new A-grade commercial space located adjacent to significant numbers of government workers.

Despite this significant opportunity, lettable commercial space offered as part of the City's new civic building has come on to the market at a challenging time for the retail and hospitality sectors. Feedback collected directly from prospective tenants via the City's leasing agent has suggested that operators who currently maintain a national and/or international presence have put a hold on considering any new premises in Australia, little own WA or Fremantle. This is based on many operators deciding to consolidate operations within existing locations to mitigate current risks associated with unfavourable economic conditions, as opposed to making any moves to expand.

This has been coupled with a preference from prospective tenants to consider space that is already constructed so that they can adequately determine the physical 'look and feel' of the space and also consider its surrounding environment (foot traffic, design, activation etc.). Given Kings Square remains under construction, many have opted to 'wait and see' before making a decision to invest.

Further anecdotal market feedback provided via the City's leasing agent has also suggested that there is currently a prevalence of 'turnkey' hospitality opportunities in the market which often include all fitout, equipment including coffee machines and kitchens and in some cases furniture all at rates below market rent. This is contributing to a highly competitive market.

Notwithstanding these immense market challenges, the City in partnership with its leasing agent has been successful in securing a prospective tenant, which aligns with all criteria set by Council in August 2017.

Fremantle Doctor Restaurant and Bar Pty Ltd (FDRB), a local operator, has presented a proposal to the City to lease all three floors within the triangular portion of the City's Civic building. The proposed offering which is primarily based around providing casual and formal family friendly food & beverage options, aims to activate the area both day and night 7 days per week, catering for different markets throughout different periods of the day.

It is intended that the following customer groups will be serviced by the offering:

- Early morning coffee and breakfast for office workers
- Mid-morning and mid-afternoon coffee and casual dining for office workers, mothers and children utilising the proposed playground and commuting school children
- Casual and formal lunch offerings for office workers, visitors and families
- Early evening drinks and casual dining for office workers, visitor and families
- Casual and formal dinner offerings
- Small corporate and private events

The two Directors of FDRB hold past and current experience within the Fremantle hospitality market and have demonstrated significant confidence in the Kings Square development given their knowledge of the project. The table attached to this item captures the applicants weighting against the Council approved selection criteria.

The FDRB proposal includes an integrative fit out with one entire wall facing the proposed site for the playground being bi-fold doors and use of external pavers to the ground floor in a bid to create a seamless transition between inside and outside. A substantial alfresco area caters to the parents of children utilising the playground as well as an easily accessible coffee window for casual trade.

The proposed trading hours will be from 7am until late 7 days a week. This is in line with Council's preferred criteria and supports an activation that extends into night time, expanding on the current 7am to 3pm period which is predominant across Fremantle. To accommodate these trading hours the applicant will be applying for a restricted tavern licence.

The applicant's business plan includes two levels of hospitality and a third level made available for events of both a business and social nature. FDRB have requested that the third level fit out is delayed for an interim period of trade to allow for the additional financial capacity required to achieve fitout quality in line with the first and second levels. The proposed Lease terms provide FDRB with an eighteen month grace period before being required to fit out and operate the third level. If FDRB do not finalise fit out and commence operation of the third level in this time frame, the City has the option to vary the lease to exclude the third level and recover up to 25% of the \$500,000 incentive payment from FDRB.

The following tables outline the proposed terms for the three documents required to finalise an agreement between the City and FDRB. FDRB have accepted these terms and conditions.

Agreement to Lease

<p>Condition Precedents</p>	<p>1. Liquor Licensing</p> <p>A conditional restrictive tavern liquor licence must be secured prior to the commencement of the lease. This will be in line with the Special Condition 3 outlined in key terms and conditions of the lease.</p>
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	<p>An unconditional restrictive tavern liquor licence must be granted to the Lessee within 12 months of the Commencement Date. If the Liquor Licence is not granted within 12 months of the Commencement Date the Lease will terminate, unless the period for approval of the liquor licence is extended by the Lessor at its absolute discretion.</p> <p style="text-align: center;">2. Lessee's Works</p> <p>Written consent must be obtained from the Lessor for the Lessee's Works. Information provided will include, but not be limited to, the submission of a design of the proposed works and certified quantity surveyor (QS) estimate. Consent may be subject to conditions as the Lessor sees fit including but not 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 style="text-align: center;">3. Planning and Building Permit</p> <p>Planning approval and a building permit must be granted to the Lessee for the Lessee's Works prior to the commencement of the Lease.</p> <p>All costs associated with the submission of a planning application and building permit will be the Lessee's</p>
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Key Lease Terms and Conditions

Land Description	
Premises	Hospitality Portion (Ground floor, Level 1 & Level 2) – 8 William Street, Fremantle – address to be confirmed.
Lessor	City of Fremantle
Lessee	TBA
Guarantor	TBA
Bank Guarantee	\$75,000 Should the tenant default the total ownership of all fit out will be vested to the Lessor.
Site Area	Ground Floor: 270m ² First Floor: 298m ² Second Floor: 260m ² TOTAL: 828m ²
Lease Commencement Date	TBA
First Term	Ten (10) years
Second Term	Ten (10) years
Annual Rent	\$233,100 per annum + GST

	<p>First, second and third year of the First Term will be rent free.</p> <p>The fourth year of the First Term will be based on Turn Over Rent for the year. (Please see special condition 2)</p> <p>Full rent will be payable on the anniversary of the commencement of the lease on the fifth year of the First Term.</p>
Rent Review	<p>Rent will determined by Consumer Price Index annually on the Lease Commencement Date effective from seventh year of the First Term.</p> <p>A market rent review will occur on the anniversary of the Lease Commencement Date on the sixth year of the First term, at the commencement of the Second Term and on the fifth year of the Second Term.</p>
Variable Outgoings/Outgoings	<p>Outgoings on demand will include but not be limited to;</p> <ul style="list-style-type: none"> • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges • Building Services, repairs and maintenance as outlined in Annexure 1 (as applicable) <p>An estimated Variable Outgoing budget has been supplied in conjunction with this document. This is based on benchmark costs only. Valuations that determined Council Rates and Land Tax cannot be commissioned until the building is completed. The first year of actual costs will determined via future budgeting.</p> <p>Current rate of budget is estimated at \$187m2. The determination of actual Council Rates and Land Tax may vary this figure.</p>
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Restaurant and Bar (Restricted Tavern)
Special Conditions	<p>1. Operation of Premises</p> <p>The Lessee must, during the Term, operate the premises:</p> <ol style="list-style-type: none"> a) So that the primary character of the Lessee's business is that of a food provider with supporting bar. b) So that the Premises is welcoming to the broad public including tourists, families as is appropriate to the inner City location. c) The business is run in a manner that allows for the

	<p>patronage of underage young adults without the supervision of an adult over the age of 18 years.</p> <p>d) With a commitment to maintaining a well-balanced focus on food and beverages as appropriate to service the Kings Square setting.</p> <p>e) With a commitment to best practice in encouraging responsible drinking including the development of management strategies aimed at:</p> <p>i) Delivering positive behavioural change in relation to alcohol consumption; and</p> <p>ii) Lowering the risk of poor social behaviour resulting from alcohol consumption.</p> <p>2. Turn Over Rent</p> <p>The Lessee will be required to provide an independently audited statement at the completion of the third year of trade.</p> <p>The Lessor will determine annual rent for the fourth year of the First Term as 5% of the turnover provided on the audited statement. The rent will be invoiced in monthly instalments.</p> <p>At the completion of the fourth year of trade an independently audited statement will be provided by the Lessee to the Lessor which will be used to determine any variation to the rent payable for the year. A balance invoice or credit will then be applied to the Lessee's tenancy account.</p> <p>3. Liquor Licensing</p> <p>The Lessor shall not unreasonably withhold its support of the Liquor Licence. An unconditional liquor licence will be a condition precedent of the Lease. If an unconditional liquor licence is not secured within 12 months of the Lease commencement the Lease automatically terminates.</p> <p>The Lessee shall comply with the following conditions in relation to the sale and supply of liquor from the Premises pursuant to the Liquor Licence:</p> <p>(a) The Lessee will be permitted to sell and supply liquor in accordance with the provisions of section 41(1)(c) of the <i>Liquor Control Act 1988 (LC Act)</i> as it relates to tavern restricted licences and section 50 of the LC Act as it relates to restaurant licences.</p> <p>(b) The sale of packaged liquor for consumption off the licensed premises is prohibited.</p> <p>(c) Food shall be available to patrons during all trading hours.</p> <p>(d) The selling or supplying of beverages in a such a way that would encourage rapid consumption of liquor is</p>
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	<p>prohibited including but not limited to unadulterated spirits or liqueur in a shot glass, drinks known as 'laybacks', 'shots', 'shooters', 'test tubes', 'jelly shots', 'blasters' or 'bombs'.</p> <p>(e) No liquor is to be supplied mixed with energy drinks. For the purpose of this subclause 'energy drink' has the same meaning as formulated caffeinated beverage within the Australia New Zealand Food Standards Code with a composition of 145mg/L of caffeine or greater.</p> <p>(f) A range of non-alcoholic and low strength alcohol drinks will be available during all trading hours.</p> <p>(g) A closed circuit television video ("CCTV") surveillance system able to identify individuals and showing times and dates must be in place and operational in the Premises. The CCTV system must comply with the requirements as identified in the Director's Policy 'Security at Licensed Premises'. It is expected that the system will provide and record continuous images of the entrances and exits to the premises during normal trading hours and until one (1) hour after trading ceases. Images recorded via the CCTV system must be retained for at least twenty eight (28) days and must be made available for viewing or removal by the Police or other persons authorised by the Director.</p> <p>The Lessor acknowledges that the Lessee will seek a liquor licence which will enable trading until 12 midnight.</p> <p>The Lessee shall indemnify and keep indemnified the Lessor from and against any breach of the <i>Liquor Control Act 1988</i>, <i>Food Act 2008</i>, <i>Liquor Control Regulations 1989</i> or the Liquor Licence or permit or any conditions imposed thereupon for which the Lessor may be liable as the owner of the Premises.</p> <p style="text-align: center;">4. Lessee's Fit Out</p> <p>Fit out to Ground floor and First floor must occur within 90 days of the commencement of the Lease.</p> <p>Completion of the fit out of the Second floor must occur within the first 18 months from the Lease commencement date. Extension of this date will be at the sole discretion of the Lessor.</p> <p>If, within 18 months from the commencement date, fit out has not occurred to the Second Floor the Lessor at this it's discretion or Lessee's request may vary the lease to exclude the Second floor from the Lease and recover 25% of the Lessor incentive payment from Lessee.</p>
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5. Lessee's Works

Lessee's works definition;

- (a) Any alternation, 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.

(1) The Lessee must not undertake works unless;

- (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).

(2) With the exception of the Lessors Incentive, 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:

- (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.

(3) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the

	<p>Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(4) The Lessee will provide certification and public liability for all of the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(5) 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> <p>(6) Should the Lessee and Lessor not agree to the QS estimate provided by the Lessee then this will be mediated by an independent QS being agreed to by both parties whose determination will be accepted by both parties.</p> <p>6. 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>(2) Subletting of the Second floor outside of the current permitted use of the lease will not be approved by the Lessor.</p> <p>7. 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> <p>(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</p>
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	<p>performance of their respective obligations under the Lease.</p> <p>(b) The obligations of confidentiality in paragraph (a) will not apply to information which:</p> <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 (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>(c) The obligations imposed will survive the termination of the Lease.</p> <p>8. 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>9. 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 will be advised of this process not more than 12 months, no less than 6 months prior to the expiry of the last lease term. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.</p>
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Incentive Contribution Agreement

Parties	Company TBA (the Lessee) and the City of Fremantle (the City)
Incentive Amount	\$500,000
Agreed terms	<ol style="list-style-type: none"> 1. The Incentive Contribution Agreement will be in conjunction with the terms and conditions of a Lease between the City and Lessee in particular “the Lessee’s Works”. 2. Milestone payments of the incentive will be; <ol style="list-style-type: none"> a) Subject to evidence proving contractor payment for the milestone works or; b) Paid directly to the Lessee’s contractor who completed the milestone works.

	<p>If the latter, an invoice in the City’s name will be provided by the Lessee’s contractor for payment.</p>
<p>Payment of the Incentive</p>	<ol style="list-style-type: none"> 1. The City will use best endeavours to provide all works required in development of the “cold shell” to provide service access and otherwise in line with the Lessee’s proposed design. Costa associated with facilitating the tenants design in the base build will be included as part of the financial incentive provided by the City to the Lessee. This includes; <ol style="list-style-type: none"> a) Set down area for level 1 and level 2 to accommodate the toilet facilities. b) Access for the installation of a dumbwaiter from ground floor to the second floor. c) Access in the slab to allow for an internal staircase between the ground floor and first floor and stair construction. d) Keg room ceiling void from ground floor to level 2. <p>Costs have been based on high level estimates. Any balance of cost upon the completion of works will be added or deducted from the balance of the incentive.</p> 2. The balance of the incentive (estimated \$447,000) will be paid to the Lessee by the City upon the completion of the following milestones (not essentially in this order). Payment amounts for each milestone is yet to be determined. Milestone works are subject to acceptance and sign off by a City representative; <ol style="list-style-type: none"> a) Completion of the toilets on ground, first and second floors b) Completion of the installation of a dumbwaiter. c) Completion of the stairs between ground floor and level 1

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

1. Approve an Offer to Lease between the City of Fremantle and Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle based on the following:
 - a. Condition precedent:
 - i. Liquor Licensing; A conditional restrictive tavern liquor licence must be secured prior to the commencement of the lease. This will be in line with the Special Condition 3 outlined in key terms and conditions of the lease. An unconditional liquor licence must be granted to the Lessee within 12 months of the Commencement Date. If the Liquor Licence is not granted within 12 months of the Commencement Date the Lease will terminate, unless the period for approval of the liquor licence is extended by the Lessor at its absolute discretion.
 - ii. Lessee's Works; Written consent must be obtained from the Lessor for the Lessee's Works. Information provided will include, but not be limited to, the submission of a design of the proposed works and certified quantity surveyor (QS) estimate. Consent may be subject to conditions as the Lessor sees fit including but not limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.
 - iii. Planning and Building Permit; Planning approval and a building permit must be granted to the Lessee for the Lessee's Works prior to the commencement of the Lease.
All costs associated with the submission of a planning application and building permit will be the Lessee's.
2. Approve a Lease between the City of Fremantle and the Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle; and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:
 - a. Lease area: 828m²
 - b. Lease commencement date: TBA
 - c. First term: ten years
 - d. Second term: ten years
 - e. Rent: 233,100 per annum + GST
 - f. Rent Conditions: First, second and third year of the first term will be rent free. The fourth year of the first term will be based on turn over rent for the year. Full rent will be payable on the anniversary of the commencement date of the lease on the fifth year of the first term.

milestone is yet to be determined. Milestone works are subject to acceptance and sign off by a City representative;

1. Completion of the toilets on ground, first and second floors
2. Completion of the installation of a dumbwaiter.
3. Completion of the stairs between ground floor and level 1

PROCEDURAL MOTION

At 7:34 the following procedural motion was moved:

COMMITTEE DECISION ITEM FPOL2001-9

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

That the meeting be moved behind closed doors to consider the confidential attachment to this report.

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

At 7:34pm members of the public were requested to vacate the meeting.

PROCEDURAL MOTION

At 8:09 the following procedural motion was moved:

COMMITTEE DECISION ITEM FPOL2001-9

Moved: Cr Hannah Fitzhardinge

Seconded: Mayor, Brad Pettitt

That the meeting come out from behind closed doors.

Carried: 7/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

COMMITTEE RECOMMENDATION ITEM FPOL2001-9
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Doug Thompson

Council:

- 1. Approve an Offer to Lease between the City of Fremantle and Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle based on the following:**
 - a. Condition precedent:**
 - i. Liquor Licensing; A conditional restrictive tavern liquor licence must be secured prior to the commencement of the lease. This will be in line with the Special Condition 3 outlined in key terms and conditions of the lease.**

An unconditional liquor licence must be granted to the Lessee within 12 months of the Commencement Date. If the Liquor Licence is not granted within 12 months of the Commencement Date the Lease will terminate, unless the period for approval of the liquor licence is extended by the Lessor at its absolute discretion.
 - ii. Lessee's Works; Written consent must be obtained from the Lessor for the Lessee's Works. Information provided will include, but not be limited to, the submission of a design of the proposed works and certified quantity surveyor (QS) estimate. Consent may be subject to conditions as the Lessor sees fit including but not limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.**
 - iii. Planning and Building Permit; Planning approval and a building permit must be granted to the Lessee for the Lessee's Works prior to the commencement of the Lease.**

All costs associated with the submission of a planning application and building permit will be the Lessee's.
- 2. Approve a Lease between the City of Fremantle and the Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle; and authorise the Chief Executive Officer to negotiate the terms and conditions of the lease based on the following:**
 - a. Lease area: 828m²**
 - b. Lease commencement date: TBA**
 - c. First term: ten years**
 - d. Second term: ten years**
 - e. Rent: 233,100 per annum + GST**
 - f. Rent Conditions: First, second and third year of the first term will be rent free. The fourth year of the first term will be based on turn over rent for the year. Full rent will be payable on the anniversary of the commencement date of the lease on the fifth year of the first term.**

- g. **Rent Review: Consumer Price Index annually on the Lease**
Commencement date effective from the seventh year of the first term.
Market rent review on the anniversary of the Lease Commencement date on the sixth year of the first term, at the commencement of the second term and on the fifth year of the second term.
 - h. **Permitted use: Restaurant and Bar (Restricted Tavern)**
 - i. **Bank Guarantee: \$75,000.** Should the Lessee default the ownership of all fit out will be vested to the Lessor.
3. **Approve an Incentive Contribution Agreement between the City of Fremantle and Fremantle Doctor Restaurant and Bar Pty Ltd, 2 Newman Court, Fremantle based on the following:**
- a. **Incentive Amount: \$500,000**
 - b. **Agreement Commencement Date: Commencement of the Lease**
 - c. **Agreed Terms:**
 - i. **The Incentive Contribution Agreement will be in conjunction with the terms and conditions of the Lease, in particular the “Lessee’s Works”.**
 - ii. **Milestone payments of the incentive will be;**
 - 1. **Subject to evidence proving contractor payment for the milestone works or;**
 - 2. **Paid directly to the Lessee’s contractor who completed the milestone works.**
 - iii. **If the later, an invoice in the City’s name will be provided by the Lessee’s contractor for payment.**
 - d. **Payment of Incentive:**
 - i. **The City will use best endeavours to provide all works required in development of the “cold shell” to provide service access and otherwise in line with the Lessee’s proposed design. Costs outlined in Annexure 2, associated with facilitating the tenants design in the base build will be included as part of the financial incentive provided by the City to the Lessee. This includes;**
 - 1. **Set down area for level 1 and level 2 to accommodate the toilet facilities.**
 - 2. **Access for the installation of a dumbwaiter from ground floor to the second floor.**
 - 3. **Access in the slab to allow for an internal staircase between the ground floor and first floor and stair construction.**
 - 4. **Keg room ceiling void from ground floor to level 2.**
 - ii. **Costs have been based on high level estimates. Any balance of cost upon the completion of works will be added or deducted from the balance of the incentive.**

- iii. The balance of the incentive (estimated \$447,000) will be paid to the Lessee by the City upon the completion of the following milestones (not essentially in this order). Payment amounts for each milestone is yet to be determined. Milestone works are subject to acceptance and sign off by a City representative;
1. Completion of the toilets on ground, first and second floors
 2. Completion of the installation of a dumbwaiter.
 3. Completion of the stairs between ground floor and level 1

Carried: 5/2

For

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Andrew Sullivan, Cr Sam Wainwright**

Against:

Cr Doug Thompson, Cr Adin Lang,

* This report will be amended for the Ordinary Meeting of Council to be held on 29 January 2020, to replace the wording “mother and children” with “parents and children” as shown on page 45 of the Finance, Policy, Operations and Legislation Committee agenda.

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 minutes, 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.

Nil

15. Closure

The Presiding Member declared the meeting closed at 8:10 pm.