



# Minutes

## Finance, Policy, Operations and Legislation Committee

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Wednesday, 11 July 2018, 6.00pm



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## FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE

Minutes of the Finance, Policy, Operations and Legislation Committee  
held in the Council Chambers, Fremantle City Council  
on **11 July 2018** at 6.00 pm.

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### 1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00 pm.

#### 2.1. Attendance

Cr Hannah Fitzhardinge	<b>Presiding Member</b> / Beaconsfield Ward
Dr Brad Pettitt	Mayor
Cr Jenny Archibald	East Ward/ Deputy Presiding Member
Cr Rachel Pemberton	City Ward
Cr Sam Wainwright	Hilton Ward
Cr Andrew Sullivan	South Ward
Cr Bryn Jones	Deputy Member / North Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Ms Fiona Hodges	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure and Project Delivery
Ms Charlie Clarke	Manager Governance
Mr Ryan Abbott	Manager Parks and Landscape
Ms Nadine Weller	Property Services Administrator
Mr Tony Strickland	Manager Facilities and Environmental Management
Ms Helen Bliss	Meeting Support Officer

*There were approximately 4 members of the public and no members of the press in attendance.*

#### 2.2. Apologies

Cr Doug Thompson

#### 2.3. Leave of absence

Nil

### 3. Disclosures of interests

Nil

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

Nil

**5. Public question time**

Mr Charlie Galbally spoke against FPOL1807-5.

**6. Petitions**

Nil

**7. Deputations**

Nil

**8. Confirmation of minutes**

**COMMITTEE DECISION**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

**That the minutes of the Finance, Policy, Operations and Legislation Committee dated 13 June 2018 as listed in the Council agenda dated 27 June 2018 be confirmed as a true and accurate record.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**9. Announcements by presiding member**

Nil

**10. Questions or personal explanations by members**

Nil

## 11. Reports and recommendations

### 11.1 Committee delegation

#### FPOL1807-1 WFCC37.18 CONTESTABLE ELECTRICITY SUPPLY

**Meeting Date:** 11 July 2018  
**Responsible Officer:** Manager Facilities and Environmental Management  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Confidential – under separate cover.

#### OFFICER'S RECOMMENDATION

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

That the Finance, Policy, Operations and Legislation committee acting under delegation 1.1:

1. Accepts the Tender submitted by Synergy for the supply of grid electricity at an estimated total contract price of \$926,754 (ex GST) subject to actual electricity consumption in accordance with the terms and conditions specified in the tender document for a 3 year period from 1 July 2018 to 30 June 2021.
2. Undertakes the purchase of carbon offsets for the estimated cost of \$12,600 (ex GST) per year for a 3 year period from 1 July 2018 to 30 June 2021.
3. Any savings provided in the electricity account for 2018/19 be placed in the Sustainability Reserve.
4. Request the Chief Executive Officer to prepare a program of suitable energy related initiatives for potential implementation subject to Council approval to utilise the surplus funds (estimated \$132,957 per annum) remaining in the electricity budget subject to the proposed projects providing a positive net present value.

## **AMENDMENT**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

To add an additional part to point 1, as per the text in green italics below:

1. **Accepts the Tender submitted by Synergy for the supply of grid electricity at an estimated total contract price of \$926,754 (ex GST):**
  - a. **subject to actual electricity consumption in accordance with the terms and conditions specified in the tender document for a 3 year period from 1 July 2018 to 30 June 2021; *and***
  - b. ***that the contract includes the flexibility to 'upgrade' to a purchase of 100% renewable energy at any stage during the term of the contract; this being subject to Synergy demonstrating they have an agreement in place to source renewable energy, at an acceptable cost premium, from a local source such as the solar farm proposed by Epuron.***

**Amendment carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**



**COMMITTEE DECISION ITEM FPOL1807-1  
(Amended officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

**Points 1, 2 and 4 of the amended officer's recommendation:**

- 1. Accepts the Tender submitted by Synergy for the supply of grid electricity at an estimated total contract price of \$926,754 (ex GST):**
  - a. subject to actual electricity consumption in accordance with the terms and conditions specified in the tender document for a 3 year period from 1 July 2018 to 30 June 2021; and**
  - b. that the contract includes the flexibility to 'upgrade' to a purchase of 100% renewable energy at any stage during the term of the contract; this being subject to Synergy demonstrating they have an agreement in place to source renewable energy, at an acceptable cost premium, from a local source such as the solar farm proposed by Epuron.**
- 2. Undertakes the purchase of carbon offsets for the estimated cost of \$12,600 (ex GST) per year for a 3 year period from 1 July 2018 to 30 June 2021.**
- 4. Request the Chief Executive Officer to prepare a program of suitable energy related initiatives for potential implementation subject to Council approval to utilise the surplus funds (estimated \$132,957 per annum) remaining in the**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**COMMITTEE DECISION ITEM FPOL1807-1  
(Amended officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

**Point 3 of the officer's recommendation:**

- 3. Any savings provided in the electricity account for 2018/19 be placed in the Sustainability Reserve.**

**Carried: 6/1**

**For**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald,**

**Against**

**Cr Andrew Sullivan**

**FPOL1807-2 AWARD OF TENDER FCC511.18 INTEGRATED PARKING  
MANAGEMENT SYSTEM**

**Meeting Date:** 11 July 2017  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Nil

**COMMITTEE RECOMMENDATION ITEM FPOL1807-2  
(Officer's recommendation)**

**Moved:** Cr Hannah Fitzhardinge

**Seconded:** Cr Jenny Archibald

The Finance, Policy, Operations and Legislation Committee acting under delegation 1.1, award Database Consultants Australia the tender for FCC511/18 Integrated Parking Management System for a period of four (4) years for an estimated amount of \$710,013 (ex GST and with CPI to be added from years 2 to 4 inclusive).

**Carried: 6/1**

**For:**

Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald

**Against:**

Cr Andrew Sullivan

**MAYOR BRAD PETTITT, supported by CR JENNY ARCHIBALD requested the item be referred to the Ordinary Meeting of Council for determination.**

## 11.2 Council decision

### FPOL1807-3 NAVAL STORES TENDER REPORT

**Meeting Date:** 11 July 2018  
**Responsible Officer:** Manager Facilities and Environmental Management  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1. Tender evaluation reports (*Confidential – under separate cover*)

#### OFFICER'S RECOMMENDATION

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Rachel Pemberton**

That Council:

1. Enter into negotiations with the preferred contractor, Clinton Long Project Management Pty Ltd (CLPM), to vary the contract price to reflect the a reduced scope of works as included in the separable portions of Tender FCC509/18 Naval Stores Adaptive Reuse and Compliance Works.
2. Authorise the Chief Executive Officer to award Clinton Long Project Management Pty Ltd (CLPM) the tender for FCC509/18 Naval Stores Adaptive Reuse and Compliance Works, providing:
  - a. The negotiation to vary the contract, to reflect the change of scope of works is successful, and
  - b. The negotiated price does not exceed the current budget allowance of \$506,002 (ex GST).
3. Authorise the Chief Executive Officer to approve a variation to the lease between the City of Fremantle and Enkel Collective for Naval Stores, 141 Queen Victoria Street, Fremantle, as follows:
  - a. Approve variations that address the reduced scope of tender for FCC509/18 Naval Stores Adaptive Reuse and Compliance Works, including:
    - i. Leased area
    - ii. Permitted uses
    - iii. Commencement date
    - iv. Annual rental figure
  - b. Update maintenance clauses to align with City of Fremantle standard requirements
  - c. Include a lessees works clause to align with City of Fremantle standard requirements
  - d. Amend the performance criteria section of the lease to:

- i. Reduce the operation days from 5 to 2 with a condition that 5 day operations are achieved within the first five year term; and
- ii. Remove the requirement for Enkel Collective to deliver Fab Lab; and
- iii. Remove the requirement for Enkel Collective to activate the public space at Cantonment Hill Reserve; and
- iv. Amend the Public access use and interaction performance criteria to require new members endorse the values and general principles of the collective
- v. Amend all references to “hire fees for event space” to “Naval Stores membership fees”
- vi. Increase the maximum allowed commercial use from 40% to 50%
- vii. Replace the text at section 3 ‘capacity’ with the following dot points:
  - Small: Example – local Fremantle Community organisations, social start-ups, small charities.
  - Medium: Example - Technology companies for clean energy, recycling companies, larger charities, established social enterprises.
  - Large: Example – Government, universities, and corporates aligned with enkel values.
  - 2-3 strategic partners closely aligned with enkel values and future vision for a new local economy.”

### **AMENDMENT**

**Moved: Cr Rachel Pemberton**

**Seconded: Cr Jenny Archibald**

**Amend Part 3.d.i, to read as follows:**

- i. Reduce the operation days from 5 to 2 with a condition that 5 day operations are achieved within the first five year ~~term~~.**

**Amendment carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**COMMITTEE RECOMMENDATION ITEM FPOL1807-3  
(Amended officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Rachel Pemberton**

**That Council:**

- 1. Enter into negotiations with the preferred contractor, Clinton Long Project Management Pty Ltd (CLPM), to vary the contract price to reflect the a reduced scope of works as included in the separable portions of Tender FCC509/18 Naval Stores Adaptive Reuse and Compliance Works.**
- 2. Authorise the Chief Executive Officer to award Clinton Long Project Management Pty Ltd (CLPM) the tender for FCC509/18 Naval Stores Adaptive Reuse and Compliance Works, providing:**
  - a. The negotiation to vary the contract, to reflect the change of scope of works is successful, and**
  - b. The negotiated price does not exceed the current budget allowance of \$506,002 (ex GST).**
- 3. Authorise the Chief Executive Officer to approve a variation to the lease between the City of Fremantle and Enkel Collective for Naval Stores, 141 Queen Victoria Street, Fremantle, as follows:**
  - a. Approve variations that address the reduced scope of tender for FCC509/18 Naval Stores Adaptive Reuse and Compliance Works, including:**
    - i. Leased area**
    - ii. Permitted uses**
    - iii. Commencement date**
    - iv. Annual rental figure**
  - b. Update maintenance clauses to align with City of Fremantle standard requirements**
  - c. Include a lessees works clause to align with City of Fremantle standard requirements**
  - d. Amend the performance criteria section of the lease to:**
    - i. Reduce the operation days from 5 to 2 with a condition that 5 day operations are achieved within the first year; and**
    - ii. Remove the requirement for Enkel Collective to deliver Fab Lab; and**
    - iii. Remove the requirement for Enkel Collective to activate the public space at Cantonment Hill Reserve; and**
    - iv. Amend the Public access use and interaction performance criteria to require new members endorse the values and general principles of the collective**

- v. Amend all references to “hire fees for event space” to “Naval Stores membership fees”
- vi. Increase the maximum allowed commercial use from 40% to 50%
- vii. Replace the text at section 3 ‘capacity’ with the following dot points:
  - Small: Example – local Fremantle Community organisations, social start-ups, small charities.
  - Medium: Example - Technology companies for clean energy, recycling companies, larger charities, established social enterprises.
  - Large: Example – Government, universities, and corporates aligned with enkel values.
  - 2-3 strategic partners closely aligned with enkel values and future vision for a new local economy.”

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**FPOL1807-4 REPORT - ONE PLANET ACTION PLAN 2018**

**Meeting Date:** 11 July 2018  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** One Planet Strategy – 2018 Action Plan

**COMMITTEE RECOMMENDATION ITEM FPOL1807-4**  
**(Officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council receive the information in the One Planet Strategy: 2018 Action Plan.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**FPOL1807-5 ESPLANADE PARK - PARK HUB PROJECT UPDATE**

**Meeting Date:** 11 July 2018  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**COMMITTEE RECOMMENDATION ITEM FPOL1807-5**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council:**

- 1. Postpone the Esplanade Reserve Park Hub within the Esplanade Park Masterplan for a period up to three years from this Council resolution.**
- 2. Approve the Carriage Coffee Shop lease, subject to all lease conditions being met, to remain on a monthly arrangement after the expiry 30 April 2019 for a period consistent with point 1.**
- 3. Acknowledge that accepting the monthly arrangement with Carriage Coffee Shop does not obligate the City to maintain the monthly agreement until Esplanade Reserve Park Hub project commences.**

**Carried: 6/1**

**For:**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald**

**Against:**

**Cr Andrew Sullivan**



**ITEMS APPROVED “EN BLOC”**

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

The following items be adopted en bloc as recommended:

- FPOL1807-6 Dog Exercise and Prohibited Areas Policy Sir Frederick Samson Memorial Park
- FPOL1807-7 Nomination of members to the South-West Joint Development Assessment Panel

**COMMITTEE DECISION**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor Brad Pettitt**

**FPOL1807-6 DOG EXERCISE AND PROHIBITED AREAS POLICY SIR FREDERICK SAMSON MEMORIAL PARK**

- Meeting Date:** 11 July 2018
- Responsible Officer:** Manager Parks and Landscape
- Decision Making Authority:** Council
- Agenda Attachments:**
  - 1. Dog Exercise and Prohibited Areas Policy
  - 2. Community Survey Results - Dog Exercise and Prohibited Areas Policy

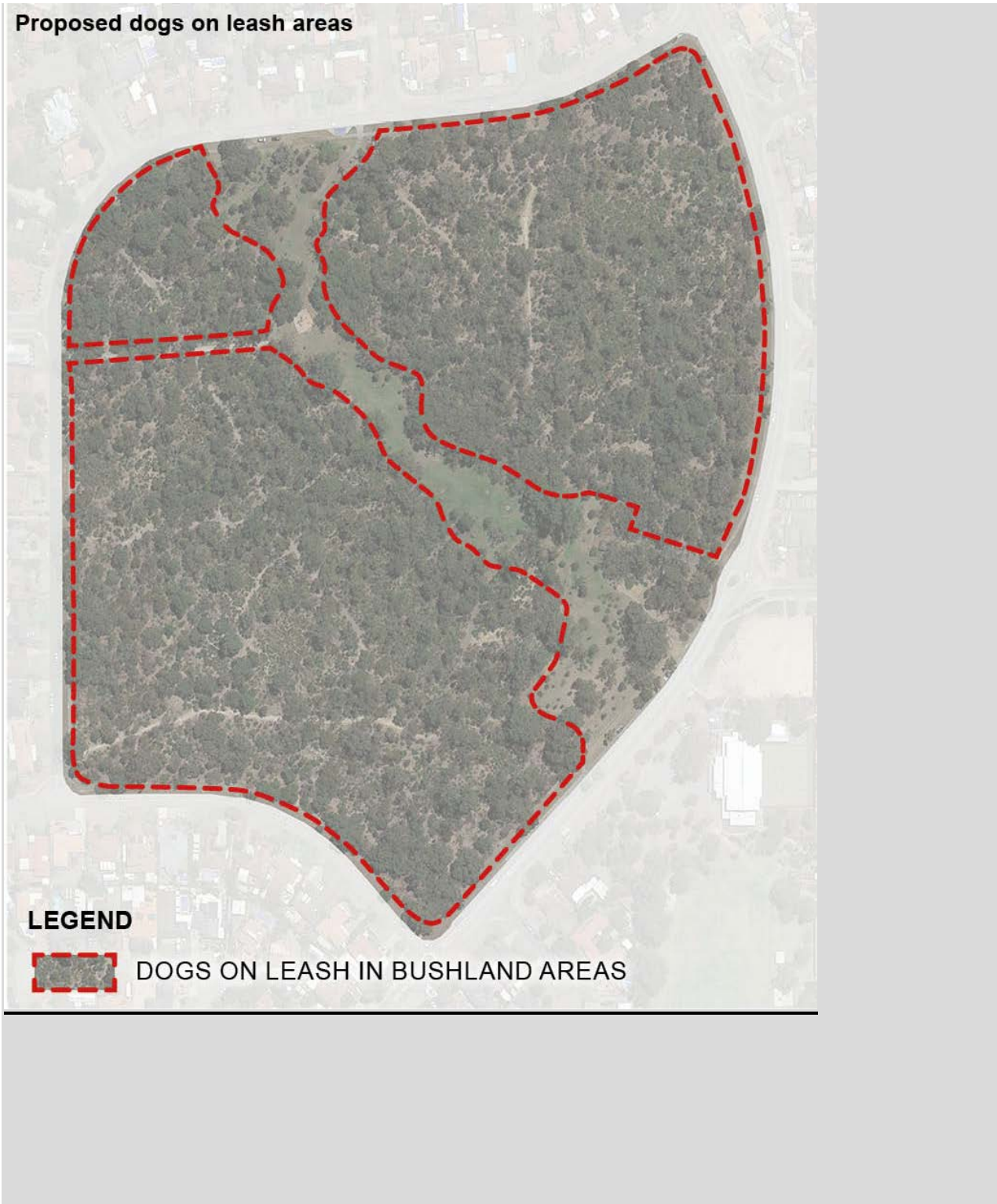
**COMMITTEE RECOMMENDATION ITEM FPOL1807-6**  
**(Officer’s recommendation)**

**Council adopt an amendment to the location details for Sir Fredrick Samson Park outlined in section 2 of the Dog Exercise and Prohibited Areas Policy, by adding the words “*Excluding the bushland areas that are dogs on leash at all times*”, as follows:**

**2. The following areas are declared dog exercise areas:**

Area/Reserve	Location
Sir Fredrick Samson Park	Corner of McCombe Avenue and Sellenger Avenue, Samson, <i>excluding the bushland areas that are dogs on leash at all times.</i>

Proposed dogs on leash areas



**LEGEND**



DOGS ON LEASH IN BUSHLAND AREAS

**FPOL1807-7 NOMINATION OF MEMBERS TO THE SOUTH-WEST JOINT DEVELOPMENT ASSESSMENT PANEL**

**Meeting Date:** 25 July 2018  
**Responsible Officer:** Manager Governance  
**Decision Making Authority:** Council  
**Agenda Attachments:**

**COMMITTEE RECOMMENDATION ITEM FPOL1807-7**  
**(Officer's recommendation)**

Council note the Minister for Planning's extension to the term of appointment and re-nominate the following members and deputy members as the representatives of the City of Fremantle to the Metropolitan South West Joint Development Assessment Panel (JDAP) for the remainder of the current term expiring on 26 January 2020

<b>METROPOLITAN SOUTH WEST JOINT DEVELOPMENT ASSESSMENT PANEL (JDAP)</b>		
<b>Member</b>		<b>Deputy Member</b>
<b>Cr Andrew Sullivan</b>	<b>1<sup>st</sup></b>	<b>Cr Rachel Pemberton</b>
<b>Cr Jon Strachan</b>	<b>2<sup>nd</sup></b>	<b>Cr Bryn Jones</b>

**Carried en bloc: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones, Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**FPOL1807-8 DISPOSAL OF VICTORIA HALL, 179 HIGH STREET, FREMANTLE**

**Meeting Date:** FPOL 11 July, 2018  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**COMMITTEE RECOMMENDATION ITEM FPOL1807-8**

**(Officer's recommendation)**

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Jenny Archibald**

**Council note:**

- 1. That the Fly by Night Musicians Club will be vacating 179 High Street 31 August 2018, and**
- 2. That Officers will proceed with advertising the sale of Victoria Hall, 179 High Street, Fremantle by public tender, as approved in 2018/19 budget.**
- 3. Notes the net proceeds of the sale are to be placed in the Town Hall Conservation Reserve and the Heritage Reserve.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones,  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**12. Motions of which previous notice has been given**

Nil.

**13. Urgent business**

Nil

**14. Late items**

Nil

**15. Confidential business**

**PROCEDURAL MOTION**

At 7.35 pm the following procedural motion was moved:

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Cr Andrew Sullivan**

**That the meeting be moved behind closed doors to consider the confidential items on the agenda.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**FPOL1807-9 Market Review - 42 Port Beach Road, North Fremantle**

**Meeting Date:** 11 July 2018  
**Responsible Officer:** Director City Business  
**Decision Making Authority:** Council  
**Agenda Attachments:** Independent advice – Brett Wilkins, Ray White

**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:

- (e) a matter that if disclosed, would reveal -
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person

**PROCEDURAL MOTION**

At 7.38 pm the following procedural motion was moved:

**Moved: Cr Hannah Fitzhardinge**

**Seconded: Mayor, Brad Pettitt**

**That the meeting come out from behind closed doors.**

**Carried: 7/0**

**Mayor, Brad Pettitt, Cr Hannah Fitzhardinge, Cr Bryn Jones  
Cr Rachel Pemberton, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan**

**16. Closure of meeting**

**The Presiding Member declared the meeting closed at 7.40 pm.**