



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday 9 August 2023 - 6pm



Notice of Finance, Policy, Operations and Legislation Committee Meeting

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday 9 August 2023** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

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

Matt Hammond
Director City Business

3 August 2023



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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

Mr Ian Ker

Question 1:

Under the South Beach Plan - Movement analysis, it states pedestrians arrive on PTA buses at Fremantle train station but shows the Blue CAT will expire on 30 September. The only other PTA service is the hourly 532 which is hardly fit for purpose. What happens after the CAT is canned?

Response:

There has been a Community Reference Group working with the City to help negotiate an acceptable public transport outcome down South Terrace to coincide with the cessation of the Blue CAT. The City anticipates a formal announcement soon from the State Government with details of the proposed service changes.

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 12 July 2023.

9. Elected member communication

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



10. Reports and recommendations

10.1 Committee delegation

FPOL2308-1 TENDER FCC640/23 - RECOMMENDATION TO AWARD CONTRACT FOR BULK WASTE VERGE COLLECTIONS

Meeting date: 9 August 2023
Responsible officer: Manager Waste and Fleet
Decision making authority: Committee
Attachments: Nil
Confidential attachments: Nil

SUMMARY

The tender evaluation for the Provision of a new Pre-booked Bulk Waste Verge Collections has been completed, and the Western Metropolitan Regional Council (WMRC) has been recommended as the preferred contractor.

The WMRC has met all the tender requirements and evaluation criteria and is expected to deliver the services to a high standard.

This report recommends that Council endorse the award of the contract to the WMRC. The contract would be expected to commence in October 2023, for up to a five-year term (subject to performance) at a total cost of \$2,067,900 (ex GST).

BACKGROUND

Action 1.3 of the City’s Waste Management Action Plant (2025/2025) states “Introduce Better Practice Bulk Verge Collection systems to reduce waste and increase material recovery”. The target date for the new service was January 2022.

Following community consultation and Elected Member briefings, Council approved progressing to a new pre-booked bulk waste verge side collection service model in February 2023.



COUNCIL DECISION ITEM FPOL2301-2
(Ammeded Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Jenny Archibald

Council:

- 1. Endorse the adoption of a pre-booked service model for bulk waste verge side collection, with the new service model to commence in the 2023/24 financial year.**
- 2. Notes the subsequent budget requirements that will need to be included for consideration as part of the budget process for the 2023/24 financial year.**
- 3. Notes that people can still recover useable items from the recycling centre all year around for minimal cost.**
- 4. Note that the implementation of an on-demand service will be a significant change from current arrangements and request Officers support residents through the transition by:**
 - a. Increasing the free Fremantle Recycling Centre entry passes from four to six per annum for the first two years of the service**
 - b. Ensure a strong communications / support package:**
 - i. is web based and includes support and guidance in how to access and use the service**
 - ii. includes a helpline / telephone number**
 - iii. is live, accessible and sufficiently publicised prior to the implementation of the service**
- 5. Request officers actively monitor the performance of the service and provide a service report to Council after the first year of service.**
- 6. *Delay the launch of the service until September 2023, to allow time for:***
 - i. the community to understand the changes and the new service model, and***
 - ii. take full advantage of the communications / support package***

Carried: 10/2
For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic, Cr Andrew Sullivan



It was recommended that the service progress to commence in the 2023/24 financial year.

FINANCIAL IMPLICATIONS

The table below summarises the available budget for the 2023/24 financial year for:

Budget Account	Account Description	Amount
100379.6894	Bulk waste verge collections	\$225,100
100379.6895	Bulk waste disposal	\$100,000
100573.6823	Collect & dispose of illegally dumped waste	\$30,900
100379.6821	Related advertising and promotions	\$32,300
	Total	\$388,300

The bulk verge waste management service under the proposed contract draws from multiple accounts and the total spend will be managed within the allocated budgets.

The base operating budget for the 2023/24 financial year is \$388,300. The forecast spend for the same period is \$275,000. This is because the service is expected to have an 85% take-up in the first year, and the contract will only run for 9 months (from 1 October 2023 to 30 June 2024), as opposed to the full year.

The total forecast value of the contract over its full five-year term (including all renewal options allowed therein) is \$2,067,900.

LEGAL IMPLICATIONS

Nil

CONSULTATION

Community consultation was conducted from March 17 to April 18, 2021, as part of the service review. The consultation included surveys, a community workshop, and briefings for Elected Members.

The results of the consultation were attached to Council Report FPOL2301-2, Bulk Verge side Collection Report.



Pursuant to Council’s endorsement of the new service model, effective July 1, 2023, the City has increased the number of free entry pass entitlements from four to six per annum, for delivery of bulk waste to the Fremantle Recycling Centre.

A key requirement of the approval from Council included a strong communication and education package before and during implementation of the service. The new service model has been communicated thorough the following initiatives:

- Infographic on how to use the service, distributed through social media (Instagram and Facebook), following previous Council decision to adopt the new service.
- A comprehensive FAQ section on the City's website, which outlines the community consultation that was undertaken, how the new service differs from the previous model, how to book a collection, the type of items that can be included, and where to access further information ([Pre-booked bulk waste collections | City of Fremantle](#)).
- A video explaining the new service model and its benefits, which has been distributed via the City's social media platforms (Facebook, Instagram, and LinkedIn), over the last 3 weeks and will be uploaded to the City's website within the next week.
- We have launched paid social media promotions, which has just gone live, for four weeks. This is designed to reach over 20,000 people.
- Features in FRE-OH! magazine and regular promotion via the City's Freo Weekly e-newsletter.

OFFICER COMMENT

Detail

The tender was advertised in May 2023.

Essential details of the contract are outlined below:

Contract type	Schedule of rates
Contract duration	Two (2)-year period, with three (3) of one (1) year extension options available, exercisable at the sole discretion of the City.
Commencement date	1 October 2023

Tender evaluation

The Western Metropolitan Regional Council (WMRC) was the only bidder for the tender FCC640/23 – Provision of Pre-booked Hard Waste Verge Side Collection.



The tender submission was evaluated by the tender evaluation panel.

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

The tender evaluation panel comprised:

- Manager Waste and Fleet
- Team Leader Waste and Cleansing
- Team Leader Resource Recovery
- Acting Team Leader Community Safety and Parking
- Team Leader Procure-to-pay (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.

The tender was evaluated against the following tender selection criteria and was graded in the tender evaluation matrix.

Evaluation Criteria	Weighting
Relevant Experience	15%
Key Personnel, Skills and Resources	15%
Demonstrated Understanding	30%
Sustainability	10%
Price	30%

The tender submitted was conforming.

The results of the tender evaluation for delivery of tender FCC640/23- Provision of Pre-booked Hard Waste Verge Side Collection are shown in the table below.

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
Tenderer	15.00	15.00	30.00	10.00	30.00	100
Western Metropolitan Regional Council	13.75	12.92	26.67	7.78	30.00	91.11



The tender evaluation found that the WMRC's tender offer meets all the tender requirements and evaluation criteria to a high standard.

The WMRC has demonstrated full understanding of the requirements and extensive experience in the delivery of the services procured. Their tender meets all the relevant specifications, is deemed fully capable of delivering according to those specifications, meets all the evaluation criteria with very high scores, and is in line with the available operating budget and estimated service costs.

Environmental considerations

WMRC's Verge Valet pre-booked service represents a best practice verge collections model, based on WALGA and WA Waste Authority guidelines. Verge amenity and related environmental quality are expected to be substantially improved by adopting this service and awarding this contract.

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 WMRC's tendered price is reflective of current market conditions. It is within budget and long-term expectations. The scope of the services procured, and the long-term resource commitments required by the project are all considered in the pricing.

Specifically, the WMRC have clarified they had to secure a new contract with their sub-contractor, and the relevant cost figures are reflected in the price they tendered to the City.

Reference checks were undertaken with two of WMRC current customers, City of Vincent and City of Subiaco.

Both references were very positive and reflective of a high standard of performance.

The news that Subiaco were ceasing their pre-booked service came up during the reference checks; City Officers have made inquiries with both the City of Subiaco and WMRC to learn more about the reasons why the City of Subiaco has decided to revert to its previous (scheduled) verge collection model.



City of Subiaco has advised that they have concluded an 18-month trial, which helped with recycling and waste education a lot. Although they're reverting to their old model, this decision has nothing to do with Verge Valet's performance or service levels under their contract.

The WMRC have confirmed that the City of Vincent recently completed a Community Waste Scorecard run by MARKYT. The results of this survey were positive about Verge Valet for bulk waste and aligned to the feedback received from actual users.

In conclusion, this report supports the tender Evaluation Panel's recommendation, and given the budget and pricing considerations mentioned above, seeks Council's endorsement of the decision to award this contract to the WMRC.

The next steps, once the award of the contract to WMRC/Verge Valet has been approved, are as follows:

- *VergeValet's web-based and helpline/telephone support and guidance on how to access and use the service will be made widely available and communicated effectively, immediately.*
- *Use of the VergeValet artwork, which will be tentatively available on August 9, 2023, for paid social media promotions, two half-page ads in the Fremantle Herald (covering north and south Fremantle) on August 19 and 26, 2023, and one ad in Perth Now (targeted promotion) on August 24, 2023.*
- *Promotion in the Spring edition of FRE-OH! magazine and the Freo Weekly e-newsletter.*
- *Information displays at the Fremantle Town Hall (dates to be advised).*
- *Promotions via the City's This is Fremantle business e-newsletter.*
- *Media releases and blogs.*
- *Education, awareness and marketing and communications will be scaled up as needed.*

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.



OFFICER'S RECOMMENDATION

- 1. Council accept Tender FCC640/23 for the provision of Pre-booked Hard Waste Verge Side Collections from the Western Metropolitan Regional Council, for the value of \$2,067,900, for a period of 5 years (full term of the contract). The contract to commence in October 2023.**
- 2. Delegate authority to the Chief Executive Officer to exercise the contract extensions subject to satisfactory performance.**



10.2 Council decision

FPOL2308-2 PROPOSAL FOR MAJOR LAND TRANSACTION FREMANTLE MARKETS

Meeting date:	9 August 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Business Plan – Fremantle Markets Lease Renewal2. Public Submissions – Fremantle Markets Business Plan3. Public Submissions – Fremantle Markets Business Plan (MySay Fremantle)
Confidential attachments:	Nil

SUMMARY

The purpose of this report is to present public submissions received following the advertising of a business plan proposing the disposal of the Fremantle Markets to Fremantle Markets Pty Ltd (FMPL).

This report recommends that Council receive the submissions, adopt the advertised business plan and authorise the Chief Executive Officer to finalise and enter into a lease in line with the essential terms outlined in the advertised business plan.

BACKGROUND

In June 2008 the City of Fremantle entered into a lease with Fremantle Markets Pty Ltd (FMPL) for the property located at 74 South Terrace known as the Fremantle Markets. The lease was for a period of 18 years and 4 months.

Since late 2019, the City has been in discussion with FMPL regarding investment into proposed works to the building. This has included discussion regarding a contribution from FMPL towards the works. FMPL requested a renewal of the current lease in return for them making a financial contribution towards the proposed works.

Following these discussions, officers sought approval from council to commence negotiations with FMPL on the renewal of their current lease subject to FMPL making a financial contribution to the building works.



At the Ordinary Meeting of Council on 10 June 2020 (item C2006-9) Council made the following resolution:

1. *Approve implementation of the essential works for the Fremantle Markets based on the attached Fremantle Markets Revitalisation Works (2019) schedule of works as an opportunity with the current COVID-19 shut down of the business, subject to part 2 below.*
2. *Authorise the Chief Executive Officer to negotiate with Fremantle Markets Pty Ltd (FMPL) the terms of a possible lease term extension for the current lease (dated 10 March 2008) for the property known as the 'Fremantle markets' (Lots 1376, 1380 and 1693 South Terrace, Fremantle) based on the following criteria;*
 - a. *Any extension be based on the delivery of the items noted as essential works in the schedule of works provided within the Markets Revitalisation Plan, as provided in attachment 1 of this item (10 June 2020);*
 - b. *A minimum contribution by the tenant of the value of the value of the essential works identified in (a) above;*
 - c. *Any term extension to be based on requirements of Local Government Act, 1995; and*
 - d. *Negotiated proposed terms to be brought back to council for further consideration.*

In response to the resolution, officers carried out the following:

- Officers confirmed with FMPL that:
 - Any extension to their existing lease term would be subject to the delivery of the essential works as agreed upon in the same resolution, and that a financial contribution would be required from them to deliver the essential works.
 - Any extension to their lease term would be subject to adhering to the requirements of the Local Government Act 1995.

In June 2021, council approved the City to call tenders for architects to develop up the scope of works and design of works to be undertaken. That resolution stated;

“Council approve the advertising of the tender for the refurbishment works to the Fremantle Markets based on the agreed scope of works and previously approved essential works from June 2020.”



As requested by Council in the resolution of June 2020, a negotiated proposal and terms with FMPL has been undertaken and this proposal was brought back to council in May 2023 for further consideration with these proposed terms set out in a draft business plan.

Based on the proposed terms and the nature of the disposal that is to be considered, The Local Government Act 1995 requires a particular process to be followed before a disposal can be carried out, noting that currently no disposal has been agreed to.

Under section 3.59 of the Local Government Act, before a Local Government enters into a Major Land Transaction it must prepare a business plan (with defined content requirement under the Act) and is to give statewide public notice inviting public submissions on the proposal.

As such prior to commencing any disposal process, in May 2023 officers sought approval from council to advertise a business plan in accordance with section 3.59 of the Local Government Act.

Before seeking council approval on the advertising of the business plan, officers sought external independent legal advice on the structure and content of the business plan. All feedback and changes provided via the independent legal advice were incorporated in full, into the draft business plan that was presented to council for approval.

At the May 2023 Ordinary Council Meeting, Council resolved to:

- 1. Endorse the Business Plan outlining the proposed disposal of 74 South Terrace (the Fremantle Markets), as shown in Attachment 1.*
- 2. Authorise the Chief Executive Officer to advertise the attached Business Plan in line with the requirements of section 3.59 of the Local Government Act 1995.*
- 3. Note submissions received via the Business Plan process will be presented to Council as part of the consideration for approval of the proposed Business Plan following the conclusion of the business plan process.*

As per the above resolution from [Council Decision Item FPOL2305-3](#) Council approved the advertising of the business plan at the Ordinary Meeting of Council in May, 2023. As such officers have now given state-wide public notice of the business plan inviting public submissions. The advertising process closed at 5pm on Friday the 14 July 2023, which was determined based on the timeframe requirements set within the Act.



This report presents the submissions received from the advertising process for consideration by council and seeks authorisation to dispose of 74 South Terrace (The Fremantle Markets) in line with the proposed terms outlined in the attached business plan.

FINANCIAL IMPLICATIONS

Based on a current market valuation and the essential terms agreed to in principle by the proposed lessee, the disposal is expected to generate the following positive impact on the City's budget over the term of the proposed lease, not including Consumer Price Index (CPI) adjustment over the term.

- Base rent – approx. \$550,000 per annum
- Turnover rent – approx. \$250,000 per annum
- Impact to budget over first term (10 years) = approx. \$5,500,000 in base rent received plus approx. \$2,500,000 in turnover rent received totalling \$8,000,000.
- Impact to budget over first further term (5 years) = approx. \$2,750,000 in base rent received plus approx. \$1,250,000 in turnover rent received totalling \$4,000,000.
- Impact to budget over second further term (5 years) = approx. \$2,750,000 in base rent received plus approx. \$1,250,000 totalling \$4,000,000.

The total revenue impact to the City's budget over the full term of the disposal would be approximately \$11,000,000 in base rent, and up to an additional \$5,000,000 in turnover rent, with any adjustments to CPI being in addition to this.

The proposed lease will also include provision to upgrade the building itself to the value of up to approximately \$3,000,000. It is proposed that these funds will be provided by the proposed lessee to fund the works.

The works to be funded by the proposed lessee's contribution include the following:

- Structural integrity works
 - Service yard roof demolition and construction of replacement roof.
 - Remediation and repair of entry gates and parapet wall on Parry Street side.



- Services and equipment works
 - Electrical switchboards and cabling replacement
 - Fire hydrants, exit signage and emergency lighting, detection and alarm systems.
 - Fire extinguishers
 - Fire engineered solutions to omit fire hose reels
 - Connection to natural gas supply and reticulation to replace LPG bottle system
- Traffic Management works
 - Installation of bollards at all market building entry points
- Adaption works
 - Refurbishment of fruit and vegetable hall to new standard stalls and all services upgrade including hydraulic, electrical and mechanical.
 - Second common use scullery installed for stall holders.

LEGAL IMPLICATIONS

The City is required to dispose of property in line with the requirements of the *Local Government Act 1995*. Under section 3.58 of the Act, a Local Government can dispose of property in the following ways:

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (c) If before agreeing to dispose of the property it gives local public notice of the proposed disposition and invites submissions to be made.

Under section 3.59 of the *Local Government Act 1995*, a local government can also dispose of property by developing, advertising, and inviting public submissions on a business plan outlining the proposed disposal, if the disposal is considered a major land transaction under the Act.

A disposal of property is considered as a major land transaction if the consideration under the transaction, together with anything done by the local government for achieving the purpose of the transaction, is more than either —

- (i) \$10,000,000; or
- (j) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year, which in the case of the City and the expenditure from its municipal fund in FY21-22, was an amount of \$8,119,514.



The most recently completed financial year is 2022-23, however the financials from this year have yet to be audited. Notwithstanding this, 10% of the operating expenditure for the 2022-23 financial year is approximately \$8,557,472, pending end of year processing and the final audit.

The terms of the proposed disposal as outlined in the business plan (attachment 1) therefore constitute a major land transaction as defined in the *Local Government Act 1995 (Act)*.

Given this proposed disposal constitutes a major land transaction, officers have followed and adhered to the process required under section 3.59 of the Act. This has included the development and advertising of the business plan, and now the presentation of submissions received via that process for council consideration.

Further to adhering to the requirements of the Local Government Act 1995, consideration has also been given to the City's leasing in a competitive manner policy.

To give further guidance (in addition to the requirements of the Local Government Act) in determining the most suitable approach to disposing of the City's commercial property, council adopted the Leasing of City property in a competitive manner policy.

The policy provides guidance on the most suitable process to undertake while factoring in consideration for existing tenants that make a substantial contribution to the economic vibrancy of Fremantle.

The policy states that for investment properties:

- Approaching the conclusion of lease terms (between 6-12 months prior to expiry of lease), interested parties will be given an opportunity to compete in an open and competitive manner to lease investment properties, except for the following circumstances:
 - A property is leased to a tenant that:
 - is paying full commercial market rate or above, and
 - adds significant value to Fremantle's overall tenancy mix and appeal for visitors. Or
 - A property is to be leased for six months or less. Or
 - A property is not logistically accessible to any other party except for the current lease holder



In determining the most suitable approach to the disposal, the Fremantle Markets was assessed in line with the policy as both paying full commercial market rate, and adding significant value to Fremantle’s overall tenancy mix and appeal. Due to the significant nature of this business for sub-tenants, the operations of the Fremantle Markets and the need for reinvestment in the facility itself, it was considered appropriate to review renewal of the lease prior to the twelve-month expiration date.

CONSULTATION

As per section 3.59 of the *Local Government Act 1995*, a Council endorsed business plan outlining the details of the disposal was advertised statewide between Saturday the 27 May and Friday the 14 July 2023. Submissions closed at 5pm AWST on Friday 14 July 2023. The business plan was advertised as follows:

Advertising

- An advertisement was placed in the West Australian Newspaper on 27 May 2023.
- Notices were placed in the Fremantle Herald on 3 June, 17 June, and 1 July 2023.

Electronic Newsletters

- Notices were placed in the City’s Freo Weekly email newsletter on June 22 and 29.

Website/s

- The business plan was published on the City’s website and made available on the city’s MySay Freo online engagement platform.

Hard Copies

- Hard copies were made available at the customer service desk at the Walyalup Civic Centre.

Notice Board

- A notice was placed on the City of Fremantle noticeboard in the customer service area in the Walyalup Civic Centre.



OFFICER COMMENT

Proposal from GTL Investments

Following the council resolution in June of, 2020, requesting officers to discuss the terms of a possible lease extension with FMPL, an unsolicited request for a meeting was received from a Mr. Tim Foster of GTL Investments in May 2022. The requested meeting was sought to *"make a proposal to the City of Fremantle to undertake the essential works to the Fremantle Markets, in addition to some further development ideas for the Fremantle Markets"*.

Officers met with Mr. Foster and advised that any decision regarding the Fremantle Markets would require a council decision, and that officers would be reviewing the most suitable approach to the disposal of the markets in line with any existing resolutions of council in early 2023.

In May 2023, Mr. Foster followed up with further correspondence requesting an update, and was advised by officers that discussions are now being presented to council for formal consideration, in accordance with previous resolutions of council, and that a report had been prepared for the Finance, Policy and Legislation (FPOL) Committee on Wednesday 10 May 2023.

Following this update, the Office of the CEO received correspondence via email from Cr. Maria Vujcic which included an email from Mr. Foster and an attached proposal. The one-page proposal included the following essential terms with respect to the leasing of the Fremantle Markets:

- Income
 - \$3,000,000 (in a normal year)
- Expenses
 - Outgoings for 2022/3 \$860,000
 - Security staff \$150,000
 - Property management \$240,000 (just to invoice tenants, collect revenue and legal agreements with tenants)
 - Total \$1,250,000 these are unavoidable expenses
- Margin \$1,750,000
- Council to forego these funds (\$1,750,000) for 3 years to achieve \$5,250,000
- Funds then used to deliver list of upgrades as advertised in June 2020, and look at other requirements.
- GTL to facilitate the tendering and renovation with Commercial Trades.



- Council to have access to all documents and works for approval prior to commencement.
- Lease to be in place, commencing January 2023.
- Outcome : \$5,250,000 renovation of the Fremantle Markets
- Year 4 and beyond - normal Lease would produce the 25% return for \$750,000 Rent to the City.

Following the publishing of the draft business plan via the agenda for the FPOL meeting on the 10 May 2023, which included the proposed essential terms for a proposed lease between FMPL and the City of Fremantle, a subsequent updated proposal was received by the City from Mr. Foster dated the 22 May 2023 which included the following essential terms with respect to the leasing of the Fremantle Markets:

- Base rent is \$650,000 p.a. from date of lease commencement (CPI Adj.), plus audited turnover performance rent adjustment from the immediate prior year.
- Turnover rent totals any amount by which the base rent is exceeded by 26% of gross revenue, annually in arrears – Forecast at approx. \$250,000[^] average.
- Year 1, once-off payment up to \$200,000 for offsetting any transition impact to the turnover performance adjustment fee – upon agreed audited figures.
- Implementation of a 10 year, \$6.5m capital works program, with up to \$4m committed to priority work upgrades and building improvements over first three years.
- Based on initial lease term of 20 years.
- Rent reviewed every 24 months and capped at the lesser of CPI or 5%.
- Market rent review to occur every 2nd (second) Rent review date (every 4 years), with a cap (increase) and a collar (decrease) of 6%.
- Annual preventative maintenance contribution of \$50,000, adjusted annually at the lesser of CPI or 3%.

This proposal was resubmitted on Friday the 14 July 2023, as a submission to the public advertising process for the Fremantle Markets Business Plan.



With respect to the receipt of Mr Foster’s unsolicited proposals regarding the disposal of the Fremantle Markets, officers in the first instance have been working to carry out the process as required under the Local Government Act, in order to conclude required actions outlined in the resolution of council in June of 2020 (item C2006-9).

The advertising of the business plan has provided an opportunity for any person to make a submission on the disposal being proposed in the business plan, which Mr Foster has done. This process undertaken in accordance with the Act ensures council may be fully informed of any issues or comments in relation to the proposal before making a decision on whether or not to proceed with the proposal to renew the existing lease with FMPL and associated conditions.

Submissions Received via the Public Advertising Process

Upon conclusion of the advertising period for the business plan that proposes a lease between the City of Fremantle and FMPL for the Fremantle Markets, Council received a total of 387 public submissions via the advertising process. This included:

- 135 submissions to the City’s MySay portal.
- 252 written submissions via email or post.

The public submissions received have been provided in Attachment 2 and Attachment 3. Of the submissions received:

- 88% of the submissions were supportive of the proposed disposal outlined in the business plan.
- 9% of the submissions were in opposition to the proposed disposal outlined in the business plan.
- 3% of the submissions neither supported nor opposed the proposed disposal outlined in the business plan.

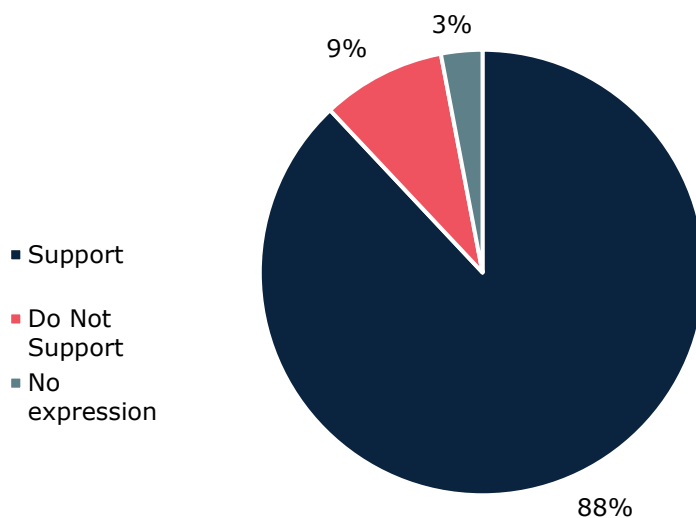


Chart - Public submissions received.

Upon receipt of the submissions, following the closing date officers undertook an extensive review of the feedback provided in order to determine the most suitable recommendation. Submissions in support of the advertised Fremantle Markets Business Plan (88%) expressed the following:

- Track record of FMPL as a reliable and consistent operator of the Fremantle Markets.
- Track record of FMPL in maintaining high visitor numbers to Fremantle Markets.
- The Fremantle Markets have a reputation as an iconic heritage tourism venue for Fremantle and Western Australia.
- The Fremantle Markets are an award-winning destination for Fremantle.
- Quality of attractions and retail experiences consistently experienced by visitors who are local to Fremantle or have come from other parts of Perth.
- Longevity of some stall holders and the relationships they have built with the community over decades of operation.
- Concerns that a public tender could result in the loss of a known and reliable operator of the Fremantle Markets.
- Concerns that a public tender could result in no other expressions of interest to operate the Fremantle Markets.
- Concerns that a public tender would see the City not follow its own leasing policy, and damage the reputation of the City as a good landlord.
- Support for a business plan that will see the operator fund major improvements that are sorely needed for the heritage listed building.
- 108 individual submissions were submitted by stall holders at the Fremantle Markets in support of the advertised business plan.



Submissions against the advertised Fremantle Markets Business Plan (9%) expressed the following:

- The City of Fremantle not being competitive and bold enough to see what other operators might bring to the table, and present other options for long-term agreement with the City.
- A public tender would allow for a complete refresh in how the market is run, and its economic impact on the City.
- The opportunity to make FMPL also compete within a public tender.
- Disappointment in FMPLs overall handling and operation of the Fremantle Markets to-date.
- Neglect and disrepair of the heritage listed building.
- Maintaining consistency in the City's process – have a public tender similar to what happened to South Fremantle Markets.
- Some stall holders who are disappointed with high stall and operational fees as a sub-lessee at the Fremantle Markets.

All submissions have been provided for council's consideration in Attachment 2 and Attachment 3.

Recommendation

The proposed essential terms for the disposal of the Fremantle Markets as outlined in the business plan that was advertised are as follows:

- Lease term
 - First Term: 10 years
 - First Further Term: 5 Years
 - Second Further Term: 5 years
- Commencement date
 - Current lease to be rescinded and new lease terms to be brought into effect within the 2023 calendar year.
- Commencement rent
 - Base rent of \$550,000 plus audited turnover rent amount from immediate prior year.
- Turnover rent
 - Any amount by which the base rent is exceeded by 26% of the tenant's gross revenue, paid annually.
 - Estimated at approximately \$250,000 on average per annum subject to annual gross revenue achieved by tenant.
- Annual rent payable
 - Base rent of \$550,000 plus turnover rent.



- Rent Review
 - Rent reviewed every 18 months and capped at the lesser of CPI or 5%
 - Market rent review to occur every 2nd (second) Rent Review Date (every 3 years).
 - Market rent reviews to have a cap (increase) and a collar (decrease) of 6%.
- Preventative maintenance contribution
 - A minimum annual preventative maintenance contribution of \$50,000 to be made by the tenant, adjusted annually at the lesser of CPI or 3%.

As articulated in the attached business plan, the proposed disposal is likely to continue to have the following positive effect on the community given the property, as operated by the current tenants delivers the following for the local economy:

- The Fremantle Markets is considered an iconic destination in the context of the WA tourism industry and features in the marketing of all major tourism stakeholders including TWA, Destination Perth, Tourism Australia.
- There are 157 businesses operating in the Fremantle Markets equating to approximately 400 jobs.
- Up to 33.5 million people have visited the Markets since the start of the current lease in June 2008 and average of 2.6 million per year in the period leading up to covid in March 2020.
- FMPL has invested approximately \$4.5 million in to promoting and advertising the markets, its traders and Fremantle as a whole. Current annual marketing budget is \$370,000.
- FMPL has invested at least \$370,000 on building preventative maintenance over the term and more on the general maintenance of the building.
- In 2008 a study commissioned by FMPL indicated there is over \$40 million spent within the Fremantle Markets per year. FMPL believes this is now closer to \$55-\$60 million per year.
- The Fremantle Markets have been winners in 2013, 2014, 2015 and Hall of Fame in the Fremantle Chamber Business Awards for Tourism. The Fremantle Markets have been finalists in 2013, 2015 for the WA Tourism Awards as a Major Tourist Attraction.



- On the days that the service is delivered, the Fremantle Markets acts as a major retail anchor for the City centre by attracting significant visitation and footfall which benefits other retailers and small businesses in the area.

Further to the above and noting that 88% of public submissions were in favour of the disposal proposed within the business plan, officers are recommending that Council proceed with the proposed lease with FMPL in line with the essential terms outlined in the advertised business plan.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Receive the submissions provided in Attachment 2 and Attachment 3 which relate to the Business Plan (Attachment 1), noting the Business Plan was publicly advertised in line with the requirements of section 3.59 of the Local Government Act 1995.**
- 2. Adopt the proposed Business Plan, without amendment, as provided in Attachment 1.**
- 3. Authorise the Chief Executive Officer to finalise and enter into a lease with Fremantle Markets Pty Ltd (FMPL) for the property at 74 South Terrace, Fremantle WA 6160 (The Fremantle Markets) in line with the essential terms outlined in the Business Plan provided in Attachment 1.**



FPOL2308-3 STEVENS RESERVE GROUNDS MAINTENANCE

Meeting date: 9 August 2023
Responsible officer: Manager Parks and Landscape
Decision making authority: Council
Attachments: 1. Stevens Reserve Grounds Maintenance Benchmarking
Confidential Attachments: 1. Stevens Reserve JMC Profit and Loss

SUMMARY

The City of Fremantle leases Stevens Reserve to the Stevens Reserve Joint Management Committee which consists of the Fremantle Hockey Club and Fremantle District Cricket Club. This report is for Council to consider options for the ongoing maintenance of Stevens Reserve.

BACKGROUND

The City of Fremantle leases Stevens Reserve to the Stevens Reserve Joint Management Committee (JMC) which consists of the Fremantle Hockey Club (FHC) and Fremantle District Cricket Club (FDCC). Under the terms of the lease, the JMC is responsible for a range of grounds maintenance activities including maintaining the turf wicket blocks (field and practice), mowing the playing fields and line marking among a range of other duties.

To achieve this, the club has employed a curator to undertake the duties. The City of Fremantle provides the JMC a subsidy to help fund the works and the rent-free use of a house on site which the Curator occupied. The City of Fremantle also undertakes a range of site maintenance activities. Earlier in 2023 the curator resigned, and the club is exploring options with the City to continue with grounds maintenance. This report is for Council to consider options for the ongoing maintenance of Stevens Reserve.

FINANCIAL IMPLICATIONS

In accordance with the lease terms, the City of Fremantle provides a subsidy to the Lessor. This is defined in the lease through to the 30 June 1999 and is subject to CPI adjustments – post 30 June 1999, the lease has been rolled over on an annual basis.

For the 2022/23 financial year the subsidy was \$66,550 ex GST. This subsidy was used to assist in funding the curator position. The City also provides a residential residence free of charge to the JMC for use for the curator with an estimated annual rent value of \$26,000.



The City has an adopted budget of \$620,060 in IP Activity Project: 100350 - Maintain Sports Grounds of which \$66,500 is allocated for the subsidy.

In 2022/23 the Fremantle District Cricket Club contributed \$39,807 towards grounds and playing facilities management of which \$6,000 was a payment to the JMC for grounds maintenance. The Fremantle Hockey Club contributed \$4,000 to the JMC for grounds maintenance (refer confidential attachment) for a total JMC contribution of \$10,000. Additionally, the FDCC has contributed \$70,00 to upgrading the training nets in 2017, \$20,000 to the purchase and installation of playing surface turf in 2019 and \$27,500 to purchase a new gang mower in 2022.

The City's maintenance responsibilities for Stevens Reserve, include verge and surrounds maintenance, irrigation and bore maintenance and repairs, car park maintenance and annual playing field turf renovations; the cost is approximately \$55,000 per annum inclusive of internal and contract costs.

The JMC is currently exploring options for engaging a curator to continue with grounds maintenance. This could be a curator employed with or without the residential property forming part of the agreement. If it is without the residence, the JMC are seeking an additional subsidy contribution of up to \$59,450 to a value of \$125,950 annually. This would be adjusted by CPI annually at the end of financial year, or as otherwise agreed in the proposed new lease. The additional subsidy will be held against IP Activity Project: 100350 - Maintain Sports Grounds and additional budget will be submitted for consideration through the 2023/24 financial year mid-year budget review.

Officers have assessed two models for undertaking the grounds maintenance. An assessment of the additional subsidy request is considered reasonable and provides the City with value for money.

The following financial assessment has been developed for the ongoing management of the curator duties and grounds maintenance as outlined in the report.



	Current Arrangement	Option 1 A - JMC employed curator	Option 1 B - JMC employed curator with residence not let	Option 2 - City employed contractor
CoF Contribution	\$66,550	\$125,950	\$125,950	\$0
Rental in kind	\$26,000	\$0	\$0	\$0
Rental income – <i>(back to the City)</i>	\$0	(\$26,000)	\$0	(\$26,000)
Contract costs	\$0	\$0	\$0	\$165,326**
City maintenance costs	\$55,000	\$55,000	\$55,000	\$55,000
JMC contribution	\$10,000	\$10,000	\$10,000	\$10,000
Total estimated cost	\$132,550	\$164,950	\$190,950	\$204,326

* all figures are ex GST.

** quotation provided to the City received by the JMC from a suitably qualified Contractor.

Should the JMC employ a curator who does not require use of the residential property at Stevens Reserve, the City has the option to lease it out. This will generate an estimated \$26,000 per annum income. The property requires essential maintenance works and minor upgrades before it can be occupied. A separate report will be brought to Council if required when the cost and funding requirements are known.

LEGAL IMPLICATIONS

The City of Fremantle leases Stevens Reserve to the JMC which consists of the Fremantle Hockey Club and Fremantle District Cricket Club. The Lease has expired and is currently in a holding over state. The City, in consultation with the JMC, is currently reviewing the Stevens Reserve lease. The grounds maintenance responsibilities, subsidy and operational model will be considered and clearly defined in the terms of the new lease.



CONSULTATION

The City has liaised with the JMC and they are supportive of the proposed recommendation.

OFFICER COMMENT

The curator duties at Stevens Reserve relate to preparing the playing fields and practice areas ready for games and practice for both cricket and hockey. Maintenance of turf wicket blocks is a specialist turf management discipline, and this service is generally managed by a curator. This is the current service model at Stevens Reserve whereby the JMC employ a curator and the City pays a financial contribution through a subsidy as well as undertaking additional grounds maintenance works outlined as follows. The curator duties for Stevens Reserve, among others, include:

- Ensuring all equipment and facilities under their responsibility are well maintained, secured and kept in working order.
- Preparing the turf wickets before the season by way of weeding, fertilizing, mowing, rolling and any other activities necessary.
- Having practice turf wickets available by 1st September annually (weather permitting).
- Having a centre wicket available for a practice match on a weekend prior to the commencement of the cricket season.
- Having four practice wickets available and ready for practice weekly during the cricket season.
- Having the centre turf wickets on both ovals ready for play prior to the scheduled commencement of every fixture published in the WACA fixture book.
- Preparing turf wickets for extra matches as required by the FDCC, provided sufficient notice is given.
- Renovating the turf wickets after the completion of the cricket season.
- Be present on game days where inclement weather is forecast.
- Preparing and ground marking of 4 fields to the standards as set by current Federation of International Hockey (FIH) prior to start of the grass season fixtures as determined by Hockey WA.
- Maintaining the playing field surfaces to a high standard including regular mowing maintenance and repair of any damaged areas on the playing surfaces and field markings.
- Maintaining player and public safety related to these duties.



The City's maintenance responsibilities for Stevens Reserve, among others, include:

- Verge and surrounds maintenance including mowing and litter control.
- Irrigation repairs and bore maintenance.
- Car park maintenance.
- Annual playing field turf renovations (excluding wicket blocks).
- Playing field fertilising, wetting agent, broadleaf weed and broadacre insect control (excluding wicket blocks).

Options for Maintenance

Following the resignation of the curator, the City has looked at two scenarios for the ongoing curator duties in consultation with the JMC. The financial assessment for these is provided in the financial information section of this report. These can be summarised as follows:

JMC employed curator

The JMC employed curator is a continuation of the existing service model. This model is preferred as it gives the JMC direct control of the Curator to meet the requirements of the clubs for practice and matchday activities which occur predominantly outside normal business hours. To continue with this model the City would need to increase the subsidy to the club, to both reflect current market rates and offset the removal of the in-kind contribution of the rent-free house. Alternatively, if the club employ a curator who wishes to continue to use the residential property forming part of the agreement, the subsidy will be adjusted to reflect this in-kind value.

The City's responsibilities for grounds maintenance would remain the same in this model. This model has been assessed as the best value for money for the City.

City employed contractor

The City employed contractor would see the City employ a Contractor to undertake the duties as described for the curator. A quotation has been provided to the City received by the JMC from a suitably qualified Contractor and is provided in the Confidential Attachment for information. In this service model the subsidy to the JMC would be discontinued. A downside of this model is the City having an administration role between the JMC and the Contractor, which will be challenging on weekends game days and give less control of turf wicket preparation for the cricket club. This model has been assessed as the least value for money for the City and is not preferred by the JMC or the officers.



Recommendation

Officers recommend the grounds maintenance at Stevens Reserve continues with a JMC employed curator as it is preferred by the JMC for optimal grounds preparation, provides the most efficient administration model and best value for money. As there is uncertainty about the use of the residential property for the curator, it is recommended to delegate authority to the Chief Executive Officer to amend the lease upon the JMC's successful appointment of a curator.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Note that under the existing lease terms, the City of Fremantle provides a Subsidy to the Lessor, and the lessor has obligations for grounds maintenance.**
- 2. Approve an increase in the annual Subsidy to the Lessor of up to a total value of \$125,950; to be used to fund the curator's wages, equipment and materials, and**
 - a. Delegate authority to the Chief Executive Officer to amend the lease to reflect any in-kind value and the final terms of the curators appointment.**
- 3. Note that the additional subsidy will be held against IP Activity Project: 100350 - Maintain Sports Grounds and additional budget will be submitted for consideration through the 2023/24 financial year mid-year budget review.**



FPOL2308-4 REQUEST FOR SUPPORT – FREMANTLE PARK CENTRE

Meeting date: 9 August 2023
Responsible officer: Director City Business
Decision making authority: Council
Attachments: Nil
Confidential Attachments: Nil

SUMMARY

The purpose of this report is for council to consider a request from Fremantle Park Centre (formerly Fremantle Park Sport and Community Centre) for emergency funding support.

This report recommends that Council approve the provision of a one-off support payment while a report outlining a longer-term plan for the facility is developed by officers in consultation with the club.

BACKGROUND

In 2011, the Fremantle Park Bowling Club, Fremantle Lawn Tennis Club and Fremantle Park Association formed a joint working group to explore a proposal for a multi-use community facility at Fremantle Park.

In 2011, GHD completed a needs assessment and feasibility study on the amalgamation of the two clubs and in 2012, developed a concept plan for a shared club house. The needs assessment and feasibility study was funded by the City of Fremantle and the Department of Sport and Recreation (DSR).

The concept plan was found to have several advantages for both the clubs and the City, however due to redevelopment works elsewhere, the City was unable to support a Community Sport and Recreation Facilities Fund (CSRFF) major grant application. At this time, the clubs sought financial backing from other partners and approached the Fremantle Workers Club (FWC). The needs of the facility changed with the addition of the FWC and new concept plans were required. In 2014, the City successfully applied to DSR on behalf of the clubs for a small grant to assist with a feasibility report.

The proposed shared club house and infrastructure upgrade feasibility report prepared by GHD in 2014, identified the facility requirements for each of the clubs, site concept plan for the redevelopment, a detailed cost estimate and funding scenario. The report also outlined the potential car parking provision within the site for the City as well as funding contributions for the redevelopment. The estimated cost for the completion of the project was \$4.1 million.



At its ordinary meeting of 27 July 2016, council resolved to accept the Fremantle Park Sport and Community Centre business case. The business case outlines the operational and financial management of the new facility, forming the basis upon which the stakeholders agreed to proceed.

The three founding clubs agreed with the business case resulting in the creation of the Fremantle Park Sport and Community Centre (FPSCC). The FPSCC Board was to comprise of two nominees from each of the founding clubs and three independent board members. The FPSCC engaged professional management to operate the functions of the central facility with each founding club retaining its own independence and core functions.

Following the adoption of the business case, in November 2017 Council authorised a lease between the City and FPSCC. The Fremantle Bowls Club, Tennis Club and Workers Club have occupied the site since then under the management of the FPSCC.

In late 2022, FPSCC approached the City citing financial difficulties. Officers met with the club several times throughout early 2023 to discuss potential approaches to addressing the issues, which culminated in a request received from the FPSCC for funding support over a three-year period.

This report recommends an approach to the provision of support to the club for consideration by council.

FINANCIAL IMPLICATIONS

The FPSCC has requested a funding package from the City for \$60,000 per annum for a minimum of three years.

The funding is required for the wages to provide for the administration and management of the Centre. This includes function and venue hire coordination, liaison with the 3 Clubs and their members, all Centre maintenance, bar and stock control and management of staffing rosters. It is intended that the retention of this staffing will provide the club with a period of three years to implement initiatives that will improve the financial sustainability of the centre.

The 2022-23 rates for the FPSCC were levied at \$15,868.71. The City applied the maximum concession allowable of \$10,000 resulting in a balance of \$5,868.71. Given no payments were received, overdue interest has been applied at 7% resulting in a total rates balance of \$6,180.50. This amount remains outstanding.

Officers are recommending Council proceed with option 4 as outlined in the officer comment, which pending council approval will require a budget amendment to allow for the provision of a one-off payment of \$60,000 to the club.



The source of funding is to be determined following the finalisation of end of year processing for the 2022/23 financial year. Should an appropriate source of funding that is surplus to current requirements be identified, it will be presented to council for formal approval via a budget amendment.

LEGAL IMPLICATIONS

A lease currently exists between the City and the FPSCC. Terms of the lease would need to be considered and adhered to with respect to any proposed course of action taken to address current issues.

The terms of the current lease were endorsed by council in November 2017 as per council item [FPOL1711-6 Fremantle Park Lease Terms and Club Parking Arrangements](#).

CONSULTATION

There has been ongoing engagement between the City and the FPSCC with relation to their current issues. The City is continuing to engage directly with the board of the FPSCC.

OFFICER COMMENT

The FPSCC has provided a range of information to officers in relation to their current financial situation including proposed approaches to improved financial sustainability over the longer term. Several challenges were cited by the club as contributing to the current situation. These included but were not limited to:

- A lack of suitable governance related controls such as Financial/Marketing plans, standard operating procedures and no independent committee members or trustees to govern the committee.
- Inadequate systems (IT/HR/Equipment etc) and lack of suitable staffing/resourcing structure. This includes no chef or cooks to offer a regular food service.
- The facility in its current form is somewhat constrained. Function spaces have limited capacity, there is no kitchen on the ground floor, the sound limiter in the function room prevents bands from playing, and there is very little shade outside of the venue for alfresco related activities.
- Food service is limited. The lack of a dumbwaiter prevents service of food on the ground floor which eliminates any food service on Fridays, Saturdays and Sundays when the upstairs function space is being used. Bar and food opening hours are inconsistent and change from week to week.



- There is an aging demographic across the clubs which is limiting engagement with youth or future potential members. There is currently no compelling reason to join the Centre as a social member given you can only socialise and have a drink/eat food one day a week with the only option being a BBQ with 2 food item choices on a Friday night.
- More generally participation and member numbers are in decline across all three clubs, which is also a trend Australia-wide.
- There is no clear brand or website, and communication & marketing are poor both internally and externally. The current brand and value offering is not attractive to the younger demographic.

FPSCC identified the following opportunities in determining an approach to addressing some of these issues:

- Food and beverage offerings five days a week, preferably Wednesday to Sunday.
- Increased mini-sports activities to encourage participation from a younger demographic.
- More bowls, tennis and dancing competitions.
- Fundraisers and events. Open days.
- Grants (with help of COF may assist with Playground, Shade Sails, Fencing and Parking).
- Food offerings on the ground floor; pizza oven, food truck, more BBQ's
- Installation of a dumb waiter.
- Open days, free lessons, learn how to bowl, play tennis, bowl, dance, etc.

Upon meeting with the Club and assessing the information provided officers provided the following additional advice.

- Explore other types of programming through partnerships with other existing themed corporate hospitality providers such as sports bars through activating the site via one-off pop-up special events given their connection to sport (i.e. Sports bar site takeover for walk-in bowls events etc.)
- The upstairs function space could cater for small weddings. There is a limited number of Wedding venues in central Fremantle and could generate an additional source of revenue.
- Film production companies may see value in hiring the centre as temporary production offices when filming is underway in Fremantle.
- Memberships with organisations such as Business Events Perth and Destination Perth may connect the club with more corporate bookings for upstairs venue space.



- Listing the venue on SpaceToCo may increase the awareness of the venue and increase volume of bookings.
- The upstairs commercial kitchen presents a significant opportunity to generate revenue via a commercial lease. Given minimal capital contribution and fit out would be required from a tenant to get up and running, they may be open to funding the installation of a dumbwaiter as part of a lease negotiation. This would connect the two floors via expanded food and beverage service capability.
- A stronger focus on securing corporate sponsorships presents a significant opportunity to increase revenue.

While the club has carried out some initial work on improving operations and financial stability, the current financial situation has limited their ability to retain staff and as such are unable to deliver on any of the initiatives proposed to address the current situation. They are therefore requesting financial assistance to pay staff wages so they can continue to pursue the above-mentioned opportunities.

Officers have considered a number of options regarding the support the City can provide in the short term. The options are provided below.

Option 1 – Fund centre wages over three years as requested by the Club

This option is in line with the request from the club and would involve a contribution from the City of \$60k per annum for a minimum of three years. This would enable current staffing to progress with the implementation of some of the interim measures identified to generate additional revenue. While staffing would be retained and FPSCC could continue to operate as normal, this option is unlikely to result in the achievement of longer-term operational changes required to return the club to a stable financial position.

Option 2 – Fund infrastructure improvements

As an alternative to funding wages, the City may consider directly funding and implementing some of the improvements that have been flagged as opportunities to improve the operational model. This includes installation of a dumb waiter, external shade, playground and bifold doors. Initial estimates from FPSCC suggest an investment of up to \$450K over a three-year period to achieve these improvements. While this would improve the functionality of the facility, there is a lack of information or planning from the club at present that would guarantee this investment would improve the current operational model.



Option 3 – Transition centre back to City management

An option exists to commence discussions with the clubs around dissolving FPSCC and handing management of the facility back to the City so the clubs can continue to operate out of the centre and the City can leverage existing resources to implement the operational changes required to return the centre to a sustainable model. While current resourcing in the events and bookings team would enable skeleton operations of the centre for the club in the short term, maximising usage and increasing revenue streams may require additional resourcing of up to 1 FTE (\$50-100K), depending on intensity of usage.

Option 4 – Provide a one-off payment and carry out further work on a suitable model

This option would involve providing an initial payment of \$60K to the club to secure wages and resources for the next 12 months, with the intent that further work is carried out by officers over the next 6 months in order to determine the most suitable model moving forward. This would be in consultation with clubs, with a full report and recommendations to be brought back to council in early 2024 on how to proceed. This would allow more time to properly assess opportunities and undertake necessary financial and operational due diligence, rather than providing funding to an external party without any certainty that it would improve the current situation over the long term.

Officers are recommending Council proceed with option 4, which will require a budget amendment to allow for the provision of a one-off payment of \$60,000 to the club.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Note the request for support received from the Fremantle Park Centre.**
- 2. Approve the provision of a one-off support payment of \$60,000 to the Fremantle Park Centre subject to:**
 - a. Appropriate funding (that is surplus to current requirements) being identified and a formal budget amendment being brought back to council for approval.**
 - b. Expenditure of the support payment by Fremantle Park Centre being limited to the payment of wages that contribute to the administration and management of the Centre.**
 - c. The City being recognised as a sponsor of the club and receiving benefits to be determined in line with the City's Grant's and Sponsorship policy.**
- 3. Request officers provide a report to council for consideration prior to February 2024 which outlines a longer-term solution to the sustainable operation of the facility, to be developed in consultation with the Fremantle Park Centre and its member clubs.**



**FPOL2308-5 WALYALUP RECONCILIATION ACTION PLAN 2024-2027
(WRAP) WORKING GROUP AND TERMS OF REFERENCE**

Meeting date:	9 August 2023
Responsible officer:	Manager Community Development
Decision making authority:	Council
Attachments:	1. WRAP Working Group Terms of Reference
Confidential Attachments:	Nil

SUMMARY

To ensure representation, for Aboriginal and Torres Strait Islander and stakeholder input to the City’s reconciliation journey the City maintains a WRAP Working Group with broad membership and clear, agreed, terms of reference.

In accordance with the terms of reference, the City’s Stretch WRAP 2019 – 2022 Working Group disbanded in June 2023 to coincide with the completion of the plan. A new Working Group will be formed to engage with the City and support the finalisation and delivery of the next WRAP 2024 – 2027.

This report recommends that Council endorse the formation of the WRAP 2024-27 Working Group and adopt the Terms of Reference provided in Attachment 1. Noting that, upon endorsement of the Terms of Reference, the City will engage with the community and invite nominations, for appointment at the Council meeting after the Local Government Elections in October.

BACKGROUND

Reconciliation Australia’s Reconciliation Action Plan (RAP) Framework includes four different types of RAP that an organisation can develop: Reflect, Innovate, Stretch and Elevate. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey and organisations can repeat the same type of RAP if appropriate.

In acknowledgement of the City of Fremantle’s long history of reconciliation action the City entered the framework at the Stretch level in 2019 with its first RAP. Based on advice from Reconciliation Australia the City is not able to progress to an Elevate RAP because Local Governments sphere of influence is geographically constrained and does not meet Reconciliation Australia’s unique leadership requirements. Therefore, the City is developing its second Stretch (WRAP) 2024-2027.



The Stretch type of RAP spans a two-three year period, and is focused on longer-term strategies, and working towards defined measurable targets and goals. The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies, so they become 'business as usual'.

As stated in the City's Stretch WRAP 2019-2022, in partnership with Aboriginal people, our vision for reconciliation is, *"to create an inclusive, caring community where Aboriginal and non-Aboriginal people are equal. We want a platform where Aboriginal people are acknowledged, listened to and understood and an organisation that respects and tells the truth about history, where healing and growth is nurtured in the community. Ultimately, we want this to be a shared vision for Fremantle, where the City embraces culture and heritage, where Aboriginal people are part of making decisions and improvements for the wellbeing of people."*

This vision remains relevant today and is embraced by the Council who recognises that maintaining strong and respectful relationships with Aboriginal people is a vital investment with immeasurable cultural and social return for the community. The WRAP 2024-2027 will add to this work building on the framework for what is occurring now and to update and measure future deliverables with the inclusion of three additional pillars of Voice, Treaty and Truth.

The current WRAP period ended in 2022 at which time the City sought an extension with Reconciliation Australia until December 2023 to align with the major review of the Strategic Community Plan, which is due to be completed by December 2023.

In accordance with the timeline the City seeks to establish a new WRAP Working Group to engage and provide input to the next WRAP 2024-2027.

FINANCIAL IMPLICATIONS

2023-24 operating budget is available to meet expenses associated with the WRAP Working Group including the payment of sitting fees in accordance with section 10 of the Terms of Reference (Attachment 1).

LEGAL IMPLICATIONS

Nil



CONSULTATION

The current WRAP 2019 – 2022 was developed through extensive community consultation over 2018-19 which culminated in a community meeting attended by over 100 committed people including key Aboriginal and Torres Strait Islander people and Elders, as well as the Mayor, Elected Members, and city staff.

The workshop generated organic and grass roots discussion around people, spirit and place in Fremantle and summarised into a practical plan for reconciliation. At the meeting, nominations for membership to the working group were accepted. This working group was diverse and consisted of Traditional Owners (Whadjuk people), Aboriginal and Torres Strait Islander people both young and older, non-Aboriginal and Torres Strait Islander external people, Elected Members and city staff.

The Working Group provided direct input to the development of clear and agreed Terms of Reference and endorsed the final WRAP in 2019 prior to its endorsement by Reconciliation Australia.

The WRAP Working Group has been meeting regularly during the implementation of the WRAP 2019 – 2022 and are supportive of the continued vision, role, and purpose of the Working Group.

OFFICER COMMENT

The WRAP 2019-2022 Reference Group Terms of Reference states that the group will disband upon completion of the WRAP. The existing group met 6 June 2023 where members were acknowledged and celebrated for their contributions and the achievements of the WRAP. At this meeting members were informed about the timeline for the next WRAP and invited to renominate to the new WRAP Working Group 2024-2027.

The new working group will be diverse and consist of Traditional Owners (Whadjuk people), Aboriginal and Torres Strait Islander people from different family groups, non-Aboriginal and Torres Strait Islander external people, Elected Members, and city staff.

The purpose of the WRAP Working Group is to:

1. Oversee, guide, and monitor the implementation of the Walyalup Reconciliation Action Plan (WRAP).
2. Upon invitation, provide advice to the City on issues relating to communities and people of an Aboriginal and Torres Strait Islander background.



It should be noted that the Working Group is not a Traditional Owner or Reference Group, and Land and Heritage matters are referred to the South West Aboriginal Land and Sea Council or Whadjuk Aboriginal Corporation.

Upon endorsement of the Terms of Reference the City will engage with the community and invite nominations. The Working Group will be created by Council resolution with the members appointed at Council in October following the Local Government Election. At this time up to four Elected Members may nominate to the Working Group and will be appointed at the October meeting.

The first meeting of the new WRAP Working Group will take place in early November 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse formation of the Walyalup Reconciliation Action Plan (WRAP) 2024-2027 Working Group and adopt the Terms of Reference as provided in Attachment 1.**
- 2. Note that the members of the WRAP Working Group will be appointed at the Ordinary Council Meeting in October following the Local Government Elections.**



11. Motions of which previous notice has been given

FPOL2308-6 NOTICE OF MOTION – CONSIDERATION OF A DETERMINATION TO PROHIBIT SMOKING IN WALYALUP KOORT AND HIGH STREET MALL – CR RACHEL PEMBERTON

Meeting date:	9 August 2023
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Attachments:	Nil
Confidential attachment:	Nil

ELECTED MEMBER SUMMARY

The purpose of this notice of motion is to request that notice be given of the intention to make a determination under the [City's Property Local Law 2002](#) to prohibit smoking (including the use of vapes) throughout Walyalup Koort and the High Street Mall.

This will ensure Walyalup Koort, including Newman Court and the urban playground, plus the High Street Mall can be enjoyed as smoke free outdoor environments in our city centre. It will also enable City of Fremantle Community Safety Officers to ask people who are smoking or vaping in these areas to cease doing so, or to move outside the area. Therefore, this may also have the added benefit of reducing antisocial behaviour in this precinct.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

ELECTED MEMBER MOTION

Requests officers prepare a determination under the City of Fremantle Local Government Property Local Law, to prohibit smoking (and the use of vapes) throughout Walyalup Koort and the High Street Mall.

OFFICER COMMENT

In accordance with clause 2.1 (1)(b) of the City's Property Local Law, Council may make a determination to prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property.



In relation to smoking, clause 2.8 enables Council to make a determination to prohibit a person from pursuing the following activities:

- (a) *smoking on premises; or*
- (k) *smoking in contravention of a sign which prohibits the act of smoking.*

Clause 2.8 (3) of the Property Local Law, defines the meaning of "*premises*" as a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Given the above definition, part (a) would not apply to these areas. However, a determination to prohibit smoking in these areas using the provision provided in part (k) may be considered.

The procedure for making a determination under section 2.2 of the City of Fremantle Local Government Property Local Law, is as follows:

1. The local government is to give local public notice of its intention to make a determination (advertising a 21-day public submission period).
2. Council is to consider submissions received and give public notice of the outcome of its consideration:
 - a. Adoption of the proposed determination
 - b. Amendment and further advertising of the proposed determination
 - c. Not to continue with the proposed determination.

It should be noted that in order for this determination to take effect within the areas specified, the City will be required to erect appropriate signage to alert patrons that smoking is prohibited in the area. If supported by Council, officers will identify appropriate signage options that are aesthetically pleasing and uses existing structures where possible. Depending on the costs required to design and produce this signage, officers may be required to prepare a budget amendment for Council consideration.

If Council wish to consider a determination as outlined in this motion, officers will review this matter further and bring a report back to Council to provide appropriate options to prohibit smoking on local government property, for Council consideration.



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.

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

FPOL2308-7 UPDATE ON DISPOSAL OF 5-15 QUARRY STREET, FREMANTLE

Meeting date:	9 August 2023
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	<ol style="list-style-type: none">1. Draft Contract of Sale2. Valuation report3. Design concept attachment 14. Design concept attachment 25. Design concept attachment 3

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

15. Closure