



# Agenda

## Finance, Policy, Operations and Legislation Committee

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Wednesday, 9 September 2020, 6.00pm

**CITY OF FREMANTLE**

**NOTICE OF A FINANCE, POLICY, OPERATIONS AND LEGISLATION  
COMMITTEE MEETING**

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday, 9 September 2020** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Glen Dougall', written in a cursive style.

Glen Dougall  
**Director City Business**

4 September 2020

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**CITY OF FREMANTLE**

**Finance, Policy, Operations and Legislation Committee**

**Agenda**

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**1. Official opening, welcome and acknowledgement**

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

**2. Attendance, apologies and leaves of absence**

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

**3. Disclosures of interests by members**

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

**4. Responses to previous questions taken on notice**

Nil

**5. Public question time**

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

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

**6. Petitions**

Petitions to be presented to the committee.

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

## **7. Deputations**

### **7.1 Special deputations**

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

### **7.2 Presentations**

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

## **8. Confirmation of minutes**

### **OFFICER'S RECOMMENDATION**

**The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 12 August 2020.**

## **9. Elected member communication**

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

## 10. Reports and recommendations

### 10.1 Committee delegation

#### **FPOL2009-1                    ACCEPTANCE OF TENDER EXEMPT PURCHASE – WFCC70/20 TRAFFIC MANAGEMENT SERVICES**

<b>Meeting date:</b>	9 September 2020
<b>Responsible officer:</b>	Manager Infrastructure Engineering
<b>Decision making authority:</b>	Committee
<b>Agenda attachments:</b>	1. Tender Evaluation Table 2. Contraflow Pty Ltd schedule of rates (Confidential attachment)
<b>Additional information:</b>	Nil

#### **SUMMARY**

**The purpose of this report is to consider tender exempt purchase number WFCC70/20 for Traffic Management Services for infrastructure maintenance and construction as well as festivals and events organised by the City.**

**This report recommends that the Committee accepts the Quotation submitted by Contraflow Pty Ltd as determined in accordance with the evaluation process.**

#### **BACKGROUND**

The City engages contractors and self performs various works, projects and events that require safe access within the road reserve by utilising contracted traffic management services. These works mainly include the City's annual infrastructure maintenance and construction works programme, including parks and landscape. The contracted traffic management services are also required to provide safe access to the road reserve for various festivals and events.

Respondents were required to provide prices on a schedule of rates.

The purchase is tender exempt under Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996, as the purchase is from a WALGA Panel of suppliers.

#### **FINANCIAL IMPLICATIONS**

The City estimates that approximately \$402,288 (ex. GST) will be expended per annum on the supply of traffic management services.

Sufficient funding provision has been allocated in the 2020 / 2021 financial year operating budget for the supply of traffic management services to deliver the services within budget and the above estimate also assumes that the Capital road renewal budgets might also be adopted this financial year.

The traffic management contract does not require the City to have a minimum spend through the contract each year; activity and spend in this area is directly related to Council approval of both Capital and Maintenance budgets.

This contract spans multiple years therefore a commitment to suitable budget provision for future years must be considered to provide the services.

## LEGAL IMPLICATIONS

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

Further, the purchase is from a WALGA Panel and is tender exempt under Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996, which states:

*Tenders do not have to be publicly invited according to the requirements of this Division if*  
–

*(b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program.*

## CONSULTATION

Road closures and events are communicated to the Community via a combination of letter drops, sign boards, the City's website and social media channels.

## OFFICER COMMENT

### Detail

Request for Quote WFCC70/20 for Traffic Management Services was advertised on the WALGA equotes website on Tuesday 30 June 2020 and closed on Friday 17 July 2020.

Essential details of the contract are outlined below:

Contract type	Schedule of Rates
Contract duration	2 years with a 1-year extension option (awarded at sole discretion of the City)
Commencement date	October 2020
Completion date	October 2023 (including extension option)



## Quotation evaluation

Submissions were received from the following contractors and evaluated by the evaluation panel:

- Advanced Traffic Management (WA) Pty Ltd
- Carrington's (WA) Pty Ltd
- Contraflow Pty Ltd
- DM Roads – Downer EDI Works Pty Ltd
- Vigilant Traffic Management Group Pty Ltd
- WARP Traffic Management Pty Ltd

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

The evaluation panel comprised:

- Engineering Team Leader
- Manager Infrastructure Engineering
- Supervisor Infrastructure Construction
- Works Controller Maintenance Infrastructure
- Procurement Officer – Contracts and Risk

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

Item No	Description	Points
1	Relevant Experience	20
2	Skills and Key Personnel	10
3	Demonstrated Understanding	10
4	Sustainability	10
5	OHS	10
6	Pricing	40

All six (6) submissions received were conforming to the requirements.

The response submitted by Contraflow Pty Ltd scored the highest rating with 85 points out of a maximum of 100, followed by Advanced Traffic Management (WA) Pty Ltd with 80 points. The remaining tender submissions received lower scores (See Attachment 1 for summary of scores).

Contraflow Pty Ltd, the recommended respondent, was assessed as having the skills, personnel, experience and understanding to safely undertake the works and deliver the level of service required in the specification, in accordance with the terms of the request document.

The evaluation process determined that the response from Contraflow Pty Ltd is a fully conforming response. Contraflow Pty Ltd have previously worked with the City safely

providing traffic management services to a good standard as required. Reference checks indicate that Contraflow Pty Ltd have provided satisfactory service delivery to customers with similar requirements, and will be a suitable supplier to the City of Fremantle.

### **Environmental considerations**

Respondents were required to show how their operations used resources in a sustainable manner and in a way that could assist the City achieve its goals under the 10 One Planet principles.

### **Risk consideration**

An assessment undertaken by illion indicates that Contraflow Pty Ltd have the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Project specific risk assessments have been developed and will be used in the management of this contract.

### **Comment**

The preferred contractor Contraflow Pty Ltd scored well against all the quantitative and qualitative selection criteria and offered a competitive price for the safe and consistent delivery of the services.

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

Award Contract:	September 2020
Commence Services:	October 2020
Contract Complete:	October 2023 (including one-year extension option)

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

Simple Majority Required

### **OFFICER'S RECOMMENDATION**

**Council approve to enter into a Contract for the supply of Traffic Management Services (WFCC70/20) at the rates quoted, to Contraflow Pty Ltd for a maximum 3 year contract term, in accordance with the terms and conditions specified in the request document.**

**FPOL2009-2 BOOYEEMBARA PARK MOUNTAIN BIKE TRAIL**

<b>Meeting date:</b>	9 September 2020
<b>Responsible officer:</b>	Manager Parks and Landscape
<b>Decision making authority:</b>	Committee
<b>Agenda attachments:</b>	1. Booyeembara Park East and Mountain Bike Trails – Community Engagement Report. 2. Booyeembara Park Mountain Bike Trail Concept Plan.
<b>Additional information:</b>	Nil

**SUMMARY**

The purpose of this report is for Council to consider progressing to the next stage of the proposal for mountain bike trails in Booyeembara Park, Fremantle.

At the Ordinary Meeting of Council on 22 May 2019, Council considered and supported a proposal to investigate the suitability of formalising mountain bike trails in Booyeembara Park. This report is a follow-up to inform Council of the outcomes of the Booyeembara Park Mountain Bike Trail Concept Plan, community engagement and a recommendation to progress to the next stage of the mountain bike trail development.

**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 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 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. Subsequently, at the Ordinary Meeting of Council on 11 December 2019, when considering the proposal, Council resolved to:

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.*

Officers have since engaged a specialist mountain bike trail designer to develop the Concept Plan in conjunction with the Booyeembara Park Mountain Bike Trail Working Group. The plan has subsequently been consulted with the community. This report is an update for Council to consider the outcomes of recommendation 2 and the next steps for the project.

## FINANCIAL IMPLICATIONS

A budget for the Booyeembara Park Mountain Bike Trail Concept Plan was included in the 2019/20 budget under project P-11867 Design-Booyeembara Part-Mountain Bike Trail.

A construction cost estimate for the mountain bike trail total project cost is provided below. This includes landscape integration works and associated amenities within Booyeembara Park. A proposal for addressing parking and road safety along Stevens Street is still being developed. Pricing will vary dependent on the final scope, specifications, detailed design and material selections.

Item	Description	Estimate
Mountain Bike Trails	Design and construct the mountain bike trails as per the concept plan	\$615,000
Associated landscape works	Supply and install paths, shelters, furniture, seating, bike racks, drink fountain, fencing, observation areas, BBQ and landscaping	\$255,000
Pump track	Supply and install pump track and associated infrastructure and landscaping	\$264,000
Parking	On street / off street parking and traffic calming (currently in design)	TBC

Models for funding the design construction of the trails may include grant funding (with consideration to other grant funding priorities at the time).

There will be ongoing operational maintenance costs for the proposal. The costs will be dependent on the final detailed design, materials and management model developed through the trail development process. An estimate of the annual maintenance cost of the trail is in the order of \$15,000.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

The City established the Booyeembara Park Mountain Bike Trail Working Group to work with officers, the consultant and the community to provide information, requirements and feedback to officers. This was worked through in three workshops and has been used to assist officers in the development of the concept for the Booyeembara Mountain Bike Trail. The group is made up of representatives from the Fremantle Mountain Bike Collective, Friends of Boo Park, White Gum Valley Precinct Group, White Gum Valley Orchard, Fremantle Youth Network plus Elected Members and City officers

Community engagement on the proposed mountain bike trail concept plan and associated works took place between 17 July and 9 August 2020. The purpose of the engagement was to obtain input on the future needs of the area (including consideration of a potential pump track, and parking), and gather feedback on the proposed trail designs. A summary of this is provided in the officer comment section and the full report is provided as attachment 1.

The City also noted feedback from the 2018 engagement on the former Men's Shed site where respondents raised concerns about parking in this area. During the engagement some respondents noted they'd like to see parking along Stevens Street only, and other feedback was received regarding incorporating sports facilities in the area, landscaping, native elements, seating and shade.

## **OFFICER COMMENT**

City officers have been working with a Consultant and the Booyeembara Park Mountain Bike Trail Working Group to develop the Booyeembara Park Mountain Bike Trail Concept Plan. The objectives of the concept are to:

- Create a locally significant combination of an All Mountain trail and a Park trail MTB trail network.
- Develop a quality, sustainable and accessible trail network suitable for a diverse range of users to replace the existing ad hoc trails.
- Ensure the trail network is considerate of other park users and consider pedestrian management controls.
- Maintain and protect the existing flora and areas identified as protectable species of significance.
- Develop a trail network appropriate to the landscape and the construction of low maintenance technical trail features.
- Consider future planning of potential car parking, pump track and bushland revegetation.
- Identify and protect conservation, environmental and cultural heritage values.

The draft concept plan was consulted with the public between 17 July and 9 August 2020. The consultation included associated aspects of the project such as access, parking, amenity and a pump track. There were over 1,200 visitors to the My Say Freo

page and 237 submissions were received. In addition, around 60 people attended a drop-in information session held on 22 July 2020. The key findings of the consultation were:

- Thoughts on formalising the trails were mostly very positive. Respondents saw the area as being a family-oriented and intergenerational space, where children, teenagers and adults could play together, and liked that it supports a healthy outdoor lifestyle.
- For those who didn't directly support formalising the trail, the most common reasons were wanting to use the trails or area for other purposes (such as running or dog walking), concerns with the impact on the natural environment, and concerns with safety.
- Responses emphasised the need for any new facility to cater for all ages and abilities.
- Comments on the proposed design were mostly positive and liked that it caters for all levels and makes good use of the existing space. It was unclear whether most respondents had viewed the proposed design.
- Comments on the pump track also reflected the need to cater for all abilities and to provide amenity in the surrounding area, including for spectators.
- Overall, respondents also raised a number of issues for consideration, including traffic safety, parking provision, environmental impact, wildlife protection, asbestos risk, trail maintenance, adaptive rideability and allowance for other park users (including dog walkers).
- In particular, road safety along Stevens Street is a considerable issue with a crest close to the current park entrance making the area dangerous for visitors.
- Views on parking were mixed, with respondents preferring both no extra parking and lots of additional parking and at varying locations. Issues around parking included safety, security, bay size and impact on residents and the environment.
- Respondents appeared to hold very differing views on how heavily the area would be used, with some assuming it will become busy and congested while others stating it would be for locals only and remain relatively quiet.

The input received on the Mountain Bike Trail concept plan has been used to finalise the concept design and report. The final concept plan is provided as attachment 2 in this report.

The input on the associated aspects of access, parking and amenity will be further developed with the Booyeembara Park concept plan. The plan will consider the park precinct, including projects in the surrounding areas and associated Fremantle Public Golf Course, clubhouse and community building project. The plan will consider access, connections, amenity, environment, use and landscape character and seek to integrate the mountain bike trail in the park in harmony with existing park uses. Road safety, parking and pedestrian access along Stevens Street has been raised as an issue and officers are developing proposals to improve this aspect. This plan is currently being developed in consultation with the Booyeembara Park Reference Group. It is anticipated further community consultation will occur on the concept plan prior to seeking Council endorsement.

At this stage, the City has funded the concept design process only. There is no funding allocated for detailed design, construction or trail-building works in the 2020/2021 budget. The City will be seeking grant funding to help deliver the mountain bike trails and the

associated aspects in the plan. In addition, officers will prepare a project proposal for consideration as part of the Council's annual budget process.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Receive the Booyembara Park East and Mountain Bike Trails – Community Engagement Report, provided in attachment 1.**
- 2. Adopt the Booyembara Park Mountain Bike Trail Concept Plan, provided in attachment 2.**
- 3. Note officers will progress with identifying available grants and developing submissions for the detailed design and construction of the Mountain Bike Trail and associated infrastructure.**

**FPOL2009-3 CORPORATE BUSINESS PLAN REPORT 2020/21**

<b>Meeting date:</b>	9 September 2020
<b>Responsible officer:</b>	Manager Economic Development and Marketing
<b>Decision making authority:</b>	Committee
<b>Agenda attachments:</b>	1. Corporate Business Plan –Report - July 2020 to June 2021
<b>Additional information:</b>	Nil

**SUMMARY**

**The Corporate Business Plan (CBP) Report for 2020/21 provides a summary of the planned projects, services and activities for 2020/21 and provides indicative start and end dates for those projects and activities. A progress update will be provided to Council quarterly throughout the financial year on the CBP Report.**

**This report recommends that Council receive the Corporate Business Plan Report for 2020/21, as provided in Attachment 1.**

**BACKGROUND**

All local governments are required to develop a Strategic Community Plan and a Corporate Business Plan in accordance with the Integrated Planning and Reporting (IPR) Framework and subsequent changes made to the *Local Government (Administration) Regulations 1996*.

The Strategic Community Plan is used to guide the corporate, business and financial planning for the City. This report will provide the priorities for 2020/21 for addressing the aspirations of the strategic community plan and outline when these priorities are planned to commence. The scheduled dates are indicative at the time and every endeavour will be made to deliver within these timeframes.

**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

In accordance with section 5.56 of the *Local Government Act 1995*, the Local Government (Administration) Regulations 1996 and the IPR Framework and Guidelines local governments develop a Strategic Community Plan and a Corporate Business Plan.

**CONSULTATION**

Nil



## **OFFICER COMMENT**

This report presents indicative start and end dates of projects scheduled to be undertaken in 2020/21. The progress reporting is arranged by quarter with the first quarter being reported to Council in October 2020.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council receive the City of Fremantle Corporate Business Plan Report 2020/21 as provided in attachment 1.**

**FPOL2009-4      PARKLET APPLICATION – 3 PAKENHAM STREET**

**Meeting date:** 9 September 2020  
**Responsible officer:** Manager Infrastructure Engineering  
**Decision making authority:** Committee  
**Agenda attachments:** 1. Parklet Application Supporting Information  
**Additional information:** Nil

**SUMMARY**

**This report is submitted for Council to consider a parklet application submitted by the owners of 3 Pakenham Street, Fremantle 6160, trading as “Republic of Fremantle”.**

**BACKGROUND**

The owners of 3 Pakenham Street, Fremantle 6160 are seeking approval for the use of the road reserve area to allow for al fresco social activity. The proposed location will be outside the Republic of Fremantle in Pakenham Street.

The applicant previously submitted an application for a parklet, which was approved by Committee on 9 May 2018, however, the applicant did not proceed with the installation. The applicant now wishes to proceed with the installation of a parklet. Due to the significant design changes to the original application, officers have referred this back to Committee as a new application.

The Parklet Policy was adopted at the Council meeting of 27 November 2013 and provides the opportunity for businesses to apply for temporary use of the road or parking space directly in front of their business for al fresco dining, bicycle parking or public green space and seating.

**FINANCIAL IMPLICATIONS**

The proposed parklet is to be situated within an existing ‘No Parking’ and ‘No Stopping’ zone in front of 3 Pakenham Street. As such, there will be no loss of parking revenue to The City of Fremantle.

**LEGAL IMPLICATIONS**

The City can approve works in the Road Reserve in accordance with Local Government Act 1995.

**CONSULTATION**

A copy of the design proposal has been delivered to all surrounding properties and businesses for comment. There has been no comment or objections received.

The proposal was also sent internally to the Economic Development, Parking, Urban Design, Parks & Landscapes, Infrastructure Engineering and Heritage departments at

The City of Fremantle. There have been no objections raised internally during this consultation process.

Due to the fact that the West End is a registered place on the State Register of Heritage Places under section 35 of the Heritage Act 2018, the parklet proposal was also referred to the Department of Planning, Lands & Heritage (DPLH) for comment. DPLH have verbally advised support for the proposal in principle and any more detailed (written) comments received prior to the FPOL meeting will be reported verbally at the meeting.

### **OFFICER COMMENT**

The proposal meets the City's Parklet Policy requirements. The design is acceptable and will enhance the streetscape character, furthering public activation within this area. It also meets the objective of the policy to enhance the interest, amenity and vitality of parts of the city by encouraging temporary, well designed, safe and functional parklets in compatible public spaces.

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

Simple Majority Required

### **OFFICER'S RECOMMENDATION**

**Council approve the application for a parklet permit for 3 Pakenham Street, in accordance with the details in attachment 1, for the initial period of 2 years, with a bond or bank guarantee for the sum of \$1500.**

**FPOL2009-5 PROPOSED PROPERTY LOCAL LAW AMENDMENT 2020**

**Meeting date:** 9 September 2020  
**Responsible officer:** Manager Governance  
**Decision making authority:** Committee  
**Agenda attachments:** Local Government Property Local Law showing proposed amendments  
**Additional information:** Nil

**SUMMARY**

This report seeks Council approval to initiate amendment of the City of Fremantle Local Government Property Local Law 2002; by making a City of Fremantle Local Government Property Amendment Local Law 2020 in accordance with Section 3.12 of the *Local Government Act 1995*:

This report recommends Council approve public notice be given, in accordance with the *Local Government Act 1995*, of its intention to make a City of Fremantle Property Amendment Local Law 2020, the purpose and effect of which is as follows:

**Purpose:** To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.

**Effect:** To establish the requirements with which any person using or being on all local government property within the district, must comply.

**BACKGROUND**

Section 3.5 of the *Local Government Act 1995* confers the legislative function of local government to make local laws under the *Local Government Act 1995* in addition to the legislative power to make local laws conferred on local governments by any other written law. A local law made under this section, is inoperative to the extent that it is inconsistent with the *Local Government Act 1995* or any other written law.

Where a power to make a local law is conferred on a local government, regulations usually prescribe the permitted content of the local law, to ensure provisions are not deemed ultra vires. WALGA and some relevant State departments, produce a number of model local laws based on the permitted content. Council may then choose to include or exclude the content in the adopted local law for the district; however, the content of the local law cannot alter the provisions of the primary legislation.

In reviewing the City of Fremantle Leisure centre operations in line with the Department of Health and Royal Life Saving Society's codes of practice and guidelines for safe pool operations, and uncertainty relating to lost and abandoned property on Fremantle local government property it is considered that the City's Property Local Law contains some provisions that are outdated and do not align with best practice provisions specifically for

the operation of swimming pool management but also in some other areas of the local law.

In addition to updating some provisions in the local law it is considered desirable to adopt a new provision to enable the City to make a determination controlling smoking in specific areas of local government property. With the ongoing development in the City and the existing preference for the City's property to be available to be used for social activities for all it is considered desirable to be able to restrict certain areas of local government property to smoke free areas. It is anticipated that smoke free areas will improve the amenity in Fremantle by reducing litter from cigarette butts and to eliminate exposure to cigarette smoke by users of local government property.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that for the purposes of Section 3.12 of the *Local Government Act 1995*, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

The purpose and effect of the *City of Fremantle Property Amendment Local Law 2020* are as follows:

- Purpose: To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.
- Effect: To establish the requirements with which any person using or being on all local government property within the district, must comply.

In accordance with Section 3.12(3) of the *Local Government Act 1995*, the City is required to give local public notice of the proposed City of Fremantle Property Amendment Local Law 2020 inviting submissions for a period of no less than six (6) weeks after the notice is given.

## FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report. However, by providing the City with the ability to make a determination to prohibit a certain activity from local government property in the district, any determination made will have financial implications relating to resourcing the enforcement of that determination.

## LEGAL IMPLICATIONS

If Council resolves to amend the local law, the procedure is the same as the procedure for making a local law and 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*
- Local public notice – s3.12(3) of the Act
- Notification to the Minister - s3.12(3)(b) of the Act
- Considering Submissions – s3.12(4) of the Act
- Gazettal notice – s3.12(5) of the Act
- Giving public notice – s3.12(6) of the Act

- Explanatory Memoranda – s3.12(7) of the Act
- Commencement of local laws - s3.14 of the Act
- Review by Government - s3.17 of the Act

## **CONSULTATION**

This report is seeking council approval to initiate the process to amend the City of Fremantle Local Government Property Local Law in accordance with the Local Government Act 1995. The City will give local public notice for at least a six-week period, identifying where and during which hours (if appropriate) the proposed local law can be viewed.

## **OFFICER COMMENT**

City officers evaluated the content of the current local law, looking specifically at:

- What can be included in the local law
- What provisions are working
- What provisions are not working, and why?
- What is permitted to be included in the local law and what do we need/want in the local law?

In comparison with the sector position and trends, officers also considered the following:

- Resource and budget requirements needed to enforce the provisions of the local law.
- Community requirements, including ease of understanding and improved amenity for all.

City officers drafted the amendments to the Local Law, considering the above criteria the amendments to the Local Law will provide the mechanism to control additional activities on local government property, including by way of determination.

The proposed changes are detailed in the below table and the City of Fremantle Local Government Property Local Law 2002 (consolidated) is attached to this report, with green text highlighting the proposed additions and red, struck through text highlighting the proposed removals.

As a point of clarification, this report is not recommending that smoking be banned on all local government property, but that the City be able to make a determination relating to specific areas, where it is believed that banning smoking where it is causing significant adverse environmental impacts due to cigarette butts or it is in the interest of better community health and amenity.

Council Report explanatory table		
Amendment		Justification
2.8 (k) New subclause	(k) smoking in an area designated by the City as an area that smoking is prohibited.	This amendment is intended to allow the City to make a determination to prohibit smoking in specific areas of the City as sign posted.
3.2 (5) Amend clause	(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.	This amendment is intended to clarify the expectations relating to the responsibility of permit applicants to comply with all provisions as required by the City.
3.3 (4) new clause	(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.	This amendment is intended to allow the City to amend permit conditions when necessary.
3.9 (2) Amend clause	(2) The provisions of this Part shall apply to an application for the renewal of a permit <del>mutatis mutandis</del> as though it was a new application for a permit.	This amendment is intended to promote 'plain English' principles.
4.1 (1)(c) New subclause	(1) A person shall not in or on any local government property behave in a manner which –  (a) is likely to interfere with the enjoyment of a person who might use the property; or  (b) interferes with the enjoyment of a person using the property.  (c) places the public at risk or interferes with the safety of others.	This amendment is intended to expand restrictions on behaviour on local government property that places the public at risk or interferes with the safety of others.
4.3 Amend Title	4.3 Taking, <del>or</del> injuring or damaging any fauna or flora	This amendment is intended to include flora within the clause to allow the local government to issue a penalty for the damage/removing flora or fauna from local government property.
4.3 (3) & (4) New clauses	(3) A person must not remove or damage or attempt to remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the local government.  (4) In this clause "flora" means all vascular plants.	This amendment is intended to include flora within the clause to allow the local government to better protect both flora and fauna on local government property and to issue a penalty for the damage/removal of flora or fauna from local government property.
Delete Part 5, Division 1	<del>Division 1 – Swimming pool areas</del> <del>5.1 – When entry must be refused</del>  <del>(1) – A Manager or an authorised person shall refuse admission to, may direct to</del>	Aquatic Facilities are governed by the following legislation and Code. Where a local law is inconsistent with the legislation,

Council Report explanatory table		
	Amendment	Justification
	<p><del>leave or shall remove or cause to be removed from a pool area any person who—</del></p> <p><del>(a) in her or his opinion is—</del></p> <p><del>(i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;</del></p> <p><del>(ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or</del></p> <p><del>(iii) under the influence of liquor or a prohibited drug; or</del></p> <p><del>(b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.</del></p> <p><del>5.2 Consumption of food or drink may be prohibited</del></p> <p><del>(1) A person shall not consume any food or drink in an area where consumption is prohibited by a sign.</del></p>	<p>or legislated code, by default, it is invalid.</p> <p>The provisions in the City’s local law are inconsistent with the prevailing legislation and are considered redundant.</p> <ul style="list-style-type: none"> <li>Health (Miscellaneous Provisions) Act 1911</li> <li>Health (Aquatic Facilities) Regulations 2007</li> </ul> <p><i>“Code means the “Code of practice for the design, construction, operation, management and maintenance of aquatic facilities”, published by the Chief Health Officer under the Act on 1 June 2007 as amended by the Chief Health Officer from time to time, and any code of practice under the Act that replaces the Code;</i></p> <p><i>6. Adoption of Code and relationship to these regulations</i></p> <p><i>(1) The Code is adopted to the extent to which it is applied by these regulations.</i></p> <p><i>(2) These regulations prevail over the provisions of the Code to the extent to which the provisions of the Code are inconsistent with these regulations.”</i></p> <ul style="list-style-type: none"> <li>Department of Health – Code of Practice for the design, Construction, Operation, Management &amp; Maintenance of Aquatic Facilities</li> </ul>
Update title	<del>Division 2</del> <i>Division 1 - Beaches</i>	Amending a title.
Renumber clauses	Renumber existing clauses 5.3 – 5.6 AS 5.1 – 5.4 respectively	Renumbering
Delete Part 5, Division 4	<p><del>Division 4 – Toilet blocks and change rooms</del></p> <p><del>5.7 Only specified gender to use entry of toilet block or change room</del></p> <p><del>(1) Where a sign on a toilet block or</del></p>	This local law allows the City to erect signage if conditions of use are necessary. Therefore, this provision is considered unnecessary.



Council Report explanatory table		
Amendment		Justification
	<p><del>change room specifies that a particular entry of the toilet block or change room is to be used by—</del></p> <p><del>(a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or</del></p> <p><del>(b) males, then a person of the female gender shall not use that entry of the toilet block or change room.</del></p>	
Update Title	<del>Division 5</del> Division 4 - Golf course	Amending a title.
ReNUMBER clauses	ReNUMBER existing clauses 5.8 and 5.9 AS 5.5 and 5.6 respectively	ReNUMBERing
9.2 (1) Replace clause	<p><del>(1) An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.</del></p> <p>(1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –</p> <p>(a) refuse to allow that person to enter local government property; and</p> <p>(b) if the person is on local government property, direct the person to leave the local government property.</p> <p>(2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.</p> <p>(3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.</p>	This amendment is intended clarify the conditions by which the City may address any potential anti-social activity by enabling authorised officers to restrict access of individuals to local government
9.3 (1) Replace clause	<p><del>(1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.</del></p>	This amendment is intended to clarify the way in which any unclaimed property left on local government property may be disposed of.

Council Report explanatory table		
Amendment		Justification
	<p>(1) An article left on any local government property, and not claimed within a period of 1 month, may be disposed of by the CEO or an authorised person –</p> <p>(a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the local government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;</p> <p>(b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner they think fit; or</p> <p>(c) in any other case, by donation to a not for profit body incorporated under the Associations Incorporations Act 1987.</p>	
New penalties	<p>8 4.3(1) - Taking or injuring any fauna -125</p> <p>9 4.3(3) - Removing or damaging any flora - 125</p>	Introduction of 2 new penalties relating to the taking or injuring of flora or fauna from local government property.
Renumber Penalties	Renumber existing penalties 8 - 27 AS 10 - 29 respectively	Renumbering

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

Council approve public notice be given, in accordance with the *Local Government Act 1995*, of its intention to make a City of Fremantle Property Amendment Local Law 2020, the purpose and effect of which is as follows:

**Purpose:** To provide for the regulation, control and management of activities and facilities on all local government property, with the exception of thoroughfares, within the district.

**Effect:** To establish the requirements with which any person using or being on all local government property within the district, must comply.

**FPOL2009-6 REDEVELOPMENT OF THE FREMANTLE PUBLIC GOLF COURSE – FCC556/20**

**Meeting date:** 9 September 2020  
**Responsible officer:** Manager Parks and Landscape  
**Decision making authority:** Committee  
**Agenda attachments:** Confidential Attachment - Evaluation and Budget Information  
**Additional information:** Nil

**SUMMARY**

**The purpose of this report is to consider tender number FCC556/20 for the Redevelopment of Fremantle Public Golf Course at Montreal Street, Fremantle and makes a recommendation for tender award.**

**BACKGROUND**

Main Roads Western Australia (MRWA) have commenced upgrading the intersection and highway along High Street and Stirling Highway between Carrington Street and Marmion Street, Fremantle. To accommodate the new road alignment along High Street and retain existing significant trees, a portion of the Class A and Class C reserves has been vested to MRWA for the purpose of road reserve. This has resulted in the need for the City to remediate the Fremantle Public Golf Course and to replace the clubhouse and the former Community Facility at 26 Montreal Street.

The Principal has previously appointed a design Consultant team to develop the golf course concept design, undertake design development and prepare tender documentation. The City is now seeking a suitably qualified, experienced, quality and safety conscious Contractor for the provision of civil, horticultural, irrigation and landscape construction services for the redeveloped Fremantle Public Golf Course.

**FINANCIAL IMPLICATIONS**

The project will be entirely funded by the contribution from Main Roads Western Australia. The City has agreed, in consultation with MRWA, for the City of Fremantle to manage the design and delivery of the required works. There are no additional municipal funds currently allocated for this project.

The tendered price submitted by LD Total is higher than the amount budgeted for the Contract. To award this project within the allowed budget and including a sufficient contingency, officers recommend negotiating the specification and scope of the project prior to Contract award. The confidential attachment provides a project budget breakdown and potential specification and scope reduction areas, which will not adversely impact on the length of the course.

## LEGAL IMPLICATIONS

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

The City has entered into a Deed of Agreement with Main Roads Western Australia for the delivery of the remediation of the Fremantle Public Golf Course, clubhouse and community facility.

## CONSULTATION

The Fremantle Public Golf Course is currently closed. Signage has been erected at the site with information about the upcoming construction and information will be posted on the City's website and social media channels.

## OFFICER COMMENT

### Detail

Tender FCC556/20 for the Redevelopment of Fremantle Public Golf Course at Montreal Street, Fremantle was advertised on 6 June 2020 and closed on 8 July 2020.

Essential details of the Contract are outlined below:

Contract type	Lump Sum
Contract duration	Construction estimated for 25 weeks with a subsequent 12 months Defects Liability Period.
Commencement date	On or around 28 September 2020
Completion date	Practical Completion on or around 5 April 2021 Defects Liability Period Completion on or around 4 April 2022

## Tender evaluation

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

- Turf Care WA Pty Ltd
- MG Group
- McMahons Pty Ltd
- LD Total
- Environmental Industries Pty Ltd
- D.B. Cunningham Pty Ltd t/a Advantearing Civil Engineers
- Atlas Golf Services Pty Ltd.

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

The tender evaluation panel comprised:

- Manager Parks and Landscape
- Senior Landscape Architect
- Procurement Team Leader
- Project Manager Parks (non-voting).

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

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

Item No	Description	Weighting
1	Relevant Project Experience	25%
2	Skills and Key Personnel	20%
3	Demonstrated Understanding	20%
4	Sustainability	10%
5	Price	25%

Seven tender submissions, all conforming, were received. The tender submitted by LD Total scored the highest rating with 74 points, followed by Environmental Industries with 71 points. The remaining tender submissions received lower scores.

As part of the tender evaluation process, the Evaluation Panel sought additional clarifications from tenderers. Additionally, a consultant review of the submissions for the top 3 rated tenderers was undertaken. This information was used to help finalise the recommendation for the preferred tenderer.

### **Environmental considerations**

The redevelopment of the Fremantle Public Golf Course provides a range of environmental and sustainability opportunities, these include:

- balanced cut and fill construction
- vegetation to be removed will be mulched and reused on site
- upgraded water efficient irrigation system with rain sensors and weather station to adjust watering schedule to local climatic conditions
- tree planting and revegetation of old golf course fairways using local, endemic plants.

Additionally, a Construction and Environmental Management Plan is a requirement for the successful Contractor's construction works.

### **Risk consideration**

An assessment undertaken by Illion indicates that LD Total have the financial capacity to undertake the contract.

A project specific risk assessment has been developed for the management of this project from design through to construction. There are some potential high risk items, including the safety fencing, which the City has identified risk management procedures for the construction phase with the Consultant and Contractor team.

### Comment

LD Total, the recommended tenderer, was assessed as having the experience, personnel, resources, sub-contractor team and understanding of the project methodology to safely undertake the works described in the specification, in accordance with the terms of the tender document.

Reference checks indicate that LD Total have provided satisfactory service delivery to their customers projects with a similar scope, and will be a suitable supplier to the City of Fremantle

The results from the tender evaluation identified LD Total as providing the City with good value for money. Notwithstanding this, the tendered price submitted by LD Total is higher than the amount budgeted for the Contract. To award this project within the allowed budget and including a sufficient contingency, officers recommend negotiating the specification and scope of the project prior to Contract award. These will not adversely impact on the length of the course.

In accordance with the decision at the Ordinary Meeting of Council on 13 May 2020, officers will continue to review the project throughout construction, and where feasible and budget allows, opportunities will be taken to increase the course length, including building in contingencies for future works.

In addition, officers will explore opportunities with the Contractor on project phasing and programming, to see if the driving range could open to the public prior to the golf course. If this is practical, the City will develop an operational model for managing the driving range.

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

Award contract:	28 September 2020
Commence construction:	12 October 2020
Practical Completion:	5 April 2021
Defects Liability Period Completion	4 April 2022

### VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Approves LD Total as the City of Fremantle's preferred tenderer for tender FCC556/20 the Redevelopment of the City of Fremantle's Public Golf Course, subject to the City and LD Total reaching agreement on the terms of the Contract.**
- 2. Authorises the Chief Executive Officer to enter into negotiations with LD Total in relation to the final specification and scope of the Contract as identified in confidential attachment 1.**
- 3. Authorise the Chief Executive Officer to execute the Contract with LD Total, within the nominated project budget plus 5% for the golf course works as identified in confidential attachment 1.**

## 10.2 Council decision

### FPOL2009-7 ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS POLICY

<b>Meeting date:</b>	9 September 2020
<b>Responsible officer:</b>	Manager Governance
<b>Decision making authority:</b>	Council
<b>Agenda attachments:</b>	1. Elected Member and Chief Executive Officer Attendance at Events Policy
<b>Additional information:</b>	Nil

#### SUMMARY

Following review of the Local Government Act 1995, local governments are now required to adopt an Elected Member and Chief Executive Officer Attendance at Events Policy.

This report recommends that Council adopt the Elected Member and Chief Executive Officer Attendance at Events Policy (attachment 1) which will replace the Attendance at Events and Functions Policy.

#### BACKGROUND

In 2017, a review of the Local Government Act 1995 (the Act) was announced. On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament.

The amendments to the Act included a new gifts framework and the requirement for all Local Governments to develop and publish a policy covering the attendance of the Mayor, Elected Members and the Chief Executive Officer at events. The Department of Local Government, Sport and Cultural Industries explained the reasons for change: -

*“It is important that Council members and Chief Executive Officers make decisions – and are seen to be making decisions – free from influence.*

*The amendments also recognise that there is a valid role for Council members in attending events but makes this a decision of Council in accordance with a published policy.”*

Given the important role of elected members and the Chief Executive Officer as decision makers in positions of power, the new framework is purported to reflect the community’s expectations that decision makers in local government are free from improper influence.

The City of Fremantle had an existing policy prior to the legislated changes; however, as there have been some additional requirements set out in the amendments, a new policy has been developed for consideration by Council.



In the main, a gift or ticket to, or that otherwise relates to a person's attendance at, an event that is in accordance with the policy will be exempt from the new conflict of interest provisions at meetings, that have also been introduced.

As per the new requirements of the Act the Elected Member (or Chief Executive Officer) who accepts a ticket under the new policy will not be required to disclose the interest at a meeting where the donor has a matter before Council and will be able to participate in the decision-making process (or the provision of advice to Council for the Chief Executive Officer).

## FINANCIAL IMPLICATIONS

Some of the events contained within the policy will have a financial cost associated with attendance. Once the final policy is adopted, the City can consider the impact of these financial costs through the annual budget review process.

## LEGAL IMPLICATIONS

All Western Australian local governments are required to adopt a policy around the attendance of elected members and the Chief Executive Officer at events. Failure for the City to adopt a policy would put the City in breach of its legislative obligations.

The new section 5.90A of the Act that relates to the need for a policy is detailed as follows:

"5.90A. Policy for attendance at events

- (1) In this section —
  - event** includes the following —
    - (a) a concert;
    - (b) a conference;
    - (c) a function;
    - (d) a sporting event;
    - (e) an occasion of a kind prescribed for the purposes of this definition.
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —
  - (a) the provision of tickets to events; and
  - (b) payments in respect of attendance; and
  - (c) approval of attendance by the local government and criteria for approval;
 and
  - (d) any prescribed matter.

\* Absolute majority required.

- (3) A local government may amend\* the policy.

\* Absolute majority required.

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (5) The CEO must publish an up-to-date version of the policy on the local government's official website."

## **CONSULTATION**

The City has updated Elected Members during the process of legislative amendment to raise awareness of the requirement to adopt this policy.

## **OFFICER COMMENT**

In accordance with the section 5.62(1B) of the Act attendance at an event in accordance with this policy will exclude the Elected Member from the requirement to disclose an interest when the donor of the ticket has a matter before Council (or a committee).

However elected members and the Chief Executive Officer still have gift disclosure obligations under the Act.

In view of this, the policy reflects even though elected members are exempt from disclosing interests relating to gifts exempted by the policy elected members and the Chief Executive Officer still have gift disclosure requirements under sections 5.87A – 5.87C of the Act.

Changes to the Act also mean that the notifiable and prohibited gift limits that used to apply to elected members under the Local Government (Rules of Conduct) Regulations 2007 have been removed, meaning elected members are no longer restricted by previous gift limits.

### Exemptions:

One of the complexities associated with the new provisions introduced in the Act, is that the definition of an "event" includes conferences. Elected Members and the Chief Executive Officer are entitled to attend conferences and training events to further their professional development and provisions are already in place under the Elected Members' Professional Development Policy and internal protocols for the Chief Executive Officer.

It is therefore suggested the policy provisions be excluded to apply to conferences and training events that are covered under other approved documents of the City.

It is also recommended that the policy does not apply where an Elected Member or the Chief Executive Officer is the City's representative on a board or external organisation where the Elected Member or the Chief Executive Officer is required to attend an event for the purposes of fulfilling their role on the board or external organisation.

### Gifts:

In a legislative sense, the acceptance of a ticket to an event could be considered a 'gift' as per the definition under the Act. However, one of the difficulties presented to local governments is the highly legalistic definition of a "gift" under the Act, and the way that it applies to elected members and the Chief Executive Officer in terms of disclosure requirements and the application of the requirements under the new policy.

As per section 5.57 of the Act, a gift is defined in the following way:

“**gift** means:

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money’s worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution.”

In essence a ‘gift’, has three components:

1. Any disposition of property, or the conferral of any other financial benefit.
2. Made by one person in favour of another.
3. Without ‘adequate’ consideration passing from the recipient to the donor.

In the definition of ‘gift’, while the first two components above are relatively easy to determine, the third component of consideration is an important and crucial concept in terms of whether something is a gift or not. In plain terms consideration is ‘something of value’ to a person.

With any gift therefore it is necessary to assess:

1. the value of the gift received by the Elected Member or the Chief Executive Officer
2. the value of any consideration, if any, passing from that Elected Member or employee to the person (or organisation) providing the gift.

There are often significant practical difficulties in determining each of those two values. However, if the value of the second outweighs the value of the first, it is not deemed a gift.

This is an important concept in terms of where an elected member accepts a ticket and is performing their role at an event as a community representative (such as where they may network and liaise with community individuals / groups within the district).

Clarification within the policy has been attempted in circumstances where the attendance at an event by an Elected Member would be seen to be in the fulfilment of their role as an Elected Member.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Adopts the Elected Member and Chief Executive Officer Attendance at Events Policy (attachment 1).**
- 2. Deletes the Attendance at Events and Functions Policy.**

**FPOL2009-8                      ADOPTION OF CITY OF FREMANTLE ELECTED MEMBER  
PROFESSIONAL DEVELOPMENT POLICY**

**Meeting date:** 9 September 2020  
**Responsible officer:** Manager Governance  
**Decision making authority:** Council  
**Agenda attachments:** 1. Elected Member Professional Development Policy  
**Additional information:** Nil

**SUMMARY**

Following the review of the Local Government Act 1995 local governments are required to adopt an Elected Member Professional Development Policy. The City of Fremantle has an existing policy prior to the legislated changes; however, as there have been some additional requirements set out in the amendments a new policy has been developed for consideration by Council.

This report recommends that Council adopt the Elected Member Professional Development Policy shown at attachment 1 which will replace the Elected Member Professional Development Policy 2018.

**BACKGROUND**

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed by parliament. The Amendment Act addressed the complex and significant role that the Mayor and Elected Members take on when elected to Council.

One of the significant changes to the Act included an introduction of compulsory universal training for candidates and Elected Members. The changes to the Act also require the City to endorse a policy on continuing professional development for Elected Members.

**FINANCIAL IMPLICATIONS**

The financial implications to the City are not known yet but there will be costs associated with training and professional development. These additional costs will be addressed during the Budget Review process.

**LEGAL IMPLICATIONS**

Section 5.128 of the Local Government Act 1995 provides that Council is required to adopt, by an absolute majority of council, an Elected Member Professional Development Policy. Council are also required to review this policy after each ordinary election under this Section.

The Chief Executive Officer is required to publish an up-to-date version of this policy on the City's official website.

## **CONSULTATION**

The City has updated Elected Members during the process of legislative amendment to raise awareness of the requirement for compulsory training and the requirement to update the City's Elected Member Professional Development Policy

This Policy has been referred through McLeod's Solicitors for feedback and review before presentation to Council for consideration.

## **OFFICER COMMENT**

The Mayor and Elected Members of the City of Fremantle will be required to undertake compulsory training within 12 months of being elected to Council. The compulsory training focuses on five core units:-

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interests; and
- Understanding financial reports and budgets.

It is estimated that the training will take between five and ten days to complete and once completed is valid for five years.

Elected Members will be exempt from undertaking compulsory training if they have completed any of the following courses within the last five years:-

- Council Member Essentials;
- 52756WA - Diploma of Local Government (Elected member); or
- LGASS00002 - Elected Member Skill Set.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Adopt the Elected Member Professional Development Policy as included at attachment 1.**
- 2. Delete the Elected Member Professional Development Policy 2018.**

**FPOL2009-9                      BUDGET AMENDMENTS - AUGUST 2020**

**Meeting date:** 9 September 2020  
**Responsible officer:** Manager Finance  
**Decision making authority:** Council  
**Agenda attachments:** Nil  
**Additional information:** Nil

**SUMMARY**

To adopt various budget amendments to the 2020/2021 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 2020/21 as outlined in the report.

**BACKGROUND**

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2020/2021 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 31<sup>st</sup> 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 July 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 1<sup>st</sup> January and 31<sup>st</sup> 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 2020/2021 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	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
1.1	Additional Grant funding received for Federal Domestic Violence to fund junior solicitor and upgrade IT software at Fremantle Legal Centre.					
	100553.4321	Provide Legal Aid - Family + Domestic Violence	127,643	108,274		235,917
	100553.7111	Provide Legal Aid - Family + Domestic Violence	(84,152)		(60,334)	(144,486)
	100553.7143	Provide Legal Aid - Family + Domestic Violence	(9,407)		(8,740)	(18,147)
	100553.7144	Provide Legal Aid - Family + Domestic Violence	(1,866)		(600)	(2,466)
	100553.6823	Provide Legal Aid - Family + Domestic Violence	(400)		(18,600)	(19,000)

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
	200xxx.6823	P - Upgrade IT software Fremantle Legal Centre	0		(20,000)	(20,000)

**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	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
2.1	The City of Fremantle, together with Town of Mosman Park and in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to continue the coastal monitoring program for Port, Leighton and Mosman beaches. Implementing the coastal monitoring program was recommended in the Coastal Adaptation Plan adopted by Council in 2017, and will provide critical data for use in the coastal adaptation design and implementation for Port Beach. This budget adjustment will enable the City to match partner contributions and meet the conditions of grant and allow the City to accept the grant.					
	200466.6824	P-11708 Plan – Coastal monitoring			(37,500)	(37,500)
	200466.4313	P-11708 Plan – Coastal monitoring		11,932		11,932
	200466.3915	P-11708 Plan – Coastal monitoring - Muni Surplus 19/20		135		135
	200467.3911	P-11708 Plan – Coastal monitoring - Muni Surplus 20/21		6,683		6,683
	200466.4327	P-11708 Plan – Coastal monitoring		18,750		18,750



Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
2.2	As requested by Council in December 2019, the City of Fremantle, in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to complete the design component of the Port Beach Coastal Adaptation Option. This budget adjustment will enable the City to match partner contributions and meet the conditions of the grant and allow the City to accept the grant.					
	300110.1606	P-11823 Design and construct-Port Beach coastal adaptation	(29,564)	0	(25,484)	(55,048)
	300110.3915	P-11823 Design and construct-Port Beach coastal adaptation	25,000	0	0	25,000
	300110.4226	P-11823 Design and construct-Port Beach coastal adaptation	0	13,384	0	13,384
	300110.4299	P-11823 Design and construct-Port Beach coastal adaptation	4,564	0	0	4,564
	300110.4313	P-11823 Design and construct-Port Beach coastal adaptation	0	6,050	0	6,050
	300110.3911	P-11823 Design and construct-Port Beach coastal adaptation - Muni contribution 20/21	0	6,050	0	6,050

### 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	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget				
3.1	<p><u>Unspent Municipal Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>The carry forward projects with an adjustment to unspent municipal funds for 20-21 are:</p> <ul style="list-style-type: none"> <li>• P-11842 Design and construct-Westgate Mall courtyard</li> <li>• P-11884 Design and Construct -Recycle Shop</li> <li>• P-11867 Design-Booyeembara Part-Mountain Bike Trail</li> </ul>									
	300119.1606	P-11842 Design and construct-Westgate Mall courtyard	(34,703)		(2,077)	(36,780)				
	300119.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$36,780</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$36,780</b></td> </tr> </table>	Unspent muni	\$36,780	<b>Total</b>	<b>\$36,780</b>				
Unspent muni	\$36,780									
<b>Total</b>	<b>\$36,780</b>									

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
	300160.1606	P11884 Design and Construct - Recycle Shop	(6,000)		120	(5,880)								
	300160.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$5,880</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$5,880</b></td> </tr> </table>	Unspent muni	\$5,880	<b>Total</b>	<b>\$5,880</b>								
Unspent muni	\$5,880													
<b>Total</b>	<b>\$5,880</b>													
	200782.1606	P-11867 Design-Booyeembara Part-Mountain Bike Trail	(5,930)		4,091	(1,839)								
	200782.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$1,839</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$1,839</b></td> </tr> </table>	Unspent muni	\$1,839	<b>Total</b>	<b>\$1,839</b>								
Unspent muni	\$1,839													
<b>Total</b>	<b>\$1,839</b>													
3.2	<p><b>Grant/Unspent Grant Funded Carried Forward Projects</b> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>Carry forward projects with an adjustment to unspent grant funds for 20-21 are:</p> <ul style="list-style-type: none"> <li>Operate volunteering program</li> <li>P-11879 -Design and construct -Rockwall Port Beach</li> </ul> <p>Carry forward projects with further grant funds to be received in 20-21 are:</p> <ul style="list-style-type: none"> <li>P11876 - Renovation Fremantle Netball Club</li> </ul>													
	100474.6823	Operate volunteering program												
	100474.4399	<table border="1"> <tr> <td>Grant 20/21</td> <td>\$34,836</td> </tr> <tr> <td>Muni 20/21</td> <td>\$3,289</td> </tr> <tr> <td>Unspent grant</td> <td>\$1,240</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$39,365</b></td> </tr> </table>	Grant 20/21	\$34,836	Muni 20/21	\$3,289	Unspent grant	\$1,240	<b>Total</b>	<b>\$39,365</b>	(38,125)		(1,240)	(39,365)
Grant 20/21	\$34,836													
Muni 20/21	\$3,289													
Unspent grant	\$1,240													
<b>Total</b>	<b>\$39,365</b>													
	100474.4328													
	300163.1606	P-11879 -Design and construct - Rockwall Port Beach	(65,294)		(6,556)	(71,850)								
	300163.4299	<table border="1"> <tr> <td>Unspent grant</td> <td>\$35,925</td> </tr> <tr> <td>Unspent muni</td> <td>\$35,925</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$71,850</b></td> </tr> </table>	Unspent grant	\$35,925	Unspent muni	\$35,925	<b>Total</b>	<b>\$71,850</b>						
Unspent grant	\$35,925													
Unspent muni	\$35,925													
<b>Total</b>	<b>\$71,850</b>													
	300163.3915													
	300154.1606	P11876 - Renovation Fremantle Netball Club	0		(18,690)	(18,690)								
	300154.4222	<table border="1"> <tr> <td>Grant 20-21</td> <td>\$18,690</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$18,690</b></td> </tr> </table>	Grant 20-21	\$18,690	<b>Total</b>	<b>\$18,690</b>								
Grant 20-21	\$18,690													
<b>Total</b>	<b>\$18,690</b>													
3.3	<p><b>Multiyear Projects – Kings Square</b> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> <li>P-10297 Construct-Walyalup Civic Centre and Library</li> <li>P-10295 Design and construct - Newman Court public realm</li> <li>P-11680 Design and construct - Kings Sq playspace</li> </ul>													
	300000.1606	P-10297 Construct-Walyalup Civic Centre and Library												
	300000.3923	<table border="1"> <tr> <td>Unspent Loan</td> <td>\$591,826</td> </tr> <tr> <td>Investment Reserve</td> <td>\$18,154,064</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$18,745,890</b></td> </tr> </table>	Unspent Loan	\$591,826	Investment Reserve	\$18,154,064	<b>Total</b>	<b>\$18,745,890</b>	(14,000,000)		(4,745,890)	(18,745,890)		
Unspent Loan	\$591,826													
Investment Reserve	\$18,154,064													
<b>Total</b>	<b>\$18,745,890</b>													
	300000.3914													

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
	300085.1606 300085.3923	P-10295 Design and construct - Newman Court public realm Investment Reserve <b>Total</b>		(1,498,029)	(10,330)	(1,508,359)
	300051.1606 300051.3915 300051.4223	P-11680 Design and construct - Kings Sq playspace Grant 20-21 Unspent Muni Muni 20-21 <b>Total</b>		(671,403)	18	(671,385)
3.4	<p><u>Reserve Funded Projects</u></p> <p>Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.</p> <p>Carry forward Kings Square projects with an adjustment made for 20-21 are:</p> <ul style="list-style-type: none"> <li>• P-11843 Design and construct- Markets Building Services</li> <li>• P-11670 Design and construct-Leisure Centre Pool Roof</li> </ul>					
	300121.1606 300121.3923	P-11843 Design and construct- Markets Building Services Fremantle Market Conservation Reserve <b>Total</b>		(222,600)	(1,200)	(223,800)
	300123.1606 300123.3923	P-11670 Design and construct- Leisure Centre Pool Roof Leisure Centre Upgrade Reserve <b>Total</b>		(19,535)	(38,065)	(57,600)

End of financial year adjustments for 30 June 2020 are still ongoing therefore further budget amendments for carried forward projects will be presented to Council next month. Once completed the final overall effect on the end of year surplus, unspent grant funds and reserve funds movements for carried forward projects will be reported to Council through the budget amendment report.

#### 4. Budget amendment to release quarantined base operating expenditure

Through the budgetary process it was requested that \$15,000 be quarantined in the base operating budget and further information be brought back to Council on the sponsorship of the Fremantle Chamber of Commerce Business Awards.

The City supports the Business Awards every year via sponsorship of three award categories (Sustainability Initiative Award, Contribution to Fremantle Award, Leadership Award). The awards recognise the achievements and contribution of exceptional

Fremantle businesses to the community. The contribution from the City is \$10,000 (excl. GST). The City's sponsorship of the awards is an important demonstration of support for both the Chamber and the Fremantle business community and the awards event also provides an important opportunity to connect and engage with business community stakeholders. The Chamber has confirmed that the awards dinner will be going ahead this year and as such the City intends to sponsor the awards to the amount of \$10,000 (excl. GST). The remaining \$5,000 will be rolled back into the Economic Development program.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

## **OFFICER'S RECOMMENDATION**

**Council approve the required budget amendments to the adopted budget for 2020/2021 as outlined below:**

<b>Item</b>	<b>Account #</b>	<b>Account Details</b>	<b>2020/21 Adopted Budget</b>	<b>Revenue Increase/ (Decrease)</b>	<b>Expenditure (Increase)/ Decrease</b>	<b>2020/21 Amended Budget</b>
1.1	Additional Grant funding received for Federal Domestic Violence to fund junior solicitor and upgrade IT software at Fremantle Legal Centre.					
	100553.4321	Provide Legal Aid - Family + Domestic Violence	127,643	108,274		235,917
	100553.7111	Provide Legal Aid - Family + Domestic Violence	(84,152)		(60,334)	(144,486)
	100553.7143	Provide Legal Aid - Family + Domestic Violence	(9,407)		(8,740)	(18,147)
	100553.7144	Provide Legal Aid - Family + Domestic Violence	(1,866)		(600)	(2,466)
	100553.6823	Provide Legal Aid - Family + Domestic Violence	(400)		(18,600)	(19,000)
	200xxx.6823	P - Upgrade IT software Fremantle Legal Centre	0		(20,000)	(20,000)

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
2.1	The City of Fremantle, together with Town of Mosman Park and in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to continue the coastal monitoring program for Port, Leighton and Mosman beaches. Implementing the coastal monitoring program was recommended in the Coastal Adaptation Plan adopted by Council in 2017, and will provide critical data for use in the coastal adaptation design and implementation for Port Beach. This budget adjustment will enable the City to match partner contributions and meet the conditions of grant and allow the City to accept the grant.					
	200466.6824	P-11708 Plan – Coastal monitoring			(37,500)	(37,500)
	200466.4313	P-11708 Plan – Coastal monitoring		11,932		11,932
	200466.3915	P-11708 Plan – Coastal monitoring - Muni Surplus 19/20		135		135
	200467.3911	P-11708 Plan – Coastal monitoring - Muni Surplus 20/21		6,683		6,683
	200466.4327	P-11708 Plan – Coastal monitoring		18,750		18,750
2.2	As requested by Council in December 2019, the City of Fremantle, in partnership with Fremantle Ports, have applied for and have been successful in the 2020/21 Coastal Adaptation and Protection grant application round to complete the design component of the Port Beach Coastal Adaptation Option. This budget adjustment will enable the City to match partner contributions and meet the conditions of the grant and allow the City to accept the grant.					
	300110.1606	P-11823 Design and construct-Port Beach coastal adaptation	(29,564)	0	(25,484)	(55,048)
	300110.3915	P-11823 Design and construct-Port Beach coastal adaptation	25,000	0	0	25,000
	300110.4226	P-11823 Design and construct-Port Beach coastal adaptation	0	13,384	0	13,384
	300110.4299	P-11823 Design and construct-Port Beach coastal adaptation	4,564	0	0	4,564
	300110.4313	P-11823 Design and construct-Port Beach coastal adaptation	0	6,050	0	6,050

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget								
	300110.3911	P-11823 Design and construct-Port Beach coastal adaptation - Muni contribution -20/21	0	6,050	0	6,050								
3.1	<p><u>Unspent Municipal Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>The carry forward projects with an adjustment to unspent municipal funds for 20-21 are:</p> <ul style="list-style-type: none"> <li>P-11842 Design and construct-Westgate Mall courtyard</li> <li>P-11884 Design and Construct -Recycle Shop</li> <li>P-11867 Design-Booyeembara Part-Mountain Bike Trail</li> </ul>													
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	300119.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$36,780</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$36,780</b></td> </tr> </table>	Unspent muni	\$36,780	<b>Total</b>	<b>\$36,780</b>								
Unspent muni	\$36,780													
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	300160.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$5,880</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$5,880</b></td> </tr> </table>	Unspent muni	\$5,880	<b>Total</b>	<b>\$5,880</b>								
Unspent muni	\$5,880													
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	200782.1606	P-11867 Design-Booyeembara Part-Mountain Bike Trail	(5,930)		4,091	(1,839)								
	200782.3915	<table border="1"> <tr> <td>Unspent muni</td> <td>\$1,839</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$1,839</b></td> </tr> </table>	Unspent muni	\$1,839	<b>Total</b>	<b>\$1,839</b>								
Unspent muni	\$1,839													
<b>Total</b>	<b>\$1,839</b>													
3.2	<p><u>Unspent Grant Fund Projects</u> Adjustments are proposed to be made for the following projects due a variance in the amount estimated as being available to carry forward for the budget and the actual amount at the year end.</p> <p>Carry forward projects with an adjustment to unspent grant funds for 20-21 are:</p> <ul style="list-style-type: none"> <li>Operate volunteering program</li> <li>P-11879 -Design and construct -Rockwall Port Beach</li> </ul> <p>Carry forward projects with further grant funds to be received in 20-21 are:</p> <ul style="list-style-type: none"> <li>P11876 - Renovation Fremantle Netball Club</li> </ul>													
	100474.6823	Operate volunteering program	(38,125)		(1,240)	(39,365)								
	100474.4399	<table border="1"> <tr> <td>Grant 20/21</td> <td>\$34,836</td> </tr> <tr> <td>Muni 20/21</td> <td>\$3,289</td> </tr> <tr> <td>Unspent grant</td> <td>\$1,240</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$39,365</b></td> </tr> </table>	Grant 20/21	\$34,836	Muni 20/21	\$3,289	Unspent grant	\$1,240	<b>Total</b>	<b>\$39,365</b>				
Grant 20/21	\$34,836													
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Unspent grant	\$35,925													
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	300163.3915													
	300154.1606	P11876 - Renovation Fremantle Netball Club	0		(18,690)	(18,690)								
	300154.4222	<table border="1"> <tr> <td>Grant 20-21</td> <td>\$18,690</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$18,690</b></td> </tr> </table>	Grant 20-21	\$18,690	<b>Total</b>	<b>\$18,690</b>								
Grant 20-21	\$18,690													
<b>Total</b>	<b>\$18,690</b>													

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget	
3.3	<u>Multiyear Projects – Kings Square</u> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.						
	Carry forward Kings Square projects with an adjustment made for 20-21 are:						
	<ul style="list-style-type: none"> <li>• P-10297 Construct-Walyalup Civic Centre and Library</li> <li>• P-10295 Design and construct - Newman Court public realm</li> <li>• P-11680 Design and construct - Kings Sq playspace</li> </ul>						
	300000.1606	P-10297 Construct-Walyalup Civic Centre and Library		(14,000,000)	(4,745,890)	(18,745,890)	
300000.3923	Unspent Loan	\$591,826					
300000.3914	Investment Reserve	\$18,154,064					
	<b>Total</b>	<b>\$18,745,890</b>					
300085.1606	P-10295 Design and construct - Newman Court public realm		(1,498,029)		(10,330)	(1,508,359)	
	300085.3923	Investment Reserve					\$1,508,359
		<b>Total</b>					<b>\$1,508,359</b>
300051.1606	P-11680 Design and construct - Kings Sq playspace		(671,403)		18	(671,385)	
	300051.3915	Grant 20-21					\$342,000
	300051.4223	Unspent Muni					\$71,385
		Muni 20-21					\$258,000
		<b>Total</b>	<b>\$671,385</b>				
3.4	<u>Reserve Funded Projects</u> Adjustment to the budgets for Kings Square carried forward projects due to the variance between the estimated carried forward budget and the final position at the year end.						
	Carry forward Kings Square projects with an adjustment made for 20-21 are:						
	<ul style="list-style-type: none"> <li>• P-11843 Design and construct- Markets Building Services</li> <li>• P-11670 Design and construct-Leisure Centre Pool Roof</li> </ul>						
	300121.1606	P-11843 Design and construct- Markets Building Services		(222,600)	(1,200)	(223,800)	
300121.3923	Fremantle Market Conservation Reserve	\$223,800					
	<b>Total</b>	<b>\$223,800</b>					
300123.1606	P-11670 Design and construct-Leisure Centre Pool Roof		(19,535)		(38,065)	(57,600)	
	300123.3923	Leisure Centre Upgrade Reserve					\$57,600
		<b>Total</b>					<b>\$57,600</b>

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
4.0		<p><b>Budget amendment to release quarantined base operating expenditure</b></p> <p>Release \$15,000 of the quarantined amount for the sponsorship of the Fremantle Chamber of Commerce Business Awards base operating expenditure (IP Account 100096), in the adopted 2020/2021 budget.</p>				



**FPOL2009-10 STAN REILLY SITE – REVOCATION OF EXISTING  
MANAGEMENT ORDER**

<b>Meeting date:</b>	9 September 2020
<b>Responsible officer:</b>	Manager City Design
<b>Decision making authority:</b>	Council
<b>Agenda attachments:</b>	1. Plan of Stan Reilly Site 2. WAPOL Building Concept 3. City's Preferred Plan for Stan Reilly 4. Proposed area within Oval Reserve to be removed from Crown Grant in Trust conditions

**SUMMARY**

Following the recent State Government announcement that a new West Australian Police Headquarters will be constructed on the Stan Reilly site, the Department of Planning, Lands and Heritage has now written to the City seeking comment on the required revocation of the City's Management Order over the land.

This provides an opportunity for the City to reinforce aspects of the recent Council resolution, in particular:

- The need for a public road to enable/access future development within the Oval and Hospital precinct;
- The need for the City and State to continue to work collaboratively on progressing the overall plans for the oval and hospital precinct.

In addition, under the Land Administration Act, an opportunity exists to seek compensation towards improvements that have been made to Crown land that is subject to a management order, in this case, the construction of the public carpark on the Stan Reilly site.

This report recommends that Council provides advice to Government in support of revocation of the management order, subject to key conditions around future road access, compensation and progressing with the vision for the Oval Redevelopment.

**BACKGROUND**

At its meeting on 26<sup>th</sup> August 2020 the Council resolved to:

1. *Confirms its commitment to a planned redevelopment of the broader Fremantle oval, hospital and police precinct. and formally requests a site meeting with WA Police, Department of Health, Development WA and the City to discuss planning and design of the WA Police development in context of the desired outcomes for the broader precinct.*
2. *Adopts the Key Principles Diagram to guide planning and design of the precinct and to inform advocacy and consultation with other stakeholders, subject to the following adjustments:*

- a. *Amend principle 1, second dot point, to read: Resolve the disconnection between the oval and Victoria Pavilion that diminishes the grandstands functionality as a spectator stand”;*
  - b. *Amend the Key Principles Diagram to add a third ‘entry point’, indicated using the yellow circle, to coincide with the southern gateway at the south end of the Stan Reilly site and including the northern curtilage at A-Block within the hospital precinct;*
  - c. *Amend the Key Principles Diagram to add an “Other Heritage Elements” category, and use this to identify the location of the South Terrace State School, the Ron Doig ward, and the Laundry/Boiler room on the diagram;*
  - d. *Amend principle 6 to read: “Concentrate future development in an arc around the western and southern sides of the oval, to include the areas associated with the Victoria Pavilion and Doig Pavilion. Significant or large development shall be away from the prison, scarp and ramp”.*
3. *Highlights in its advice to government, the critical importance of providing for a new access road from South Terrace to the oval land along the southern boundary of the Stan Reilly site to facilitate long-term redevelopment of the precinct.*
  4. *Informs the State Government and WAPOL of its intention to retain in the public interest the southern portion of the Stan Reilly site (i.e. a portion of Local Reserve LR3158/534) to include a frontage to South Terrace measuring between 18 - 24 metres, and all of the land within or adjacent to the oval that has a set back from South Terrace of more than approximately 44 metres , being a land area of approximately 1660 to 1925 square metres, for the purpose of maintaining and enhancing reasonable access, urban connectivity, emergency routes and amenity for the southern portion of Fremantle Oval and the land locked re-development areas located within the Fremantle Hospital precinct.*
  5. *Requests the City to finalise as a matter of urgency, and in collaboration with the South Fremantle Football Club; Fremantle Football Club; the Western Australian Football Commission; and other potential partners, the proposal for a football hub of excellence at Fremantle Oval. The proposal shall form part of a submission to the State Government to include the opportunity for mutually beneficial integration of the WAPOL building within the greater oval/hospital precinct.*
  6. *Notes the significant deleterious impacts that excising the Stan Reilly site from the oval precinct will have on Council’s redevelopment plans for Fremantle Oval. Council invites the State Government and WAPOL to assist in the mitigation of these impacts by working with the City and its existing/potential football tenants to explore mutually beneficial site planning, land tenure, servicing and design options. As an integral part of delivering a mutually agreeable outcome, Council agrees to actively and reasonably consider relinquishing all of the land in the northern portion of the Stan Reilly site not covered by condition 4.*

## **FINANCIAL IMPLICATIONS**

There are no direct Financial Implications on the current budget by this Report. Refer to discussion in Officer Comment regarding the broader impacts associated with the proposed development of the Police Head Quarters on the Stan Reilly site.

## **LEGAL IMPLICATIONS**

The current management order over the Stan Reilly site gives the City of Fremantle 'Care, Control and Management' of this portion of Crown Land, as prescribed under the Land Administration Act, 1997. There are two components of the Act that are particularly relevant here:

### ***Revocation of Management Order***

The key part of the Act that applies here is Section 50, which allows the Minister for Lands to revoke an existing management order under two scenarios:

- by mutual agreement (in this instance between City and State); or
- if considered to be 'in the public interest'.

It is anticipated that the State Government will argue that revoking the existing management order to build a new Police Head Quarters in Fremantle is in the public interest. However, it is also argued in this Report that the retention of a reasonable amount of land to be set aside for critical access to the future redevelopment of the oval and Hospital precinct is also very much in the public interest.

### ***Compensation under the Act***

On the matter of compensation, Clause 50(3) states:

*"On the revocation of a management order ... the former management body may claim compensation under Part 10 for any improvement made on the relevant reserve in accordance with the management order ..."*

It is understood that compensation associated with a management order revocation has limitations. However, there is a clear opportunity here to seek reasonable compensation from the government for the depreciated asset value of the Stan Reilly Carpark – a recent major investment by the City to provide a public facility.

The land parcels that constitute the Stan Reilly site are illustrated on Attachment 1.

## **OFFICER COMMENT**

Whilst the Stan Reilly site presents various challenges regarding the design integration of a large government building in inner-city Fremantle, the overall infrastructure investment in a new Police Head Quarters, together with the function and activities it will bring, is seen as a positive for the Port City.

The concept planning for the police development is well underway (refer Attachment 2) and currently locates the building towards the southern end of the site. This creates:

- an 18m wide vacant lot to the north of the site (that could have a new management order on it for the City to control); and
- no land set aside at the southern end for a future road / public access to enable redevelopment at the southern end of the oval.

As part of the advice back to the Department of Planning, Lands and Heritage regarding the revocation of the management order, there are three components that have clear relevance here:

1. The need for a future public road to serve the wider precinct;
2. The need for compensation associated with the City's capital investment in creating a public carpark on the Stan Reilly site;
3. The need to ensure that the vision and future planning around the oval redevelopment progresses.

### **1. The Need for A Road**

At its meeting in August 2020 the Council was very clear that making provision for a future road/public accessway was critical to the future planning and redevelopment within the oval and hospital precinct. This future project – that has been discussed with State Government for many years now – has the potential to bring considerable economic, social and cultural benefits to the people of Fremantle as well as the broader community in the Perth metropolitan area. The recent Council resolution called for a road reserve width of 18-24 metres. Recent advice from Government would indicate that a road width of 12 metres might be achievable. (This would be consistent with informal advice from the State's land development agency, Development WA, that suggested a minimum road width of 12m would be required as part of the Oval and Hospital future projects.)

As part of the advice back to Government regarding the revocation of the management order, it is suggested that the City request future provision for a public access road of minimum 18m. The justification for this is:

- An 18m wide reserve at the southern end would be the same width as the currently proposed vacant lot at the northern end;
- It is too early to establish the full transport requirements of the future road and therefore a conservative approach at this stage would help to avoid the risk that the road reserve ends up too narrow to adequately perform its future role.
- The average and predominant width of neighbouring streets widths is 20m wide.

In addition to the road connecting South Terrace to the Oval precinct, the Council sees this as an opportunity to adjust existing boundaries between the Stan Reilly site and the Oval in the south east corner to:

- tidy up what would otherwise be odd shaped and undevelopable lots;
- provide flexibility for a potential future laneway around the rear of football facilities, as part of broader plans for the precinct.

It is proposed that land set aside for future roads/public access is placed in City of Fremantle ownership as freehold lots.

## **2. The Need for Compensation for the Carpark**

The City should advise the Government that it will be seeking cash compensation under Clause 50(3) of the Lands Administration Act, 1997, for the recent investment it has made in the Stan Reilly site to create a public carpark. The capital works were undertaken very recently and the depreciation on assets is minor. The City will need to commence a detailed document that clearly demonstrates relevant costs involved as part of the compensation application.

In addition, the City should seek a contribution from the Government for the projected loss of income associated with the Cappuccino Strip Carpark, on the basis that it will take a minimum of 2 years to find and develop an alternative site to replace all the existing public parking at this popular carpark.

## **3. The Need to Progress the Long-Term Vision for the Oval**

The City and the State Government need to ensure that the vision for the precinct does not become lost in the current focus for a new Police Headquarters. Further planning is required to better articulate the vision and move the project towards a masterplan which can be implemented on an incremental basis.

To progress the broader plans, the City is currently active in the planning space and appears to have a greater appetite to lead the planning process. The City is actively working with key stakeholders around future needs for sporting facilities as well as continuing a dialogue with South Metro Health Services regarding a coordinated approach to the wider precinct.

To assist the City with advancing the plans for the Oval precinct, it is recommended that in advice to Government regarding the Stan Reilly site, it includes a request to remove current conditions that are attached to the City's management of the Oval, which is Crown Grant in Trust. This should focus on the western and southern end of the reserve where the City will need to resolve complex land tenure matters and future development opportunities.

### **The City's Proposals – Advice to Government**

The City has prepared a plan that indicates the portions of land on the Stan Reilly site that should be excluded from development as part of the Police Headquarters. Refer to Attachment 3.

In additional, a plan of the oval has been marked up that indicates the areas that the City believes need to be removed from current conditions, under the Crown Grant in Trust tenure, to assist with progressing the broader plans for the Oval. Refer to Attachment 4.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

### **Council**

- 1. Advises the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), on condition that:**
  - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:**
    - (i) Parcel A: future public access road, to the Oval and Hospital redevelopment precinct;**
    - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;**
  - b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;**
  - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;**
  - d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;**
  - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.**
  - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;**
- 2. Authorises the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.**

**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.

**12. Urgent business**

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

Nil

**13. Late items**

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

Nil

**14. Confidential business**

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

Nil

**15. Closure**