



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday 12 October 2022- 6pm



Notice of Finance, Policy, Operations and Legislation Committee Meeting

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday 12 October 2022** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

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

Matt Hammond

Director City Business

7 October 2022



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1. Official opening, welcome and acknowledgement

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

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

2. Attendance, apologies and leaves of absence

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

3. Disclosures of interests by members

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

4. Responses to previous questions taken on notice

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

5. Public question time

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

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

6. Petitions

Petitions to be presented to the committee.

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



7. Deputations

7.1 Special deputations

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

There are no special deputation requests.

7.2 Presentations

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

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 14 September 2022.

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

FPOL2210-1 SOUTH BEACH FACILITIES

Meeting date:	12 October 2022
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Committee
Attachments:	1. Proposed South Beach Facilities Schematic Design Option 3
Additional information:	1. South Beach Facilities Schematic Design Report (Original) 2. South Beach Facilities Schematic Design (Option 1) 3. South Beach Facilities Schematic Design (Option 2)

SUMMARY

The replacement of the South Beach Facilities was planned following significant deterioration in the condition of the existing facilities. A consultant architect commenced the design of the new facilities in November 2021. The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan. The new public facilities will provide improved amenity for the contemporary requirements of the community.

The Schematic Design Report was presented to Council at the Finance, Policy, Operations and Legislation (FPOL) Committee meeting on 8 June 2022 where Council resolved to defer the item. Subsequently, the City was also successful in the Expression of Interest bid for a Changing Places Grant for the facility.

This report provides an updated Schematic Design for the South Beach Facility that has been developed to include the Changing Places facility with consideration to the community engagement and Elected Member feedback and seeks approval to progress to detailed design and construction procurement.



BACKGROUND

Since the late 1890s, South Beach has been used as a beach and place for recreation by the local and wider Perth community.

The existing public facilities were built in the early 1970s and comprise of changerooms with toilets and showers and a leased café located on the north end of the building. The public facilities located adjacent to the more recently created sports area in the southern half of the reserve.

The discovery in 2021 of significant deterioration of the concrete, including spalling which has exposed reinforcement in several locations, has triggered the decision to demolish and replace the changeroom in the southern portion of the building.

The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan. The South Beach Place Plan guides the delivery of future services, programs, and infrastructure in and around the South Beach Precinct. It consists of a vision, place principles, and an action list formed through a considered internal and external engagement process.

This process ensures the facility has been designed with a considered view of the South Beach Precinct and the community requirements and is aligned with the future planning of South Beach. The Place Plan has been finalised and will be presented to Council for consideration.

Bernard Seeber Architects was appointed in November 2021 to provide full architectural services for the project and has produced the Schematic Design Report (attached). The new public facility accommodates a range of community needs including those in association with access and equity and will contribute to the objective of providing accessible and inclusive facilities as part of the City's Access and Inclusion Plan 2021-25.

Changing Places

Changing Places are accessible, customised public bathrooms for people with disability who cannot use a UAT. Facilities include a hoist, adult change table and room for two carers to assist and are essential to improving access and inclusion for people with disability. A key action of the South Beach Place Plan engagement process was "*...to improve inclusion and access throughout South Beach parklands for all users.*", which has driven the push for Changing Places facility design and grant funding application from DoC. The Reference Group supported the drive for inclusion of a Changing Place facility to improve access and inclusion for visitors unable to participate in South Beach without this amenity.



At the Finance, Policy, Operations and Legislation Committee meeting on 11 May 2022, Council noted the following Committee decision Item FPOL2205-2:

- a) *An Expression of Interest has been submitted to the Department of Communities requesting the maximum funding contribution of \$150,000 towards a standalone Changing Place facility at South Beach Reserve.*
- b) *Should the City be successful, Council would need to allocate \$140,000 as a co-contribution towards the construction of a standalone Changing Place at South Beach Reserve, as part of the 2023/2024 budget process.*

The Changing Places Facility Expression of Interest (EOI) was successful.

Schematic Design Repo

The proposed site for the new public facility is immediately to the south of the café, providing some separation from the café. This location was tested during the community engagement and was confirmed as the preferred option. This site has easy access to the existing electrical and hydraulic services, allows for future redevelopment of the café and is near the playing court area. Additionally, a significant Norfolk Island Pine can be retained.

A Schematic Design Report was presented to Council at the FPOL meeting on 8 June 2022 where Council resolved:

1. *This item be deferred to the next Finance, Policy, Operations and Legislation Committee on 13 July 2022 to allow for further briefing of elected members.*

Following the deferral of the item on 8 June 2022, Council briefings have taken place on 4 July 2022 and 15 August 2022. This report provides an update on the development of the schematic design since the deferral, inclusive of Changing Places and beach access wheelchair storage within the facility, and an updated proposed Schematic Design for Council consideration.

FINANCIAL IMPLICATIONS

Original Estimate

The original estimated project cost was developed against the provision of a replacement building / change facility only – it included allowances for design and construction contingencies and cost escalation to tender (scheduled to occur September 2022). However, it did not include the Changing Places facility, civil works to enable the Changing Places facility (ACROD bays and beach access paths) or landscape integration works. These items have been included in the updated estimate below, to allow a like for like comparison, as well as escalation estimates to current costs and to tender in February 2023.



Proposed Schematic Design (Option 3)

The proposed Schematic Design (Option 3) project cost includes allowances for design and construction, the Changing Places facility, civil works to enable the Changing Places facility (ACROD bays and beach access paths) and landscape integration works.

These items are included in the estimate below as well as escalation to tender in February 2023.

Project Component	Original Option	Proposed Schematic Design (Option 3)
Building (incl. site works) as at March 2022	\$1,460,000	
Building (incl. site works) - Adjusted - as at Aug/Sep 2022	\$1,600,000	\$1,825,000
Contingency (12.5%)	\$200,000	\$228,000
Provisional sums for Demolition and Consultancy*	\$295,000	\$350,000
Cost escalation to tender (February 2023)	\$135,000	\$157,000
Provision for Changing Places	\$290,000*	Inc. above
Subtotal building cost (escalated to Feb 2023)	\$2,520,000	\$2,560,000
Changing Places and landscape integration		
Civil works for improved ACROD bays, paths to the facility and beach access	\$300,000	\$300,000
Landscape integration works	\$180,000	\$180,000
Contingency	\$60,000	\$60,000
Associated Consultancy	\$30,000	\$30,000
Total Project cost including site works	\$570,000	\$570,000
Cost escalation to tender (February 2023)	\$34,000	\$34,000
Subtotal building cost (escalated to Feb 2023)	\$604,000	\$604,000
Total project cost ex GST (escalated to Feb 2023)	\$3,124,000	\$3,164,000

*the Changing Places was shown indicatively on the original schematic design however was not part of the project scope or funded at the time of the Schematic Design Report (March 2022). This has subsequently been successful and is included for completeness of the total project cost.



Estimated construction costs will be assessed and monitored through upcoming design stages to ensure that request for tender offers for construction of the project have been forecast and the project is delivered within budget expectations. The project continues to allow a budget for design and construction to fall over 3 financial years (FY21-22 through to FY23-24), as outlined below.

Proposed Funding

Financial Year	Income (ex GST)	Expenditure (ex GST)	Comment
2021/22		(\$150,000)	Funded in FY21/22
2022/23		(\$408,062)	Funded in FY22/23
2023/24		(\$2,455,938)	Forecast Municipal requirement for Proposed Schematic Design (Option 3)
2023/24	\$150,000		Department of Communities WA Changing Places Grant
Total		\$3,164,000	

LEGAL IMPLICATIONS

Nil

CONSULTATION

The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan which is yet to be considered for endorsement by Council. The Original Schematic Design has been developed using feedback received during the community engagement process for the South Beach Place Plan which included The South Beach Reference Group that included participants from the following stakeholder groups:

- South Fremantle Precinct Group
- Fremantle Sailing Club
- South Beach Community Group
- Community members
- South Beach Café (Beachside)
- Access and Inclusion Working Group
- Walyalup Reconciliation Action Plan representatives
- Elected Members
- City Officers



The integration of the design and community engagement processes enabled the use of community feedback in the development of the Schematic Design by:

- Developing 3 potential site locations and design concepts for the new facilities from community feedback received during the first engagement event at South Beach.
- Presenting and reviewing the 3 site options and 3 design concepts (a range of communal spaces, toilets, showers/changing and unisex/universal/family areas) with the Reference Group through community engagement Workshop 2.
- Presenting and reviewing the final Schematic Design to the Reference Group at community engagement Workshop 3.

The final site location and Schematic Design from the Schematic Design Report incorporates feedback received from the Reference Group during Workshop 3.

The Schematic Design Report was presented to Council on 8 June 2022 and the matter was deferred with Council seeking further design development. Council briefings post the deferral of the item took place on 4 July 2022 and 15 August 2022.

Following a decision from Council on the proposed Schematic Design, an update to the South Beach Place Plan Reference Group and the broader Fremantle community will be provided.

OFFICER COMMENT

The South Beach Facilities Schematic Design Report (24 March 2022) details the original Schematic Design. Following Council's decision to defer the Schematic Design Report and initial feedback, and the success of the Changing Places Expressions of Interest submission, the Schematic Design has been developed further to explore the design and integration of the Changing Places. Two options were prepared and presented to Council on 15 August 2022 in an informal briefing (Option 1 and Option 2) considering the following:

- The inclusion of the Changing Places and beach access wheelchair storage within the facility.
- Improved ACROD parking/drop off bays and access provision to both the facility and to the wider precinct including the beach.
- Functional location and footprint of the building, including impacts on surrounding trees.
- Increasing the available change capacity to up to 10 people within the tested building locations.



Schematic Design Development Option 1: sought to demonstrate the increase of facilities (changing places, beach access wheelchair storage and 10 change spaces per male and female) provided, while maintaining internal separation of change and toilet facilities. This resulted in the elongation of the building envelope to an extent that required the removal of a Norfolk Island Pine to the south of the facility.

In this scenario, there is also the opportunity to shift the building on a north / south alignment to give separation and circulation space with café while also providing additional space for potential future upgrades to the café. The proposal also demonstrates access from ACROD bays to the facility and connection to the beach and broader precinct.

Schematic Design Development Option 2: sought to demonstrate the increase of facilities (changing places, beach access wheelchair storage and 6 change spaces per male and female) provided, while maintaining internal separation of change and toilet facilities, within the existing proposed location enabling the retention of the Norfolk Island Pine. This created a broader building with less efficient internal arrangements.

This design demonstrated that a facility containing similar amenity can be located within the design envelope without removing the Norfolk Island Pine. The proposal also demonstrates access from ACROD bays to the facility and connection to the beach and broader precinct.

Following the feedback from Council at the briefing on 15 August 2022, as well as further officer and consultant assessment, further investigation has occurred on the following items:

- Cost reduction options.
- Materials, maintenance and lifespan.
- Building layout.
- Alternate building material.

Cost reduction options

The materials selected for the building reflects the quality, durability, low maintenance and design life sought from the building in the coastal environment. The nominal structural design life of this option is 50 years. Material substitutions that reduce the cost without reducing the performance and design life were considered. Based on estimates from independently engaged Quantity Surveyors Owen Consulting, such reductions may achieve savings as follows:

- Remove tiles from main change areas (approx. \$16,000 ex GST)
- Remove tiles from the breezeway and have exposed concrete block (approx. \$10,000 ex GST)
- Additional reduction to items such as aluminium frieze, subject to further detailed design, \$33,000 – \$60,000 ex GST (at the risk of removing significant façade detail).



Given the nominal cost savings presented by the options above, and the potential impacts on the design life, aesthetics and maintenance, officers do not recommend these changes.

In addition, an alternate steel framed roof cladding material has been assessed by officers. This material change would likely lessen the design life of the roof to below that of the building structure, while increasing maintenance costs, and require replacement in the building's lifetime. Officers have estimated the cost of a non-structural roof replacement (cladding only) for a steel roof (300m²) to cost \$45,000-55,000. This cost is likely to increase substantially should structural members require upgrading.

Given the potential impacts on the design life and maintenance, officers do not recommend this change.

Materials, Maintenance and Lifespan

Officers have sought to test the building materiality with regards to cost reduction by seeking advice from Quantity Surveyors Owen Consulting on a portal frame constructed building clad in steel on both sides with a view to cost savings. A summary of the advice provided is as follows:

- A change to a steel framed roof design is unlikely to create a saving (versus the current concrete roof design). Steelwork is currently very expensive plus, the material would need to be marine grade roofing and a soffit lining to enclose the steel framing required to protect it from the elements. (Officers note this cost saving advice differs from the officer assessment of this substitution in the cost reduction options explored above).
- The ocean front location of the project would require all steel members to be heavily treated and where possible completely enclosed in cladding to protect it. The maintenance required for a steel structure in this environment would be quite onerous.
- A change to a steel framed wall structure clad both sides would be unlikely to create a saving (versus the current concrete wall design) as it is likely the external cladding would need to be a pre-finished fibre cement or similar for aesthetic/maintenance reasons. For the metal wall cladding to be durable in this environment it would need to be stainless steel, aluminium, copper or zinc which are more expensive options than pre-finished fibre cement or similar.

On the basis of the advice given, it is unlikely that a significant cost saving would be achieved through the use of alternative materials with the current building layout.



If Council were to resolve to progress with this option, Officers would recommend a new concept design for the project is developed taking into consideration the change to material and design life. It should also be noted that the Changing Places facility has specialist equipment inside that requires a weatherproof enclosure and may require an alternate design and construction methodology. The nominal structural design life of this option is 20-25 years.

Building layout

Officers have assessed the circulation to floor area of the layouts of the original schematic design, Option 1 and Option 2. It was identified that these elements of the design could potentially be modified to improve circulation efficiency and achieve a reduction to the building footprint. Areas of investigation included:

- The provision of 2 family universally accessible toilets (UAT) vs 1 UAT and 1 family UAT.
- The reduction of shower facilities provided by (x1).
- Activation of the breezeway and reconfiguration of handwash facilities.
- Reorientation of shower facilities.

Following this investigation, Officers sought further comment from Bernard Seeber Architects to determine if the facility could become more efficient with layout redesign while remaining functional. This assessment has been used by Bernard Seeber Architects to develop the proposed Schematic Design (option 3).

Proposed South Beach Facilities Schematic Design (Option 3)

Following feedback received on Options 1 and 2 from the briefing, officer assessment of the design and materials and consultant advice, a proposed Schematic Design (Option 3) has been prepared and presented for Council consideration in this report.



The following table summarises the outcomes of the items considered in the development of the design options and the inclusions in the proposed Schematic Design.

Considerations	Schematic Design			
	Original	Design Development Option 1	Design Development Option 2	Proposed Schematic Design
Total Internal Building Area	220 sq/m	272 sq/m	290 sq/m	243 sq/m
General Facility Items	M&F c/room 5 Toilet 4 UAT 2 Family UAT 1	M&F c/room 10 Toilet 4 UAT 2 Family UAT 1	M&F c/room 6 Toilet 4 UAT 2 Family UAT 1	M&F c/room 9 Toilet 4 UAT 0 Family UAT 2
Beach wheelchair	Yes	Yes	Yes	Yes
Changing Places	No (provision made externally)	Yes	Yes	Yes
Location & Tree Retention	Tree retained South of the facility	tree removal required	Tree retained South of the facility	Tree retained South of the facility
Change Capacity	6 per M&F c/room	10 (+4) per M&F c/room	6 (+4) per M&F c/room	9 (+3) per M&F c/room
Materials	Concrete, stainless steel and aluminium	Unchanged	Unchanged	Unchanged
Building Layout	Most efficient	Less efficient yet greatest change capacity	Least efficient (subsequently more expensive)	Efficiency similar to Original Option
External Amenities	Showers 2 Hand & foot washing ✓	Showers 2 Hand & foot washing ✓	Showers 2 Hand & foot washing ✓	Showers 2 Hand & foot washing ✓
Building Only Cost (ex GST)	\$2,520,000*			\$2,560,000

**the Changing Places was shown indicatively on the original schematic design. the cost of the facility has been included in this Building Cost as the EOI has been successful since the development of the schematic design.*

The key features of the Proposed South Beach Facilities Schematic Design (Option 3) include:

- Inclusion of the Changing Places and beach access wheelchair storage facility.
- Retention of materials suitable to the ocean side environment and consistent with the original design life.
- Retention of the existing significant Norfolk Island Pine to the south of the Café.
- Access to all internal facilities through the external breezeway, with exception of Changing Places facility 24 hour Master Locksmiths Access Key (MLAK) access.
- Provision of toilets, showers, handbasins and changing areas to the internal facilities.



- Provision of showers, hand basin and drink fountain to the external communal area.
- Provision of toilet, shower, handbasin, bench and changing area to the 2 family UATs which includes additional space to accommodate the turning circles of beach wheelchairs and carers.
- Improved ACROD parking/drop off bays and access provision to both the facility and to the wider precinct including the beach.
- Good internal circulation efficiency, reducing the building footprint and lowering construction cost. This has occurred while reinstating the functional breezeway that provides privacy, after hours security, passive ventilation, and a distinguishable architectural language to the building.

Holistically, the proposed Schematic Design Option 3 exceeds the functionality of the Original Option while retaining similar circulation efficiency. Option 3 allows the ability to retain a consistency of materials and design for the facility. This ensures a similar quality of build and maintenance, retention of design expectations created during the consultation phase of the project and equity between beach-side facilities. This was articulated by Bernard Seeber Architects as follows "*Materials proposed are suited to the buildings use, the environment in which it sits and are low maintenance. A considered restrained palette of materials ensures the building sits quietly within the landscape, whilst offers opportunities of permeability and connectivity to surrounding environment.*" This approach is consistent with the principles of the draft South Beach Place Plan.

Given the scope of services for Option 3 was primarily associated with the functionality of the floor plan, the reestablishment of the open-air feature of the change rooms has not been developed further. Making alterations to the roof coverage to include this element remains feasible and is proposed to be explored throughout the detail design stage. The rest of the design is generally consistent with the design and feedback tested with the Reference Group.

Contract Documentation

Should Council approve Option 3, Bernard Seeber Architects will develop the Schematic Design into a package of contract documentation, which will include architectural and engineering drawings, schedules and specifications appropriate for the City to tender and award the works for construction.

It is the intention that the tender will be structured in scope packages of the building, civil and landscape integration works to allow the tender to be awarded flexibly pending value and available budget.

Tender Award

Following tendering, the preferred Contractor will come back to Council for approval for tender award prior to construction commencing.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATIONS

Council:

- 1. Approve the South Beach Facilities Schematic Design (Option 3) and associated landscape and access works, as per Attachment 1, and request City officers progress with the detailed design and tender of the South Beach Facilities Project, noting:**
 - a. The re-establishment of the open-air feature of the change rooms will be explored throughout detailed design and included if practical and cost effective.**
 - b. The tender documentation will be structured in separable packages to allow the tender to be awarded in full or in part, depending on value and the available budget.**
- 2. Request City Officers provide an update to the South Beach Place Plan Reference Group and the broader Fremantle community on the proposed South Beach Facilities Schematic Design (Option 3).**



FPOL2210-2 TENDER FCC608/22 PROVISION OF PACKAGED BEER AT FREMANTLE ARTS CENTRE (FAC)

Meeting date: 12 October 2022
Responsible officer: Manager Arts and Culture
Decision making authority: Committee
Attachments: Nil
Additional information: 1. *Confidential* - Pricing Evaluation Matrix

SUMMARY

The purpose of this report is to consider tender number FCC608/22 for the Provision of Packaged Beer at Fremantle Arts Centre (FAC).

This report recommends that Council accepts the tender submitted by Otherside Brewing Co. Pty Ltd in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

This report also recommends that Council approve a budget adjustment to accommodate the increased volume of Packaged Beer expected to be purchased.

BACKGROUND

The City of Fremantle issued a tender seeking a suitable supplier able to timely and efficiently supply quality packaged alcoholic beverages including but not limited to craft beers, and ciders, and where possible, non-alcoholic beer options. The supplier should be effortlessly aligned with FAC, with an organisational and brand focus on providing quality experiences for patrons.

FINANCIAL IMPLICATIONS

The table below summarises the available budget and approximate expenditure for the provision of packaged beer at Fremantle Arts Centre:

Budget Account	Account Description	Amount
100406.6856	Materials Exp – Trading Stock	\$185,000
	Total per annum	\$185,000

Fremantle Arts Centre (FAC) marks-up the cost of packaged beer, covering cost and generating revenue. Since the 2022/23 budget was adopted the FAC events program has grown and it is estimated there will need to be a budget increase to purchase sufficient trading stock for the planned growth in events. Any increase in the stock purchase budget would be offset by sales revenue.



To issue the contract in this financial year, the following adjustments are required:

Expenditure

- It is estimated an additional \$30,082 is required to cover the cost of trading stock for the planned events for the financial year.

Income

- An additional \$45,346 in revenue sales is anticipated from the planned event program for the year (4521)
- An additional \$20,000 in cash sponsorship, increased from \$40,000 to \$60,000 is provided through this proposed sponsorship.

Item	Account Number	Account Details	2022/23 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2022/23 Proposed Budget
				Revenue	(Expenditure)	
The budget amendments below reflect the expected increase in expenditure to purchase the forecast additional volumes of Packaged Beer, and the increased revenue expected to come from the sale of the additional volumes.						
Exp	100406.6856	Operate Fremantle Arts Centre	(\$185,000)		(\$30,082)	(\$215,082)
Rev	100402.4521 100408.4521 100414.4521 100417.4521 100536.4521	Various FAC Events	\$1,079,250	\$45,346		\$1,124,596
Rev	100406.4387	Sponsorships, Contributions and Donations	\$80,000	\$20,000		\$100,000
		Net Total	\$974,250	\$65,346	(\$30,082)	\$1,009,514

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*.

CONSULTATION

The tender was made available to the open market via standard tender processes.



OFFICER COMMENT

Detail

Tender FCC608/22 for Provision of Packaged Beer at Fremantle Arts Centre was advertised on 21 July 2022 and closed on 18 August 2022.

Essential details of the contract are outlined below:

Contract type	Letter of Award and Formal Instrument of Agreement
Contract duration	The Contract shall be in place for a period of two (2) years, with three (3), one (1) year extension options exercisable at the sole discretion of the City of Fremantle.
Commencement date	September 2022
Completion date	September 2024

Tender evaluation

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

- Good Drinks Australia Ltd; and
- Otherside Brewing Co. 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:

- Fremantle Arts Centre General Manager
- Manager Arts and Culture
- Fremantle Arts Centre Director
- Procurement Officer (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	Description	Weighting
a	Relevant Experience	20%
b	Product Offering and Brand Alignment	15%
c	Sponsorship Offering	20%
d	Ordering and Delivery Process	15%
e	Sustainability	10%

Two (2) tender submissions received were conforming, and no (0) tender submissions received were non-conforming.

The tender submitted by Otherside Brewing Co. Pty Ltd scored the highest rating with 38 points, followed by Good Drinks Australia Ltd with 37 points.

Otherside Brewing Co. Pty. Ltd., the recommended tenderer, was assessed as having the experience, product offering, brand alignment, sponsorship offering, and efficient ordering process to deliver the product described in the specification, in accordance with the terms of the tender document.

The evaluation process determined that the tender from Otherside Brewing Co. Pty. Ltd., is a conforming tender. Reference check indicates that Otherside Brewing Co. Pty. Ltd., have provided satisfactory service and product delivery to similar customers, and will be a suitable supplier to the City of Fremantle

Environmental considerations

Otherside Brewing Co. Pty. Ltd. provided very comprehensive information on their sustainability including predominant use of recycled materials for their bottles and cans.

The brewery is powered by a 32kW solar powered system and their production by-products (hops, apples, water, cans, glass) are recycled. They provide community support through programs such as Tapped by Otherside providing music grants for artists.

Risk consideration

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



Comment

The tender evaluation panel recommends Otherside Brewing Co undertake the contract.

Their response to all criteria was strong and innovative. Their response confidently offered strong brand alignment with Fremantle Arts Centre and the broader City of Fremantle with opportunity for evolution and growth.

In addition, their sponsorship offering of financial commitment, contra stock and additional funding for bespoke partnership and supply activations is indicative of a genuine partnership and committed supplier.

Otherside Brewing's product range is extensive and exceeds the required offering at Fremantle Arts Centre. Finally, the total offer including stock price and mark up opportunities is the package which will provide best values for money for Fremantle Arts Centre.

Subject to acceptance of the tender, the contract will commence on 1 November, 2022.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

1. Council accept the Tender for Provision of Packaged Beer (FCC608/22) at the rates tendered, to Otherside Brewing Co. Pty. Ltd. for a period of two years, commencing on or around 1 November 2022, with the option to extend this contract for a further three (3), one (1) year extension options at the discretion of the Chief Executive Officer.

2. Council approve the following budget amendment to facilitate expected usage of Packaged Beer:

Item	Account Number	Account Details	2022/23 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2022/23 Proposed Budget
				Revenue	(Expenditure)	
The budget amendments below reflect the expected increase in expenditure to purchase the forecast additional volumes of Packaged Beer, and the increased revenue expected to come from the sale of the additional volumes.						
Exp	100406.6856	Operate Fremantle Arts Centre	(\$185,000)		(\$30,082)	(\$215,082)
Rev	100402.4521 100408.4521 100414.4521 100417.4521 100536.4521	Various FAC Events	\$1,079,250	\$45,346		\$1,124,596
Rev	100406.4387	Sponsorships, Contributions and Donations	\$80,000	\$20,000		\$100,000
		Net Total	\$974,250	\$65,346	(\$30,082)	\$1,009,514



FPOL2210-3 PARKLET POLICY REVIEW

Meeting date: 12 October 2022
Responsible officer: Manager Infrastructure Engineering
Decision making authority: Committee
Attachments:
1. Parklet Policy
2. Parklet Procedure
Additional information: Nil

SUMMARY

This report has been developed to update Council as to the proposed minor amendments to the existing Parklet Policy and seek Council's in principle endorsement of the updated Parklet Policy and updated Administrative Practice, as detailed in Attachments 1 & 2.

The report also proposes that the policy be advertised for comment and feedback prior to an updated report being brought back to Council for formal adoption.

BACKGROUND

The existing Parklet Policy was adopted by Council on 27 November 2013 (Council item number - SSGS1311-5).

The Parklet Policy provides a framework of parameters and requirements to assist officers in assessing the suitability of the street / road environment in respect to proposals or submissions for the installation of parklets.

In August 2022, the Finance, Policy, Operations and Legislation Committee requested officers consider a review of the current Parklet Policy. This was in response to a number of recent parklet policies that have been received and considered by council.

Officers commenced a review of the Parklet Policy with a view to re-examine the parameters and requirements and simplify and update the document. Workshops and assessments have taken place with internal stakeholders as part of this process, as a result number of minor revision inclusions and exclusions have been identified and included.

Briefing sessions and feedback received has generally confirmed acceptance of the proposed updates.



OFFICER COMMENT

The number of parklet applications in the City of Fremantle, has only been quite low with only 5 applications recorded in the last 2 years. Whilst the existing policy has proven relatively effective, it is noted that there have been some significant physical, social, and economic changes in and around the City of Fremantle and it has been recognised that the policy is overdue for review and update.

In simplifying the existing Parklet Policy the operational activities undertaken by employees in the administration and processing of applications have been removed and placed in a Parklet Procedure (see attachment 2). In addition, any repetitive subject matter has been amalgamated and clarified.

The following items list the key changes that have been made to the Parklet Policy:

1. That Adelaide Street, Queen Street and Newman Court removed from the list of streets excluded by the policy.
2. Approval granted for a parklet installation will initially, and subsequently, be for periods of 2 years.
3. Parklet hours of use included and restricted to between 7am and 10pm.
4. The principle of User Pays for use of a parking embayment in accordance with the annual fees and charges schedule.
5. The use of a Parklet for the purposes of outdoor dining shall be in accordance with the provisions of the Alfresco Dining Policy.
6. Definition of Parklet and Access Road included.

Subject to Council endorsement and adoption, it is proposed that the policy be next reviewed in 4 years (2026).

FINANCIAL IMPLICATIONS

Nil.

An annual charge for use of a ticket, and timed parking bays will be included in the 2023-24 Fees & Charges schedule.

LEGAL IMPLICATIONS

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



Fees & Charges - Section 6.38 of the Local Government Act 1995 and Regulation 54(c) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose rates and service charges.

CONSULTATION

The review has been workshopped internally with stakeholders / impacted Business Units and technical staff; the proposals have been circulated and discussed with Elected Members and the Executive Team.

It is further proposed to advertise the proposed amended Parklet Policy and seek community feedback prior to submitting for endorsement and adoption.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the proposed Parklet Policy as detailed in Attachment 1;**
- 2. Approve to advertise the proposed Parklet Policy for public comment, for a two week period; and**
- 3. Request the feedback received be brought back to the next Council meeting for consideration, prior to final adoption of the policy.**



10.1 Council Decision

FPOL2210-4 SALE OF 5-15 QUARRY STREET, FREMANTLE

Meeting date:	12 October 2022
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	1. <i>Confidential attachment</i> - Independent valuation advice
Additional information:	Nil

SUMMARY

The purpose of this report is to provide further information requested by Council at the FPOL meeting on 10 August 2022, and in doing so propose alternative sales conditions for consideration prior to going back to market for the sale of 5-15 Quarry Street, Fremantle.

This report recommends that Council authorise the sale of 5-15 Quarry Street, Fremantle in line with the conditions proposed in this item.

BACKGROUND

In early 2021 the City undertook an expression of interest process for the sale of 5-15 Quarry Street. The sale of the property was subject to a series of conditions set by the Finance, Policy, Operations and Legislation Committee (FPOL) on 9 December 2020. Upon completion of the process the City received five offers for the property.

At the FPOL meeting on 10 February 2021 officers presented the five offers received as part of that process and identified two of those offers as being suitable for further negotiation (FPOL2102-5). The FPOL committee resolved to:

1. Receive information relating to the offers submitted as part of the Expression of Interest process for the sale of 7-9 Quarry Street Fremantle
2. Request the Chief Executive Officer to carry out further negotiations with proponents who submitted as part of the Expression of Interest process for the sale of 7-9 Quarry Street Fremantle noting that:
 - a. Negotiations with proponents are to be prioritised based on the highest sales price offer received
 - b. Only one proponent is to be negotiated with at any given time
 - c. Any negotiated position reached between the City and a prospective buyer will require consideration and approval from council before a sale can be finalised.



Following this resolution officers commenced further negotiations with the proponent who submitted the highest sales price offer. The negotiated position reached was presented to council for consideration in April 2021 (FPOL2104- 14), and Council declined the offer.

The preferred proponent submitted a revised offer to the City which included a higher sales price and updated design concept.

At the ordinary meeting of Council in August 2021, Council resolved to authorise the Chief Executive Officer to progress the sale of 7-9 Quarry Street by accepting the revised offer from the proponent.

Notwithstanding this decision, as a result of market constraints and challenges with the timeframe associated with the Council process, the proponent withdrew from the sale.

In response to feedback received from the proponent and other potential buyers during the process, officers engaged an external property consultant to provide professional advice with regard the sale of the property, and the sales conditions set currently associated with it. At the FPOL meeting on 10 August 2022, officers provided an overview of the feedback received and recommendations regarding suitable approaches to re-progressing the sale of the property. At the same meeting the Committee resolved to:

Refer the item to the next appropriate Ordinary Council meeting for Officers to investigate and bring back options to subdivide off the western edge of the land to create either a POS or road reserve and to obtain more information on Geotechnical study and other outstanding issues.

Officers have now carried out the investigation as requested by committee and have provided an overview of findings in this report.

FINANCIAL IMPLICATIONS

Council has adopted a sales revenue target of \$5,000,000 for the sale of 5-15 Quarry Street in the 2022/23 budget. A market valuation determined a value at \$6,200,000 (ex-GST). This valuation was originally provided in November 2019 and updated in October 2020 with no change. FPOL Committee adopted \$6,200,000 for the reserve of the property on 14 October 2020.

As part of due diligence, the uncertainty associated with the property market at the time, and continuing market feedback from prospective buyers relating to the impacts of labour and materials shortages in the building industry, officers requested another update to the valuation in July 2021. The most recent 2021 update to the valuation also sought to clarify any impact on value that the finalised zoning of mixed-use R80 may have had on the property value. The previous valuation was carried out assuming an R-AC3 zoning, given the re-zoning process was still underway at the time.



As at 29 July 2021 the property was revalued at \$5,375,000 ex GST.

Since the request from council to investigate options for POS/Road Reserve on the western edge of the land, and seek further information on a geotechnical assessment, Officers have sought quotes for undertaking a geotechnical assessment as well as advice from valuers on implications associated with subdividing a portion of the current land.

The cost for delivery of a geotechnical report ranges from \$8,500 through to \$24,000. For the purposes of proving geotechnical information to prospective buyers as part of their due diligence, the scope of the report priced at \$8,500 is considered to be suitable for this purpose.

The City's urban design team formulated a number of options relating to the provision of a pedestrian link through the site by subdividing a portion of the land, the detail of which is provided to follow in the officer comment section.

After seeking advice from an independent valuer on all three options, option A & B were found to have least impact on sale value with both options estimated to increase the sale price achievable in comparison to the previous revaluation of \$5,375,000 ex GST. The previous revaluation is still considered to be current based on the assumption no changes have been made to the site, which they haven't.

While the potential saleable value for option A&B has been estimated to increase, this is based on the total proceeds of the two lots being sold separately, likely resulting in a much lower density development outcome on both sites.

Option C (option requested by committee) had the greatest impact on potential value with a reduction in estimated sale price of up to \$760,000. A summary of financial implications has been provided below.

- Current adopted budget for the sale of 5-15 Quarry Street - \$5,000,000 Ex GST
- Current valuation of the land (as at 29 July 2021) - \$5,375,000
- Estimated valuation pedestrian link option A - \$5,445,000 (+\$70,000 increase)
- Estimated valuation pedestrian link option B - \$5,740,000 (+\$356,000 increase)
- Estimated valuation pedestrian link option C - \$4,615,000 (-\$760,000 reduction)
- Cost for provision of a geotechnical report to prospective buyers - \$8,500



LEGAL IMPLICATIONS

Under section 3.58 of the Local Government Act 1995 a local government can dispose of a property to the highest bidder at a public option or under a public tender to the most acceptable tenderer.

If sale by either public auction or tender is unsuccessful, a local government, having met its obligation under the Local Government Act 1995, may proceed with alternate methods to sell the property.

Local Government can dispose by alternate methods up to six (6) months from the public process if the public process does not yield a result.

The City carried out a public auction on 2nd November 2020 which yielded no results. The city then delivered a public EOI process which closed on the 29th January 2021. The previous proponent's initial offer was received as part of the 29 January public EOI process and declined in April 2021. The previous proponent's revised offer was received on 28th May 2021 which fell within a 6-month period from the most recent public process. Council authorised the CEO to accept the revised offer however the proponent subsequently withdrew from the sale.

The City had a contract for sale drawn up by legal advisers to be used for a successful sale. This document was provided to all parties submitting an expression of interest.

The City will now recommence the process required under section 3.58 of the Local Government Act 1995 given the 6-month time frame has now lapsed.

This will be via either public auction or a public tender process, with the City being supported and represented by a local real estate agency who has been contracted to assist in the sale of the property.

CONSULTATION

Officers commenced advertising of 5-15 Quarry Street, Fremantle on realcommercial.com and realestate.com.au as 'coming soon' to gauge the interest in the market in August 2020.

After Council approved sales conditions in October a broader campaign process was implemented leading up to the auction. The following advertising methods were used for this purpose:

- Advertisement on realcommercial.com and realestate.com.au
- Sales prospectus
- City's website and appropriate social media channels
- Google Adwords
- Advertisement in the West Australian and Financial Review
- Economic Development database of prospective developers



Officers continued to use the methods listed above when marketing the property for sale by public expression of interest.

Following authorisation to commence further negotiations with the proponent who submitted the highest sales price offer, officers engaged in a negotiation process with that proponent.

As per the FPOL2102-5 resolution in February 2021, negotiations with proponents were to be prioritised based on the highest sales price offer received.

With regard to consultation proposed for the forthcoming sales process, in addition to requirements stated under section 3.58 of the Local Government Act 1995, the City has also engaged a Fremantle based real-estate agent to assist in the delivery of sales and marketing activities required to progress the sale.

The City will also promote the opportunity via its standard communications channels, as well as provide notice of the proposed sale in the location as required under section 3.58 of the Local Government Act 1995.

OFFICER COMMENT

Council adopted the following sales conditions at the Ordinary Meeting of Council in December 2020:

- a. Sale of 7-15 Quarry Street, Fremantle will be made available for sale by expression of interest with all offers to be submitted by 2.00pm WST Friday 29 January 2021.
- b. The successful bidder will make a 10% deposit of the purchase price within seven days of acceptance of the buyers offer by the City.
- c. Settlement will occur within 90 days of acceptance of the buyers offer.
- d. Lots 1 & 2 on Plan 758 Volume 545 Folio 181 and Lot 8 on Diagram 1451 Volume 241 Folio 32 are offered for sale by Auction as one Lot.
- e. The buyer will be required to amalgamate Lots 1 & 2 on Plan 758 Volume 545 Folio 181 and Lot 8 on Diagram 1451 Volume 241 Folio 32 after settlement.
- f. The buyer cannot sell any existing Lot, as referred to in part e, individually.
- g. Development;
 - i. A development application must be submitted no later than 12 months from the date of settlement. The City will support early submission of a development application by the buyer prior to settlement and will allow reasonable access to the property.



- ii. Substantial development of the property must be achieved within four years from the date of settlement.
- h. Compliance with the conditions set by Council in its resolution of 26 June 2019 (SPT1906-01) namely:
 - i. A minimum dwelling yield of 34 to be delivered in future development.
 - ii. A pedestrian access link from Quarry Street to Fremantle Park, accessible to members of the public, to be provided across the subject land to be secured in a manner to the satisfaction of the CEO, prior to commencement of development.
- i. The City will have, until the commencement of construction, the option to repurchase the property if the buyer breaches by failing to commence construction within four years from the settlement date, or any other conditions of the contract of sale.
- j. Registerable sales conditions will be recorded against the Properties Certificate of Titles at settlement by way of a restrictive covenant under s.129BA and s.136D of the Transfer of Land Act 1893 for a period of 10 years starting from the date of registration of the restrictive covenant at Landgate.

The property was advertised and offered for sale subject to the above conditions.

After an initial offer was declined by Council in April 2021 (being the highest offer received), officers approached the proponent who provided the second highest offer. After consultation with this proponent officers were unable to reach an agreed position.

Following this, officers recommenced negotiations with initial proponent after receiving their revised offer due to it being the highest sales price offered. Council then authorised the CEO to accept the revised offer, however the proponent withdrew from the sale prior to acceptance.

Following the withdrawal of the proponent from the council endorsed offer, officers have engaged a locally based real estate agency, Acton Fremantle to assist with the marketing and sale of the property.

Before the property is relisted for sale in line with the appropriate process required by the local Government Act, officers sought professional advice in relation to the current sales conditions imposed on the property. This was both in order to determine the most suitable approach to selling the property within the current market, and to verify feedback received from prospective buyers during the previous sales process.



The conditions that were recommended for changes as part of the advice received from the consultant have been summarised below.

- Condition (d) Lots offered for sale as one lot only
 - This may be limiting Buyers in the market and consequently inhibiting the full realisable value of the site.
 - Option to make offers on one or the whole should be considered. The City can then assess all offers and decide whether the sum of individual lots is greater than offer for the whole.
 - Recent examples of this approach include Montario Quarter (DevelopmentWA).
- Condition (h) (i) - Minimum dwelling requirement
 - Given the R-codes and Design WA guidelines already place considerable constraints on the site for residential development, the minimum dwelling requirement in the conditions may be unnecessarily limiting interest in the site. Particularly given the building envelope and height are already covered by statutory policy, and the City's Local Planning Scheme.
 - In the context of the sizing of apartments, and mix (whether 1, 2 or 3 bed), the number (34 dwellings) appears to be arbitrary. The City's objective is to ensure the site density is maximised, and that the area is activated. The coding of the land to R80, already seeks to do this.
 - If the City wished to see further density, a higher coding, or relaxation of height could be a more effective instrument to encourage higher density.
 - Developers will undertake their own demographic research. This research is what is used to determining the sizing, the number of typologies and thus the total yield/number (based on plot ratio allowances).
 - By dictating a minimum dwelling target, the City could be unduly influencing the product – which in turn may not suit the actual Buyer profile, which impacts project viability.
 - Mandating the dwelling mix or yield may place too much burden on a buyer/developer. Developers need to put the right amount of product on the site for the buyer – and they will always seek to maximise yield and profitability.



- Condition (h) (ii) - Pedestrian link
 - In the current conditions the buyer must include a publicly accessible pedestrian link through the site and retain all responsibility for the public use of this land, maintenance and upkeep for it.
 - This may be considered onerous and discouraging for future apartment purchasers that will be liable to pay the strata fees for this easement.
 - It reduces ground floor area and may compromise design. A public easement along the boundary of the property could also present negative noise and security issues to the potential buyers further increasing sales risk to the developer/buyer.
 - DOP's Liveable Neighbourhoods policy states walking distance – between residents and the nearest POS should be no more than 300 metres. The nearest PAW/s to Fremantle Park, are 208m and 226m – both well under the 300m stipulated by the policy.

- Condition (e) Amalgamation of lots
 - The conditions currently stipulate the land must be amalgamated immediately.
 - It is not unusual for this clause to be part of DA or Building Permit conditions, so may not need to be part of the contract of sale.
 - This clause may mean that the developer has to suffer the expense of the amalgamation, prior to understanding what may or may not be approved, and thus the viability of the scheme.
 - Whilst not a significant barrier, recommendation is for this clause to be removed, and the amalgamation dealt with via condition of approvals.

- Condition (c) Settlement to occur within 90 days of the acceptance of contract
 - 90 days is suitable in most instances, however there may be concerns over ability to undertake Due Diligence (DD) within this period. Typically, the buyer will not incur significant DD costs, until they have 'secured the site.' This includes Geotech (contamination, UXO's, bearing pressures, soil parameters); and Heritage reports (Aboriginal and any other cultural heritage issues).



- Given the site is in Fremantle (a known aged and historical area of Perth), it is highly likely the buyer will seek to undertake this DD to mitigate any purchase risk.
- The process does not allow offers subject to Due Diligence, which passes cost of the DD on to Buyer prior to purchase. Ways to address this could include the following:
 - The City can provide a geotech report as well as Heritage advice to Buyers.
 - The City could consider accepting offers subject to 60-90 days due diligence.
- Condition (i) Timing of development
 - The City requires the Buyer to meet delivery timeframes, however the City is not held to any account on planning approval timing.
 - It is not unusual in some LGAs for planning approval to take up to 12-18 months, factoring in the City's Design Review panel meetings, subsequent council meetings, RAR assessments, and then JDAP meetings.
 - A project can be expected to attend at least 2 Design review panels, Council meeting, and a JDAP – which easily accounts for 6 months.
 - Whilst substantial commencement obligations are necessary and understood, any conditions around approval timing should be considered to be relaxed, to ensure that the proponent is not delayed by the City's own planning approval process.

Noting this advice, and in line with initial consultation with elected members, Officers developed a series of options for consideration when determining the most suitable sales conditions for relisting the property for sale.

Option 1 - Retain current conditions

While officers did receive feedback suggesting current sales conditions are onerous and may be limiting the number of prospective buyers, a suitable offer was received and agreed upon by council as part of the previous process. It is therefore still an option to retain the current conditions and relist the property on that basis.



This approach may however present the following risks given advice received suggests the conditions could be limiting the number of suitable buyers, and consequently creating a longer timeframe needed for sale:

- Building costs may continue to increase over the next 6-12 months driving the potential sales price lower than what the City is currently seeking.
- Given most of the current growth relates to single dwelling homes, growth in the apartment market may slow, stagnate, or even decline.
- For every year the development of the site is delayed there is a potential opportunity cost of between \$45,000 and \$65,000 per annum in relation to rates revenue.
- For every year the development of the site is delayed the lead time on achieving economic benefit associated with additional population in the East End is also delayed.

Option 2 – Remove all conditions and deliver a market led proposal process

While council has aspirations for particular outcomes for the site, a market led proposal process may expose the site to a larger pool of buyers, allowing a market led response to the most suitable outcome for the site. Council will then be able to determine which proposal most closely aligns with their aspirations and pursue an outcome via that particular proposal.

While this provides a more open process and may generate a greater number of potential buyers, unless there is a genuine appetite to consider alternative approaches to the development of the site, it may prove to be an unnecessary and time-consuming approach to selling the property, and could damage relationships with potential buyers and the market if it does not result in a sale.

Option 3 – Retain a set of conditions and amend or remove those considered onerous

Simply amending or removing conditions that have been flagged as onerous may achieve a balanced approach to broadening the potential buyer pool, whilst still maintaining a level of strategic oversight and control over the development outcome.

Based on the professional advice received and initial feedback from elected members, officers would recommend removing the conditions flagged as onerous from the sales process, noting that any offers the City receives as part of the sales process will still be brought back to Council for approval.



For the purposes of progressing the sales process this would include undertaking the following:

- City to undertake the amalgamation of the existing lots itself, prior to the sale of the property.
- City to commission its own geotechnical study of the site to be made available to prospective buyers as part of their due diligence activities.
- Remove the minimum dwelling requirement and assess density against existing controls in the local planning scheme
- Remove the requirement for the inclusion of a publicly accessible pedestrian link

This would result in the sale of the property (once amalgamated by the City) being subject to the following amended set of conditions.

- a. Sale of 7-15 Quarry Street, Fremantle will be made available for sale in line with the requirements of section 3.58 of the Local Government Act 1995, with all offers to be submitted via the appropriate process as determined in consultation with the City's contracted real estate agent.
- b. The successful bidder will make a 10% deposit of the purchase price within seven days of acceptance of the buyers offer by the City.
- c. Settlement is to occur within 90 days of the buyer confirming they have satisfied due diligence requirements. The due diligence period is not to exceed 30 calendar days from the date the offer is accepted.
- d. Development;
 - i. A development application must be submitted no later than 12 months from the date of settlement. The City will support early submission of a development application by the buyer prior to settlement and will allow reasonable access to the property.
 - ii. Substantial development of the property must be achieved within four years from the date of settlement.
- e. The City will have, until the commencement of construction, the option to repurchase the property if the buyer breaches by failing to commence construction within four years from the settlement date, or any other conditions of the contract of sale.



- f. Registerable sales conditions will be recorded against the Properties Certificate of Titles at settlement by way of a restrictive covenant under s.129BA and s.136D of the Transfer of Land Act 1893 for a period of 10 years starting from the date of registration of the restrictive covenant at Landgate.

At the FPOL meeting on 10 August 2022, Officers recommended pursuing option 3 as the approach to progressing the sale of 5-15 Quarry Street. Council subsequently requested Officers to investigate and bring back options to subdivide off the western edge of the land to create either a POS or road reserve and to obtain more information on Geotechnical study and other outstanding issues. A summary of findings resulting from these investigations has been provided to follow.

Delivery of a Geotechnical Study

The purpose of the City commissioning a Geotechnical study is to make it available to prospective buyers as part of their due diligence activities, without the need for them to outlay expense prior to securing the site. It may also assist potential buyers in understanding developability of the site and related land value.

The City sought proposals from appropriately skilled suppliers for the delivery of such a report. The cost of the study ranged from \$8,500 through to \$24,000. The services costed at \$8,500 were considered to be suitable for the purposes of a buyer carrying out due diligence and included the following considerations/approach:

- Desktop study of available geotechnical reports and publications including a site history based on aerial photos obtainable through Landgate.
- Dial before you dig and on-site services location search to identify and locate any underground services.
- Drilling of boreholes with a geotechnical site investigation drilling rig to a depth of 10 m, or to refusal using a combination or push probing techniques and HQ-3 diamond coring techniques. Standard Penetration Tests (SPTs) are completed at 1.5m intervals in soils and borderline soil rock conditions. Recovered soil and rock is logged in accordance with AS1726:2017. Photographs of the core taken for inclusion in a report.
- Installation of standpipe piezometers in the boreholes to allow for monitoring of groundwater levels following the borehole investigations.
- Drill hand auger boreholes across the site to depths up to 2.0 m below ground level (bgl) to further characterise the surficial fill profile and potential shallow limestone profile.



- Conduct Perth Sand Penetrometer (PSP) testing adjacent to each hand auger borehole to depths up to 2.0 m bgl to provide additional density data.
- All information is compiled into a concise geotechnical report outlining the scope of work completed, the ground conditions encountered, including groundwater where relevant, and providing generic advice relating to site preparation, likely excavatability, parameters for retention systems, anticipated foundation requirements and site / subsoil classification. Comment on the potential for acid sulfate soils and other relevant geotechnical issues that may affect the proposed development would also be included.

Given the City does not currently hold a geotechnical assessment of the site, and it may increase the pool of potential buyers by making it available, it is recommended the City proceed with undertaking an assessment.

Subdivision to create a POS or road reserve

In response to Council's request to investigate and bring back options to subdivide off the western edge of the land to create either a POS or road reserve, the City's urban design team has investigated options with regard to subdividing a portion of the land to allow for pedestrian access through the site. Option C represents the option requested by council however two other options (A&B) have also been included for consideration.

It should be noted that the following process will be required if progressing with the subdivision of land and the establishment of a public access way:

- Surveyor to map the area to be ceded to the Crown as a Public Access Way (PAW) – Subdivision;
- Council resolution to support the proposal;
- Submission to the Department of Planning, Lands and Heritage to create the PAW (Crown reserve) and;
- New title balance for the City's Certificate of Title – reduced area.

It is estimated that the timeline required after achieving council approval to support the PAW, could take up to 6 months given it is required to go through DPLH. This would make the settlement of the property (if sold) within this financial year unlikely.

A summary of the options for the inclusion of a pedestrian link have been provided to follow.

Option A – Optimise pedestrian traffic / CPTED



Option A results in the creation of two separate lots. Lot A being approximately 1,240 m² and Lot B being approximately 2,473 m². The pedestrian link and public realm is approximately 420m².

This option delivers a safe and legible pedestrian connection with clear sight lines which may encourage pedestrian movement.

It does however create two smaller less desirable lots for development given the substantially reduced land size of each.

Lot A has a large road frontage and Lot B has a small road frontage which makes it less attractive from an exposure and access perspective.

Independent valuation advice has estimated the total saleable value of lots A & B being up to \$5.4 million. This is a marginal increase to the current valuation but would most likely result in the land being developed to a medium rise scale due to their size.

Option B – Minimise land take and yield loss



Option B creates two saleable lots by moving the pedestrian link further west.

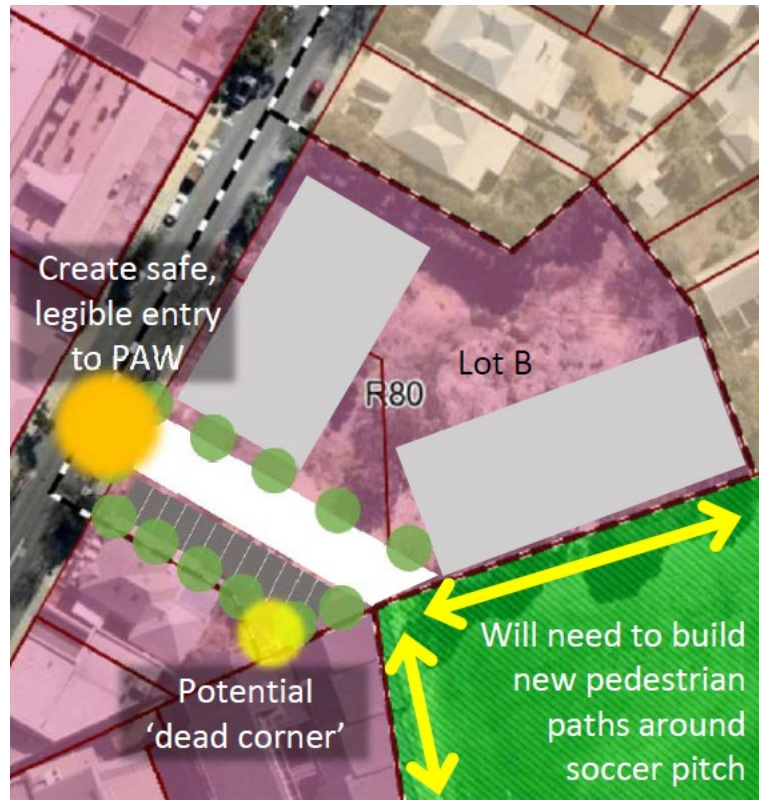
This would result in Lot A becoming approximately 457 m² and the pedestrian link utilising approximately 295 m², leaving up to 3,381 m² for Lot B.

This option retains one reasonably sized lot for higher density development (Lot B) and one single residential lot (Lot A). This option results in a marginally larger lot than option A for higher density development however this does not include the incorporation of a car park.

The pedestrian link in this option lacks generosity, is not as legible as option A and may not achieve desired objective of pedestrian movements.

Independent valuation advice has estimated the total saleable value of lots A & B being up to \$5.7 million. This again would result in a potential increase to the current valuation, noting that Lot A is likely to be a low-rise residential or commercial site due to its size, road frontage and other comparable properties in competing locations. Lot B would likely be developed to medium rise density.

Option C – Addition of public parking (requested option)



Option C includes subdividing the land to create parking and a pedestrian link through to the park on the western edge. It is estimated this would reduce the saleable portion of land from 4,143m² to approximately 3,298 m². The resultant public realm incorporating the pedestrian link and parking would be approximately 845m².

This option would provide safe and legible access to the public open space due to clear and uninterrupted site lines however could create a 'dead corner' at the southern-most point of the land given the triangular form of the boundary at that point.

As with all options it would be recommended that further pedestrian paths be constructed around the soccer pitch to provide legibility and accessibility into the public open space. This has yet to be costed and would present further financial implications.

Independent valuation advice has estimated the value of the remaining saleable land as being up to \$4.6 million. This would result in significant decrease to the current valuation.



The valuation was assessed based on the assumption the public parking area would be the responsibility of the council and would be excised before sale or settlement of the land.

This is generally comparable to Option B (likely be developed to medium rise density) and results in a slightly smaller portion of developable land.

Summary

After investigating options to subdivide off the western edge of the land to create either a POS or road reserve and, and having obtained more information on a Geotechnical study, officers have recommended the following:

- Proceed with the delivery of a Geotechnical study to make available to prospective buyers as part of their due diligence process.
- Avoid pursuing any subdivision or excision of land to facilitate a pedestrian link for the following reasons:
 - The high-level concept associated with the requested option (subdivide off the western edge of the land to create either a POS or road reserve) has been estimated to result in a significant reduction in potential saleable value and would likely only facilitate a lower density/medium rise outcome.
 - While Options A and B have been estimated to achieve a higher saleable value, they would also only facilitate two smaller less desirable lots for development given the substantially reduced land size of each.
 - Given it may take 6 months or more to undertake a subdivision or excision via DPLH processes, it may become unlikely that the property would settle within this financial year creating budget implications for the current adopted budget.
- In referring back to independent advice previously sought regarding the current sales conditions, approve the disposal of the property in its current form in line with the updated sales conditions proposed in the officer's recommendation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Rescind all previous sale conditions adopted by Council for the sale of 5-15 Quarry Street.**
- 2. Authorise the Chief Executive Officer to progress the amalgamation of Lots 1 & 2 on Plan 758 Volume 545 Folio 181 and Lot 8 on Diagram 1451.**
- 3. Request officers carry out a geotechnical assessment of 5-15 Quarry Street, to be made available to prospective buyers as part of the sales process.**
- 4. Approve the disposal of 5-15 Quarry Street subject to the completion of items 1-3 in this recommendation, and based on the following conditions:**
 - a. 5-15 Quarry Street, Fremantle will be made available for sale in line with the requirements of section 3.58 of the Local Government Act 1995, with all offers to be submitted via the appropriate process as determined in consultation with the City's contracted real estate agent.**
 - b. The successful bidder will make a 10% deposit of the purchase price within seven days of acceptance of the buyers offer by the City.**
 - c. Settlement is to occur within a period of up to 90 days of the buyer confirming they have satisfied due diligence requirements.**
 - d. The due diligence period is not to exceed 45 calendar days from the date the offer is accepted.**
 - e. Development;**
 - i. A development application must be submitted no later than 12 months from the date of settlement. The City will support early submission of a development application by the buyer prior to settlement and will allow reasonable access to the property.**
 - ii. Substantial development of the property must be achieved within four years from the date of settlement.**



- f. The City will have, until the commencement of construction, the option to repurchase the property if the buyer breaches by failing to commence construction within four years from the settlement date, or any other conditions of the contract of sale.**
- g. Registerable sales conditions will be recorded against the Properties Certificate of Titles at settlement by way of a restrictive covenant under s.129BA and s.136D of the Transfer of Land Act 1893 for a period of 10 years starting from the date of registration of the restrictive covenant at Landgate.**



FPOL2210-5 FREMANTLE BOAT AND SEAFOOD FESTIVAL

Meeting date: 12 October 2022
Responsible officer: Manager Economic Development & Marketing
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to present a sponsorship proposal for the Fremantle Boat and Seafood Festival for consideration. The proposal seeks to enter into a 3-year sponsorship agreement with the City which requests the provision of in-kind sponsorship support by way of event fee waivers.

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

BACKGROUND

In 2018, the City of Fremantle in collaboration with the Destination Marketing Working group developed and launched the City's Destination Marketing Strategic Plan. Following the launch, officers have delivered a range of initiatives that seek to achieve objectives outlined in the plan, with the primary and overarching objective being to attract more visitors to Fremantle.

A key pillar within the strategy relates to major events. The strategy identifies events as being key drivers in stimulating the economy by giving people a specific reason to visit a destination, while at the same time promoting the Brand. In recognising this, the strategy includes the following strategic objective and associated action:

- *Ensure that Fremantle's spirit and vibrancy is reflected through major events that increase visitation to the city or promote its Brand - to achieve this the City should proactively seek out and bid for major events that will generate vibrancy, utilise Fremantle's existing infrastructure and align with its unique Brand values.*

Officers have identified the Boat Show as a being a major event that achieves strong alignment with this strategic objective. As such, officers have been working with Premiere Events, the event management company that delivers the show to seek opportunities to attract the event to Fremantle.



In 2019, the State Government delivered a process that sought expressions of interest to host and deliver an international lobster festival. This was in response to a Government proposal to make more lobster available to the domestic market in order to support demand within the tourism sector.

The City of Fremantle partnered with Fremantle Ports to submit a proposal to host the festival in Fremantle. Due to a series of challenging factors at the time, the State Government chose not to deliver the festival and the EOI process did not identify a preferred outcome.

Given the intent of the State Government to support the development of such an event, it was proposed by officers that an additional seafood festival component be added to the Boat Show concept in order to provide a freely accessible and family friendly activation.

The event organiser was open to pursuing the opportunity and has subsequently built a Seafood festival component into the broader boat show event concept. The event organiser has previous experience in delivering the Fremantle Seafood Festival which was held at Fremantle Fishing Boat Harbour in the past.

Officers met with a variety of stakeholders to further develop the Seafood Festival component including the WA Fishing Industries Council, the WA Rock Lobster Council and the Department of Primary Industries and Regional Development (DPIRD).

Officers also met with the Office of the former Hon. Minister for Fisheries Peter Tinley and submitted a request for sponsorship to DPIRD to gauge their interest in supporting the Seafood Festival component.

In 2021, following Hon. Don Punch's appointment as Minister for Fisheries and Innovation, officers briefed his office and were in discussions relating to the support of the festival.

Officers have now been able to arrive at a proposed sponsorship arrangement with the event organiser that will secure the event for Fremantle over a period of three years, as well as provide the value add of an additional seafood festival component.

This agreement was initially tabled for Council endorsement in early 2021, however due to a critical nationwide shortage of new recreational vessels resulting from overwhelming consumer demand associated with the pandemic, the event organiser was unable to deliver the boat show component.

In late 2021, supply issues had eased, and the event organiser sought to pursue a 2022 event with a 3-year sponsorship arrangement from 2022 onwards, with the first event set to be held in March 2022. A report was brought to Council in December 2021 and Council supported the three-year sponsorship arrangement.



Due to the State Government's announcement of the WA border re-opening in February 2022 and the prospect of the introduction of further COVID event restrictions, like other large-scale events, the organiser chose to postpone the event to 2023 to avoid a last-minute event cancellation.

Given the Council support was for the years 2022, 2023 and 2024. This report is being brought back to Council for endorsement for the years 2023, 2024 and 2025.

OFFICER COMMENT

Event Overview

The Fremantle Boat and Seafood Festival is proposed to be held at the Esplanade Reserve and Fishing Boat Harbour early 2023.

There will be a paid ticketed Boat Show component held at the Esplanade Reserve and a Free publicly accessible 'Big Boat Marina' and Seafood Festival (with some paid ticketed components) held at Fishing Boat Harbour and Bathers Beach.

The Seafood Festival offering will be presented in conjunction with the Boat Show component and intends to celebrate WA's abundance of seafood and the role Fremantle has played and will continue to play in the history of the industry. With a strong focus on fresh organic local produce, the Fremantle Seafood Festival also intends to promote WA's premium wines, and boutique beverages. It is intended that the festival is positioned as a state level event and promotes the rest of the State as well.

The Festival is expected to attract locals and visitors, food and wine enthusiasts, and families. The Fishing Boat Harbour location holds an iconic connection to the industry. The Seafood Festival has so far received strong in-principal support from the WA Fishing Industry Council (WAFIC) and the Western Rock Lobster Council (WRLC).

The Seafood Festival intends to provide interactive experiences that facilitate the education of consumers and recreational fishers on:

- The industry, its supply chain, its sustainability credentials and building trust in industry practices
- The product the industry produces (i.e., fish, crayfish, seafood) and the value chain associated with it (i.e., restaurants, markets, gourmet product, chefs – where to buy local seafood)
- The environment and practices to ensure the ongoing sustainability of the fishery
- The success of the management of our recreational fishery and how this is achieved
- The soon to be launched Seafood WA brand
- The role of key DPIRD agencies and other industry bodies



Some of the concepts currently being considered in order to achieve these educational outcomes include:

- Back of boat sales of fresh seafood product at the event
- Short boat rides for event attendees to experience pulling live crayfish up in pots
- Provide event attendees access to crayfish unloading, grading, sizing and processing activities given the event will align with a high catch period
- Display and demonstrations of how crayfish pots are manufactured and how they work
- Cooking demonstrations
- Educational talks on lobster and seafood lifecycles, supply chains, export processes, including the 'day in the life of' story telling from fisherman, captains, divers etc.
- Live cooking demonstrations, food theatre, tastings, and casual/ala carte dining.
- How to cook it (i.e., simple essentials so people aren't scared of ruining seafood when they cook it)
- Marquees with educational opportunities including parts of the supply chain. This can include Department of Fisheries, Marine Safety, and other relevant agencies.

Noting that the above-mentioned concepts are still at varying stages of development, it has been confirmed that the 2023 Festival will at minimum include the following activations:

- Tastes of Fremantle Stage – a stage area that will feature cooking demonstrations from local chefs who will all present their signature seafood dishes
- Seafood Masterclasses
- "Tastes of the Regions" display and barbecue
- Wine and seafood tastings
- Fresh seafood market – visitors can buy fresh seafood off the back of the boat
- Festival village with food stalls
- Industry functions
- All food-based items used as part of these activities will be locally sourced from Western Australia to achieve alignment with Buy West, Eat Best principles

Target audiences

It is estimated that the Seafood Festival component could attract up to 20,000 people across three days. While there is potential for growth over a three-year period, the 2023 Festival would mainly be targeted at local and possibly interstate visitors due to travel restrictions associated with COVID-19.



Target audiences for 2023 include:

- Local people who are visiting the Fishing Boat Harbour precinct
- Tourists/Visitors who are already in Perth/Fremantle
- Families seeking free entertainment
- Food and wine enthusiasts
- Interstate couples/individuals, families looking to travel within Australia

Given the Seafood Festival component coincides with the proposed Fremantle Boat Show, potential visitors could also include:

- People interested in buying a boat
- People interested in fishing

Participants in the Festival are likely to include:

- Guest chefs
- Entertainers/Special guests
- People involved in the fishing industry
- Wine producers
- Restaurateurs
- Exhibitors and their staff
- Local businesses
- Event staff and volunteers

Event objectives

The Seafood Festival component will aim to:

- Celebrate and promote Western Australia's premium seafood and prosperous aquaculture industry
- Share the history of the Western Australian fishing industry and Fremantle's connection to the industry
- Build national and (in future years) international awareness around WA's seafood industry
- Foster new business to business relationships as well as strengthen existing partnerships on a local, national and international level
- Nurture the relationship between the wider community and Western Australia's marine life and the fishing industry
- Educate on the importance of sustainability and conservation of Western Australia's marine life
- Promote the 'brand' of Western Australian seafood and encourage people to 'buy fresh and buy local'



- Facilitate the education of consumers and recreational fishers on:
 - The industry, its supply chain, its sustainability credentials and building trust in industry practices
 - The product the industry produces (i.e., fish, crayfish, seafood) and the value chain associated with it (i.e., restaurants, markets, gourmet product, chefs – where to buy local seafood)
 - The environment and practices to ensure the ongoing sustainability of the fishery
 - The success of the management of our recreational fishery and how this is achieved
 - The soon to be launched Seafood WA brand
 - The role of key DPIRD agencies and other industry bodies

Event growth and sustainability

The event organiser has a broad 3-year plan for the Seafood Festival component which involves achieving the following outcomes:

Year 1 (2023):

- Introduce the event and build an audience
- Develop promotions and awareness of the event to attract participants
- Present free aspects of the Festival
- Marketing the event will be locally focused, with some national media and promotion
- Strong focus on building on the existing Festival database for future marketing purposes
- Educating the public within Western Australia on WA seafood industry and fishing industry, including the increase in aquaculture and sustainable fishing
- Educating the public on cooking techniques for seafood

Year 2 (2024):

As the Festival evolves and grows, it will present an ideal opportunity to convey the important message of sustainability and conservation to the public. In addition, the organiser intends to begin promoting the event to an international audience.

- Increased marketing activity nationally and internationally
- Working with tourism agencies to promote the event as a reason to visit WA and Fremantle
- International guests invited to attend Festival
- Potentially extending the Festival over a longer time period (one to two weeks)
- Including corporate events such as sponsored events and lunches/dinners
- Engaging the community to encourage other local activities to coincide with the Festival
- Educating visitors across the country on the WA seafood industry and fishing industry, including the increase in aquaculture and sustainable fishing



Year 3 (2025):

The long-term plan is to continue to build the event and promote to an international market. The event has potential to be run over two weekends and can attract international chef's attendance and participation. Tickets will be sold for the event, with further ticketing for some activities within the Festival.

- Invite international celebrity guests
- Work with travel organisations and Tourism WA to promote the event to an international market
- Continue to grow the Festival in exhibitors and attractions
- With the Festival well established, corporate sponsorship can be expanded
- Higher visitor numbers and exhibitor numbers will increase revenue
- The Festival will become a major event in Western Australia for the fishing industry, hospitality and tourism
- National and International marketing will continue to be expanded

Planned marketing activity for the festival

The event organiser intends to promote the Seafood Festival component via an extensive advertising and marketing campaign through Seven West Media (WA); as well as via social and digital media, and relevant targeted media platforms. Marketing for the 2023 Festival will be focused on a local and national markets.

The Festival marketing plan will focus on promoting the Festival, personalities attending and the various activities and events taking place over the weekend. The marketing schedule will incorporate tv, radio, digital and print. Social media will play a major role in building awareness and creating an online community/forum for the event, to engage visitors and encourage interaction through promotions, and acting as a main driver for online ticket sales to ticketed events.

Proposed promotions are likely to include:

7 West Media:

- One hour TV special on Channel 7 the week prior to the Festival. This will be based on the WA seafood and fishing industry and will include cooking segments with local and celebrity chefs
- 32-page lift out in the West Australian newspaper that focuses on the Seafood Festival and the WA industry, with advertising support from exhibitors
- TV Advertising on 7, 7TWO and 7Mate
- Print advertising in The West Australian newspaper
- Digital advertising on thewest.com.au
- Posts on <https://www.facebook.com/TheWestAustralianFood>
- Articles on <https://au.news.yahoo.com/thewest/lifestyle/food>



Other:

- Website www.fremantleseafoodfestival.com.au
- Social Media
 - Facebook – A targeted advertising campaign will run through Facebook, linking viewers to the Festival’s own Facebook page. Facebook promotions will include videos, photos and competitions, and will be “boosted” to reach a wider targeted audience
 - Instagram – The Festival has a strong Instagram page and regularly shares images relevant to Fremantle and to the Festival itself. Instagram competitions will run to encourage interaction with followers
 - YouTube – A schedule of short videos are planned featuring recipes – brief instructions on how to cook particular seafood dishes will be promoted by the Festival’s YouTube channel. Future plans for YouTube include a dedicated WA Seafood program, where a production team and recognised presenter will travel to different areas of WA to review and promote different seafood, and share recipes
- Local newspaper advertising – Fremantle Cockburn Gazette and Fremantle Herald
- Digital promotions – Visit Fremantle website listing and articles, City of Fremantle events page, e-newsletters and blogs
- Links with the Festival’s guests and personalities – promotions via their networks
- Google advertising
- Radio promotions via 96FM, 6PR and Nova 93.7
- Public relations
- E-Newsletters to existing database

Proposed sponsorship arrangements

In order to support the achievement of both the Fremantle Boat Show and the Fremantle Seafood Festival as a combined event, the event organiser has requested support from the City by way of a sponsorship arrangement. The City’s support is required in order to assist in establishing the event so it can continue to build its financial sustainability across a 3-year period.

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

- 2022/23 Financial Year:
 - Supply of Esplanade Reserve and Bathers Beach event area with a 100% reduction in event hire fees
 - The City of Fremantle will be responsible for costs associated with any repair of the lawn required as a result of the event
 - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event



- 2023/24 Financial Year:
 - Supply of Esplanade Reserve and Bathers Beach event area with a 75% reduction in fees.
 - Premiere events will be responsible for costs associated with any repair of the lawn required as a result of the event
 - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event
- 2024/25 Financial Year:
 - Supply of Esplanade Reserve and Bathers Beach event area with a 50% reduction in fees
 - Premiere events will be responsible for costs associated with any repair of the lawn required as a result of the event
 - Premiere Events will be responsible for costs associated with any repair of infrastructure (retic points etc) required as a result of the event

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

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

- The Organiser may not operate “Fremantle Boat Show- incorporating the Fremantle Seafood Festival” (the brand) outside of Fremantle during specified event operating dates as agreed upon annually, within the term of this agreement without prior written consent from the City of Fremantle.
- City of Fremantle to be acknowledged and featured as a major sponsor on all media releases and communications across print, digital and social mediums in the following ways:
 - City of Fremantle logo and destination brand logo on corporate facing collateral including media releases and sponsors section of event website
 - The City of Fremantle destination brand to be acknowledged and featured as the Principal/Major Partner (whatever is the highest level of sponsorship) across all promotional and marketing materials including print, digital and social mediums as follows;
- City of Fremantle logo and destination brand logo in Principal Partner position on all marketing and communication collateral both corporate and consumer facing
- City of Fremantle logo and destination brand logo and link on website
- Verbal acknowledgement of City of Fremantle as Principal/Major Partner at event functions



- Incorporation of destination brand logo on event signage including but not limited to;
 - Event barriers
 - Marquee gables
 - Flags
 - Staff uniforms
- Additional engagement with the City’s destination brand through:
 - Inclusion of destination brand logo on all consumer facing collateral
 - Destination brand messaging included in website content and editorial pitches
 - Ability to place destination brand signage, banners and collateral at the event
 - Tag @cityoffremantle and destination brand social media handles (and hashtags) in all social media posts
 - Provision of 100 x complimentary tickets for consumer competitions
 - Promotion of Fremantle as a destination using destination brand key messaging on event website and social media posts
 - Ticket holder EDMs to include destination brand logos, messaging, destination offer and other city event information
 - Unlimited access to any professional photography and videography taken during the event in years of the agreement, for use by the City for general distribution license free in perpetuity
 - Consumer announcements throughout the event e.g. ‘while you’re in Fremantle... (City of Fremantle to supply content)
- Speaking opportunity at launch events
- City of Fremantle resident discount on tickets
- Event organiser to engage with local Fremantle businesses, community groups and service providers to participate in the event as suppliers
- Use of the event’s intellectual property –the right to use the logo in City of Fremantle communications, and the right to use event images (video and photography)
- City to have the option to supply and display destination marketing content in the ticketing area
- Opportunity for the City of Fremantle to contribute to post event survey and for that specific data to be shared with the City of Fremantle



FINANCIAL IMPLICATIONS

The proposed sponsorship offering and associated sponsorship benefits to be received by the City has been determined in line with the City of Fremantle Grants and Sponsorship Policy.

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

Value of Waivers	Year 1 (22/23)	Year 2 (23/24)	Year 3 (24/25)	Total
Value of event hire fee waivers (Esplanade Reserve and Bathers Beach)	\$97,500	\$73,125	\$48,750	\$219,375
Value of turf remediation cost (if required)	\$17,500	Nil	Nil	\$17,500
Total	\$115,000	\$73,125	\$48,750	\$236,875

After waivers, the City estimates it will collect the following fees from the event organiser over the term of the agreement.

Fees Payable	Year 1 (22/23)	Year 2 (23/24)	Year 3 (24/25)	Total
Est. event hire fees (Esplanade Reserve and Bathers Beach)	\$0	\$24,375	\$48,750	\$73,125

LEGAL IMPLICATIONS

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



CONSULTATION

A variety of stakeholders have been engaged and consulted with throughout the development of the concept including but not limited to:

- Office of the former Hon. Minister for Fisheries Peter Tinley, and Office of the current Minister for Fisheries, Hon. Don Punch MLA
- Department of Primary Industries and Regional Development
- WA Fishing Industries Council (WAFIC)
- WA Rock Lobster Council
- Tourism Western Australia
- Department of Transport
- Fishing Boat Harbour Traders Group
- City of Fremantle Destination Marketing Working Group
- Fremantle Chamber of Commerce

Upon final confirmation of the event, the broader business community will be consulted in order to encourage businesses to engage with, participate in and leverage the event.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Council authorise the Chief Executive Officer to negotiate a three-year event sponsorship agreement between the City of Fremantle and Premiere Events that includes the following essential terms:

- **Year 1 (2022/23 Financial Year)**
 - **The City will provide a 100% waiver in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.**
 - **The City will be responsible for costs associated with any repair of the turf required as a result of the event.**
 - **Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.**
- **Year 2 (2023/24 Financial Year)**
 - **The City will provide a 75% waiver in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.**
 - **Premiere events will be responsible for costs associated with any repair of the turf required as a result of the event.**
 - **Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.**



- **Year 3 (2024/25 Financial Year)**
 - **The City will provide a 50% waiver in event hire fees for the use of Esplanade Reserve and the Bathers Beach event area.**
 - **Premiere events will be responsible for costs associated with any repair of the turf required as a result of the event.**
 - **Premiere Events will be responsible for costs associated with any repair of infrastructure required as a result of the event.**



FPOL2210-6 CAT MANAGEMENT AMENDMENT LOCAL LAW 2021 - UNDERTAKINGS

Meeting date:	12 October 2022
Responsible officer:	A/Manager Governance
Decision making authority:	Council
Attachments:	1. <i>Confidential attachment</i> - Letter from the Joint Standing Committee for Delegated Legislation
Additional information:	Nil

SUMMARY

This report is for Council to receive and adopt the recommended undertakings provided by the Joint Standing Committee on Delegated Legislation in relation to the City of Fremantle *Cat Management Amendment Local Law 2022*.

BACKGROUND

At the Ordinary Council Meeting held on 24 November 2021 council supported a motion moved by Cr Lang as follows:

"Council supports current initiatives to improve cat and wildlife safety by amending the City of Fremantle Cat Management Local Law to expand cat prohibited areas on all City owned and managed property and consider including nuisance provisions that are consistent with the controls provided by the Cat Act 2011."

At the Finance, Policy, Operations and Legislation Committee held on 9 February 2022, Council resolved to give notice of its intention to make a City of Fremantle Cat Management Amendment Local Law 2022. The amendment local law was advertised for public comment on 19 February 2022.

At the Ordinary Council Meeting held on 22 June 2022, Council considered the submissions received and adopted the proposed amendment local law, with no further changes. Following the Council decision, a copy of the Explanatory Memorandum and supporting documentation relating to the amendment local law, was sent to the Minister for Local Government and the Joint Standing Committee for Delegated Legislation (JSCDL) for consideration.

The local law was published in the Western Australian Government Gazette on 1 July 2022, No. 97 at page 4035, and local public notice of the adoption of the local law was provided in the Fremantle Herald on 10 July 2022.

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

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.

If Council resolves to amend a 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)
- Public notice – s3.12(3)
- Notification to Minister - s3.12(3)(b)
- Considering Submissions – s3.12(4)
- Gazettal notice – s3.12(5)
- Public notice – s3.12(6)
- Explanatory Memoranda – s3.12(7)
- Commencement of local law - s3.14
- Review by government (Joint Standing Committee) - s3.17

CONSULTATION

A total 114 public submissions on the proposed amendment local law were received. Of those submissions 73 (64%) submissions supported the proposed amendment and 39 (34.2%) submissions did not support the proposed amendment.

A total of 103 of the 114 submissions received were made by Fremantle residents, of which 59 (57%) supported the proposed amendment and 36 (35%) did not support the proposed amendment (the remaining 8% were unclear submissions from Fremantle residents).

OFFICER COMMENT

The Chair of Joint Standing Committee on Delegated Legislation (JSCDL) wrote to the City on 21 September 2022, advising of matters raised by the committee in response to the Cat Management Amendment Local Law 2022 and recommended an undertaking to delete the following clause 7 of the local law.



7. **Schedule 3 amended**

~~(1)~~ Delete Schedule 3 and insert:

<p><i>Schedule 3 Cat Prohibited Areas</i></p> <p><i>Places where cats are prohibited – All City of Fremantle owned and managed property.</i></p>	<p><i>[clause 2,1]</i></p>
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In summary, the JSCDL requested that clause 7 be deleted on the following grounds:

- inconsistency with Cat Act 2011.
- inconsistency with section 79(3)(f) of the Cat Act 2011, which requires a local law to specify places where cats are prohibited absolutely.
- clause 7 operates in a way that has an unintended effect on cat owners existing rights and interests.

A copy of the letter from the JSCDL, is provided in Attachment 1 under confidential cover, as it contains information that is consider confidential and privileged.

As previously reported, the Department of Local Government and Cultural Industries, provided similar feedback and recommended an alternative option to reduce the areas to be included as “Cat Prohibited Areas” in the City’s proposed amendment local law to include the City’s ‘green’ areas. Another option may be to expand the current list of “Cat Prohibited Areas” by specifying a list of City owned or managed properties, excluding any public road reserve, verge, or crossover. It is unknown if the JSCDL would consider such an amendment and officers would need to seek further advice from the Department.

If Council wish to pursue these options, an amendment to the officer’s recommendation could be made, requesting officers investigate options to address the matters raised by the JSCDL, seeking further advice from the Department and to bring a report back to Council for further consideration.

The City is required to provide a response to the JSCDL, by 31 October 2022, therefore, it is recommended that Council adopt the undertakings provided in the officer’s recommendation in order to meet this requirement.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that the City will:

- 1. Within six months, amend the Cat Management Amendment Local Law 2022, to delete clause 7.**
- 2. All consequential amendments arising from undertaking 1 will be made.**
- 3. Clause 7 of the Cat Management Amendment Local Law 2022 will not be enforced in a manner contrary to undertaking 1.**
- 4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.**



FPOL2210-7 SWAN RIVER CROSSING – DESIGN ANALYSIS

Meeting date:	12 October 2022
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Council
Attachments:	1. Review of Current Design, Report.
Additional information:	N/A

SUMMARY

This report has been prepared in response to the State Government’s open invitation for public comment on the latest design for the Swan River Crossing.

The report, together with attachment, provides council with a high level analysis of the latest design and is framed in light of previous council resolutions on this project as well as the City’s understanding of how the design process evolved; the challenges; and potential opportunities.

It is acknowledged that the new bridge alignment is in accordance with previous community and council feedback. It is also acknowledged that there is no ‘perfect solution’ to this complex and constrained project, and that the final design must be around selecting the right compromises to gain the best overall outcome for the place.

This report concludes that the latest design is a bold approach to a complex civil and urban design project – by removing a standard main roads intersection between Cantonment Hill and the river. The net result is considered to be an innovative response to the project brief that was becoming overly complicated. The design is underpinned by an objective to create less road-space; more public realm between Cantonment Hill and the river; and a longer-term perspective on future city development and access to Victoria Quay and the City’s waterfront.

This reports recommends that Council indicates broad support for the design direction that the project is taking, subject to further work/information on:

- **Traffic impacts.**
- **Pedestrian amenity.**
- **Cycling connectivity.**
- **Architecture.**
- **Future assets and land ownership.**
- **Reviewing impact on limestone escarpment (south bank).**
- **Developing a community engagement plan for part of the public realm design.**



BACKGROUND

At its meeting on 23 June 2021, the Council passed the following resolutions:

1. *Provides the following general observations and feedback to the State Government and the Swan River Crossing Alliance:*
 - 1.1 *Reiterates the concern that the Swan River Crossings project was proposed to be an infrastructure replacement project only and within a constrained project area; and as such provides limited opportunity to deliver improved transport and land use planning outcomes for urban environments previous fragmented by incompatible regional transport networks.*
 - 1.2 *Welcomes the State Government's recent commitment to develop the Future of Fremantle Planning Strategy and requests that it include a regional transport network that supports the continual growth of the urban fabric of Fremantle;*
 - 1.3 *Agrees that based on the deteriorating serviceability of the Fremantle Traffic Bridge, it needs to be replaced as a matter of urgency and acknowledges that its replacement will be required in advance of the strategic planning direction to be established by the Future of Fremantle Planning Strategy;*
 - 1.4 *Notes that the proposal to duplicate the rail bridge to provide a dedicated freight line is one of numerous strategies that would improve freight logistics relative to the Inner Harbour but that the need to establish a dedicated freight crossing is not critically urgent or based on unacceptable safety concerns; and,*
 - 1.5 *Concludes that there is insufficient justification to warrant the immediate duplication of the rail bridge in advance of establishing the optimal regional transport network and land use plans as part of the Future of Fremantle Planning Strategy.*
 - 1.6 *Supports a bridge design that requires minimal or no interference with the riverbed and water flow in recognition of cultural concerns expressed by the Indigenous community.*
2. *Provides the following summarised feedback on each of the four alignment options:*
 - a. **OPTION 1** - *is the preferred option out of the four because:*
 - *it aligns most closely with previous feedback from the City to MRWA*
 - *it optimises the heritage, public realm and place-making opportunities*
 - *it keeps the overall impact of new infrastructure as far west as practicable*
 - b. **OPTION 2** - *demonstrates no clear community benefits over and above option 1 but may result in major disruption to rail services in the future when the existing rail bridge needs replacing;*



- c. **OPTION 3** - assessed as having little merit:
- it results in an outcome that leaves part of the old Traffic Bridge structure 'locked' between two new bridges
 - it moves new infrastructure and traffic impacts further east towards existing residents
 - it compromises the Naval Stores complex.
- d. **OPTION 4** - has some merit, in that:
- It potentially reduces construction time by 12 months
 - It opens possibilities for greater flexibility in bridge design
- However, before this option could be fully supported, the following matters would need to be addressed:
- that the demolition of the existing the State Heritage Register listed traffic bridge, is deemed acceptable.
 - Traffic redistribution and local diversions during construction can be managed to acceptable level of congestion and appropriate community consultation is carried out;
 - Businesses along Queen Victoria Street (on both sides of the river) are consulted on the proposed traffic management plans, including forms of compensation for any loss of business due to reduction in passing traffic during construction.
 - Any financial gains achieved with this option will be fully costed, clearly demonstrate a better bridge design and improved placemaking outcomes for the community.
3. Re-confirms that the 6 Principles adopted by council on 24th June 2020 remain applicable and should guide the next phase of project design.
4. Re-affirms Council's desire to continue working with the State Government and its Alliance team on the Swan River Crossing project to achieve the best possible outcomes for the community.
5. Writes to the Hon. Rita Saffioti MLA, Minister for Transport, Planning and Ports to:
- Welcome the opportunity to continue to be involved in the design and development process for the River Crossings Project;
 - Thank the Government for re-opening the discussion with the community regarding multiple bridge alignment options;
 - Request confirmation as to why the rail bridge component is planned to be constructed simultaneously with the traffic bridge, ahead of the broader planning for the North Fremantle peninsula, suggesting that it may be beneficial to delay this component of the project until this strategic work is completed;
 - Request that the City of Fremantle receive early engagement from the Government regarding the establishment and governance framework of the Future Fremantle Planning Committee.



At a special briefing of elected members on 1 November 2021, the following aspects of the project were discussed / noted:

1. The Minister for Transport, Planning and Ports wrote to the City on 17 September 2021 confirming why the whole project needed to proceed now and how it relates to State Government strategic planning initiatives, such as Future Fremantle.
2. Following the previous round of community consultation in mid-2021 and the Council's resolutions that followed on 23 June 2021, the following activities occurred:
 - The alignment of the new traffic bridge changed, as per the City's preferred 'Option 1'
 - Government committed to looking at PSP Stage 5 and how the whole cycle network will be connected.
 - The main pedestrian path on the bridge will be on the eastern side, with views up the river, and will accommodate slow / recreational cycling.
 - Heritage Council is considering the full demolition of the old bridge.
 - The State Design Review Panel is now involved in assessing the merits of the project.

In response to the City's requests for a clearer understanding as to why the PSP cannot follow the alignment of the rail bridge (on its eastern side), the City has received the following advice from the Bridge Alliance:

Rationale as to why the PSP cannot go on Rail Bridge

1. *Office of the National Rail Safety Regulator safety requirements:*
 - *Public safety: in close proximity to electrified rail lines, additional earthing and bonding isolation requirements are required.*
 - *The proximity of the PSP to the rail corridor and the overhead line may require a 2.5m fence as the PSP is in the drop zone of Overhead Line Equipment (OLE). The fence line would bring an additional impact to the aesthetics of the area.*
 - *Public safety: having a PSP on a 240m rail bridge over water presents safety concerns along with issues associated with noise and vibration.*
2. *Insufficient room on Beach Street for all modes of transport if the PSP was on the rail bridge due to the wider abutment. The wider abutment will cause unsafe vehicle sightlines and impact path connectivity.*



Background Summary

In summary, the project design has evolved over the past 12 months or so, notably since the Bridge Alliance has established a broader multidisciplinary design team. In advocating for council's priorities, officers consider that the following key components in the latest design are consistent with Council's previous commentary:

- Bridge Alignment is now on western side of existing traffic bridge;
- A fast-flowing PSP route is integrated on the western side of the road bridge;
- Slow-speed recreational cyclists will be able to share the pedestrian facilities on the eastern side of the road bridge – with views up the river;
- Both paths on the road bridge are now integrated at road level that is (a) good from a safety 'eyes on street' perspective, and (b) good from an urban design perspective that reinforces a 'civilised' street design approach, rather than a highway/main road character;
- Connectivity of cycling and pedestrian paths.
- Increased open space in front of Naval Stores building to allow improved connectivity between Cantonment Hill and the river.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

LEGAL IMPLICATIONS

There are no legal implications to this report

CONSULTATION

As a State Government project, all community consultation is the responsibility of the Bridge Alliance project team and the lead government agency – Main Roads WA.

Current information regarding the project and the various consultation processes and results are updated on the Main Roads website at:

<https://www.mainroads.wa.gov.au/projects-initiatives/all-projects/metropolitan/Swan-River-Crossings/>



OFFICER COMMENT

Analysis of the current design is broken down into the following sub-headings to assist with understanding and review of the current design:

A Place for People

- Large increase in space in front of Naval Store to connect Cantonment Hill to the foreshore.
- One road (2 lanes) to cross between Cantonment Hill and river.
- Significant 'at-grade' opportunities for place-based urban design if key pedestrian facilities are incorporated.

Traffic Changes

- QVS north-south direct route into Fremantle.
- Beach Street (river) traffic uses East Street to connect to Canning Highway.
- Canning Highway connects to Beach Street.

Further modelling and confirmation of traffic volumes, redistribution and changes to local traffic / travel patterns are required.

Cycling Facilities

- Includes PSP on new road bridge. Connectivity at south of bridge still to be resolved.
- Also includes recreational cycling facilities on 'pedestrian' side of new traffic bridge.

It is noted that the latest design achieves a direct and legible route from the eastern side of the bridge to the foreshore, that has previously been unachievable.

Future Proofing (Access to Victoria Quay)

Future road access to Gate 3, Victoria Quay, via new Beach Street Re-Alignment provides a direct and legible future connection.

'Rainbow' Artwork

Needs to move, and should be considered as part of a holistic plan for public art opportunities in the location.

Asphalt vs Open Space (South Bank Foreshore only)

The current design would change the road-space and open space areas by the following amounts:

Road Pavement Area:	Existing 11,400m ²	Proposed 7,500m ²
Open Space Area:	Existing 23,700m ²	Proposed 28,800m ²

DDA / Universal Design

Achieves acceptable gradient for 'at grade' footpath to foreshore, without the need for additional engineered structures, ramps or public lifts.



CPTED

No major issues. Design retains 'eyes on street' principle and open public realm.

In Summary

A workable solution with potential to create the best 'place-based' outcome if key issues are resolved around:

- Controlled pedestrian crossing points across Beach Street re-alignment and Queen Victoria Street;
- Further modelling and confirmation of traffic volumes, redistribution and changes to local traffic / travel patterns that demonstrates acceptable outcomes for traffic movement.

(Refer to **Attachment** to see how this review compares back to previous iterations of the design development, since mid-2021.)

'Place' and Community Input

One of the challenges with a large, highly technical, civil project is how/when to engage with the community – and on what aspects of the design. This remains part of the project planning and communications for the Bridge Alliance and State Government.

However, one component of the project that could quite easily open up for genuine community debate, design ideas and engagement is the large area of land between Cantonment Hill and the River. This is arguably one of the most important parts of the project to get right, if the intention is to make this a great place for people.

This could take the shape of community design charettes, ideation sessions and workshops with the projects' urban designers and landscape architects. There may also be opportunities for local input from the university, schools, and/or community groups with special interest in Cantonment Hill and its environs.

Given that a significant area of this future landscape is likely to be returned to the City of Fremantle's ownership / asset management, it would be appropriate for the City to offer to play a major role in this community process.

It is therefore suggested that the City ask the State Government to explore this idea and to work with the City to build a stronger community engagement and future sense of civic ownership around this project.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Welcomes the opportunity to provide further comment on this major State Government project, noting the following advancements since the previous round of community consultation in 2021:**
 - **Re-alignment of the new road bridge to the western side of the current traffic bridge;**
 - **Integrated cycling facilities on the new road bridge;**
 - **Appointment of a place-based design team within the Bridge Alliance to explore opportunities to integrate good urban design outcomes and ensure that the project delivers more than just replacement of a bridge structure;**
- 2. Notes that the proposed removal of the intersection at Canning/Queen Victoria Streets is an innovative solution to simplifying the road engineering, coupled with a clear focus to better connect Cantonment Hill to the river and allow this important landscape to signal the 'gateway' into Fremantle;**
- 3. Indicates its broad support for the latest design of the Swan River Crossing Project, as depicted in Attachment, subject to the following:**
 - a. TRAFFIC – detailed information, including traffic modelling, to be provided to the community that clearly shows existing and future traffic volumes and how the changes/redistribution within the network will be successfully managed – based on a commitment that the 'new' Beach Street re-alignment is designed (and will only operate) as one-lane in either direction;**
 - b. PEDESTRIAN CROSSINGS – that controlled pedestrian crossing points are provided across:**
 - **Beach Street re-alignment, on the 'pedestrian desire line' from Cantonment Hill to the river (between East Street and new traffic bridge);**
 - **Queen Victoria Street, at the southern embankment, near the Naval Stores forecourt;**
 - c. PUBLIC TRANSPORT – that a plan is produced that demonstrates how bus users will transfer between services at this key location in the bus movement network with a high level of pedestrian safety and legibility;**



- d. **CYCLING CONNECTIVITY** – further planning work is undertaken in consultation with the City of Fremantle to optimise a primary cycle route through to Fremantle Station forecourt;
 - e. **ARCHITECTURE** – further information to be provided to the community detailing how the architectural refinement of the project will ensure the quality of the design is commensurate with location and will not be a standard Main Roads extruded box-section bridge structure;
 - f. **FUTURE ASSETS AND LAND OWNERSHIP** – that a plan is prepared before design work is finalised that identifies land parcels and future assets that the State Government may request the City take ownership of, for discussion;
 - g. **REPLACEMENT OF 'HAIRPIN' TURN** – A feasibility study is conducted to explore the possibility of replacing the 'hairpin' turn between Beach Street and Queen Victoria Street with new intersections on the Burt Street alignment that reflect the urban grid of the city;
 - h. **LIMESTONE ESCARPMENT** – that a review is undertaken of the detailed horizontal geometry / alignment of Canning Highway with the intent to move the road slightly northward, to reduce the cutting/impact on the limestone escarpment;
 - i. **ACCESS ROAD TO NAVAL STORE** – that an option is investigated for a slip-lane / turn off East Street (northbound) just prior to Canning Highway, to create a new access road to the Naval Store forecourt;
4. **Acknowledges that there are individuals and groups within the Fremantle community that are calling for greater involvement on various aspects of the design, and therefore requests that the State Government considers the following process to improve local engagement:**
- **Establishes a staffed pop-up shop in Walyalup Koort to provide face-to-face consultation and project information;**
 - **Develops a plan, in consultation with the City of Fremantle, for the community to actively participate in the design process for the main piece of landscape and public realm design (between Cantonment Hill and the river);**
 - **Commits to using the outputs of the community design process to shape the final landscape / place design for the southern landing area;**
5. **Provides the above feedback to the Fremantle Bridge Alliance and the State Government to assist with project development.**



FPOL2210-8 NOTICE OF MOTION – FOSSIL FUELS ADVERTISING AND SPONSORSHIPS – CR ADIN LANG

Meeting date: 12 October 2022
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil
Additional information: Nil

ELECTED MEMBER SUMMARY

In 1992, Australia passed national laws that banned advertising of tobacco products because smoking was harmful to the health of people. Advertising these products was linked to an increase in tobacco use. Because of this, Council restricts the advertising of tobacco and other harmful products on Council controlled land and events.

Coal, oil and gas are affecting our health, environment and climate. Air pollution from burning fossil fuels takes 8.7 million lives prematurely each year – more than tobacco. An estimated 150,000 people are dying due to climate change impacts every year.

Fossil fuels are the primary cause of global warming, which is impacting our city and greater Perth area in the form of more intense and frequent heatwaves, storms, bushfires, floods and droughts.

In May 2019, Fremantle Council unanimously supported a letter from the Fremantle Youth Network and declared that the world is in a state of climate and biodiversity emergency and in March 2021 they adopted the [Climate Emergency Position Statement](#). The declaration states that the City of Fremantle is committed to working towards a safe climate for all, allowing both communities and the environment to flourish in the present day and into the future. Advertising fossil fuels on Council property or facilities is inconsistent with this adopted Council position.

Restrictions on fossil fuel advertising are in place in France, and at least seven local government areas in the UK and the Netherlands. Similar laws are being debated in the European Union, Germany, Sweden and Canada. In Australia, a number of local councils such as Melbourne's Yarra, Moreland (Merri-bek) and the City of Sydney, have voted in favour of a staff report on how to restrict fossil fuel promotions on council-managed land.

The City of Fremantle should investigate ways to restrict fossil fuel advertising on council owned or managed land and should not accept sponsorships from companies whose main business is the extraction or sale of coal, oil and gas.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

ELECTED MEMBER MOTION

Council requests the Chief Executive Officer to investigate and report back to council with options for:

- 1. Controlling or restricting advertising of fossil fuels on any City of Fremantle owned or managed property. In doing so Council consider any implications this may have for sporting and community organisations who currently use Council managed property or sporting venues.**
- 2. Restricting the acceptance of sponsorships from companies or organisations whose main business is the extraction or sale of coal, oil, or gas.**

OFFICER COMMENT

As this resolution (NoM) is seeking a report from officers, all comments will be left to the report if the Notice of Motion is adopted.



11. Motions of which previous notice has been given

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