



Minutes

Finance, Policy, Operations and Legislation Committee

Wednesday, 9 June 2021, 6.00pm

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FINANCE, POLICY, OPERATIONS AND LEGISLATION COMMITTEE

Minutes of the Finance, Policy, Operations and Legislation Committee
held in the North Fremantle Community Hall
on **Wednesday, 9 June 2021** at 6.00 pm.

1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.03 pm.

2.1. Attendance

Cr Hannah Fitzhardinge	Presiding Member/Beaconsfield Ward
Cr Jenny Archibald	Deputy Presiding Member/East Ward
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Doug Thompson	North Ward
Cr Adin Lang	City Ward
Cr Sam Wainwright	Hilton Ward

Mr Glen Dougall	A/Chief Executive Officer
Ms Michelle Brennand	Director Community Development
Mr David Janssens	A/Director Infrastructure
Mr Matt Hammond	A/Director City Business
Ms Charlie Clarke	Manager Governance
Mr Craig Best	Manager Asset Management
Mr Paul Dunlop	Manager Communications and Events
Mr Russell Kingdom	Manager City Design and Projects
Ms Phillida Rodic	Manager Strategic Planning
Mr Aimee Sabbatino	Events Coordinator
Ms Melody Foster	Meeting Support Officer

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

2.2. Apologies

Cr Marija Vujcic	South Ward
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2.3. Leave of absence

Nil

3. Disclosures of interests by members

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

The following member/s of the public spoke in relation to item FPOL2106-4.

Cris Brown

Mike Weasme

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION

(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 12 May 2021

Carried: 6/0

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

9. Elected member communication

Nil

10. Reports and recommendations

FPOL2106-4 ADOPTION OF THE CITY OF FREMANTLE PARKING LOCAL LAW 2021

Meeting date:	9 June 2021
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Community feedback submissions2. Revised Parking Local Law 2021 (with track changes)3. Proposed Parking Local Law 2021
Additional information:	Nil

SUMMARY

The purpose of this report is to present the feedback received during the public submission period for the proposed Parking Local Law 2021. It also recommends that Council approve to make the City of Fremantle Parking Local Law 2021, with inclusion of minor amendments, for the purpose and effect as follows:

Purpose: **To enable the City to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the City's care, control and management.**

Effect: **A person parking a vehicle within the parking region is to comply with the provisions of the local law.**

BACKGROUND

- Council at its meeting held on 11 December 2019, resolved to determine that the Parking Local Law 2006 be amended and brought back - for consideration. Following this decision, officers undertook a comprehensive review of the - local law. During the review there were various improvements identified to provide improved controls and to reflect current best practice - of parking within the district, whilst also providing more flexibility for patrons and residents.

A key improvement considered in the proposed parking local law -, was to incorporate the use of electronic parking technology to enable more convenient payment options and parking permits. In addition, provisions that enable the City to set zones where parking fees are paid by electronic means only, via a mobile device through an app such as 'PayStay' which provides flexibility in instances where access to physical infrastructure is difficult or cost prohibitive. This would enable the City to introduce pay by phone only parking zones in areas such as Marine Terrace, without the need to install ticket machines. Another consideration included, is to provide residents (in residential areas) the ability to permit parking on the verge at the front of their own property with their consent.

Due to the complex nature of the parking local law and the changes required, the City's solicitors were engaged to write the proposed local law, to ensure it meets the standards required by the Joint Standing Committee. The proposed local law has been rewritten to remove repetition, update relevant sections in accordance with current legislation and to include additional improvements identified during the review process.

At the Finance, Policy, Operations and Legislation (FPOL) Committee meeting held 20 January 2021, the committee endorsed the proposed Parking Local Law 2021 provided in the additional information attachment 1, and approved to advertise the local law for public comment, as part of the local law adoption process required by the *Local government Act 1995*.

FINANCIAL IMPLICATIONS

The proposed local law includes prescribed penalties. A full list of the proposed penalties is shown parking local law under Schedule 1: Prescribed Penalties. Should Council adopt the prescribed penalties as proposed, they will be taken into account in the 2021/22 budget.

LEGAL IMPLICATIONS

The process for making a Local Government local law, is set out in section 3.12 of the *Local Government Act 1995*, as summarised in the table below.

Local Government Act 1995	
Section 3.12: Procedure for making local laws	
3.12(2)	Council to initiate the process and give notice to repeal the 2006 local law and make a new local law - <i>Completed</i>
3.12(3)(a)	Local public notice to be given - <i>Completed</i> The City will advertise its intent to repeal the 2006 local law and to make the proposed 2021 local law, calling for public comment over a 6-week public submission period.
3.12(3)(b)	Notification of above, to be sent to the Minister - <i>Completed</i>
3.12(4)	<i>Current stage in the process</i> Consideration of public submissions - a report will be brought back to Council to consider any public submissions received and seek approval to make the local law as proposed or consider further changes.
3.12(5)	New local law to be published in the Gazette.
3.12(6)	Local public notice to be given of the new local law and commencement date.
3.12(7)	Explanatory memoranda to be submitted.
3.14	Commencement of local law.

Local Government Act 1995

Section 3.12: Procedure for making local laws

3.17	Review by Government (Joint Standing Committee on Delegated Legislation).
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Legal advice provided on the proposed amendments outlined in this report, advises that for the purposes of section 3.12(4) of the *Local Government Act 1995*, the revised version of the proposed local law is not significantly different to the first version of the Parking Local Law 2021, that was endorsed by Council on 20 January 2021 and advertised. Therefore, the process for making the proposed local law may continue as outlined above.

CONSULTATION

Consultation has been undertaken in accordance with the relevant provisions of the Local Government Act including, A local public notice published in the Fremantle Herald on Saturday, 20 February 2021, advertising the City's intent to make the proposed Parking Local Law and seek feedback from the community. The public submissions period was open for eight (8) weeks and closed on Sunday, 18 April 2021.

The parking local law was available to view on the City's website or in person at the City's Library and Administration building. Members of the public were able to make submissions through the City's My Say Freo page, via email or in writing by post. There were 510 total visits to the My Say Freo page and a total of 61 submissions were received. These submissions have been provided in Attachment 1.

OFFICER COMMENT

Of the 61 submissions received during the public submission period, there were two main areas of concern in the feedback received. These -concerns were in relation to the proposed changes to parking on verges and pay-by-phone only payment option.

A summary of the public submissions is provided below and a response to the main areas of concern taken from the public submissions have been provided, and where possible, a proposed amendment is recommended for Council consideration.

Summary of Public Submissions	Officers response
<p>Clause 5.18 – Verges</p> <ul style="list-style-type: none"> 28 respondents strongly disagreed with this clause 1 respondent agreed with this clause. 2 respondents agree with allowing residents to control their verge 	<p>In response to the feedback received, this clause has been re-written as follows:</p> <p>5.18 Verges</p> <p>(1) <i>In this clause, long or heavy vehicle means a vehicle that –</i></p> <ul style="list-style-type: none"> (a) <i>is more than 6.5m long;</i> (b) <i>is more than 2.2m wide;</i> (c) <i>is more than 2.4m high; or</i> (d) <i>exceeds a GVM of 3.5 tonnes.</i>

Summary of Public Submissions	Officers response
<p>Provided below is a summary of the concerns raised in relation to this clause:</p> <ul style="list-style-type: none"> Residents will not be able to park their caravan, boat or trailer on their own verge. Residents will have nowhere to park their trailers, boat and caravans on their properties because of lack of space. No one should be restricted from parking on the verge as it is public property and should not be controlled by any one individual. Preventing parking on the verge will force caravans, boats and trailers to be parked on the road. Prevent vehicles attached to trailers, boats and caravans from parking on the street long term. A time limit of 72 hours should be introduced to prevent vehicles parking long term on the street. 	<p>(2) <i>A person must not –</i></p> <ul style="list-style-type: none"> (a) <i>stop or park a bus on any part of any verge;</i> (b) <i>stop or park a long or heavy vehicle on any part of any verge – except when it is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of verge on which the long or heavy vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway or footpath; or</i> (c) <i>stop or park a vehicle (except for a bus, a long or heavy vehicle, or a bicycle) –</i> <ul style="list-style-type: none"> (i) <i>on a verge that is adjacent to a grouped or multiple dwelling; or</i> (ii) <i>on a verge that is not adjacent to a grouped or multiple dwelling unless the person –</i> <ul style="list-style-type: none"> (A) <i>is the owner or occupier of the premises adjacent to the verge; or</i> (B) <i>is authorised by the owner or occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.</i> <p>The revised clause (above) is intended to provide the following:</p> <ol style="list-style-type: none"> Allow owners/occupiers of the premises adjacent to the verge, or a person who is authorised by the owner/occupier of that premises, to stop or park a 'vehicle' on the verge. The term 'vehicle' as defined under the <i>Road Traffic (Administration) Act 2008</i> includes a car, trailer, boat or caravan. Prohibit any long or heavy vehicle, as defined in part (1) of the clause, from stopping or parking on the verge, except when being loaded or unloaded. Prohibit a 'vehicle' from stopping or parking on verges adjacent a grouped or multiple dwelling. A new definition to define a grouped or multiple dwelling is recommended for inclusion, as outlined in the 'other amendments' section of this report. <p>Other comments:</p> <ul style="list-style-type: none"> a) The revised local law allows vehicles which are attached to trailers to remain parked on the street

Summary of Public Submissions	Officers response
	<p>as long as they abide by the time restrictions in place and are no more than 7.5 metres in length or exceed a GVM of 4.5 tonnes or are deemed by an authorised person to be abandoned or obstructing the street.</p> <p>b) Clause 7.11(b) in the revised local law allows for vehicles to be dealt with if an authorised officer believes it appears to be abandoned and has been in the same position for more than 24 hours.</p>
<p>Clause 4.2 - Payment of fees, in particular part (d) pay-by-phone</p> <ul style="list-style-type: none"> 12 respondents did not want the City to introduce pay-by-phone only areas. 3 respondents were in support of this clause. <p>Summary</p> <p>Provided below is a summary of the concerns raised in relation to this clause:</p> <ul style="list-style-type: none"> Concerns that elderly patrons, those without a smart phone, patrons who don't have access to a credit card, or underprivileged patrons will be discriminated against. Some indicated that they do not agree with the principal of pay-by-phone parking in general. 	<p>No further changes have been made to this clause from the advertised version of the proposed Parking Local law 2021.</p> <p>It is intended that the pay by phone only payment option will used in areas where appropriate parking infrastructure cannot be installed or the costs to install parking infrastructure is considered significant; or be used on a temporary basis.</p> <p>The City's current pay-by-phone provider (PayStay) allows new customers to register for parking via their App, on their website or by calling a hotline. They may purchase an electronic ticket via the App, on their website or over the phone. Parking sessions can also be started by sending an SMS.</p> <p>The City will ensure appropriate signage is clearly visible onsite and provides users with clear instructions on how to use the payment method.</p>
<p>Schedule 1 – Prescribed offences</p> <ul style="list-style-type: none"> 7 respondents did not agree with the proposed increases to parking infringements. 1 respondent agreed with the proposed increase to parking infringements however suggested a discount on the infringement if paid within a certain time. <p>Summary</p> <p>Provided below is a summary of the key concerns raised in relation to prescribed penalties:</p> <ul style="list-style-type: none"> Infringement increases are not in line with inflation. 	<p>No further changes have been made to the prescribed offences from the advertised version of the proposed Parking Local law 2021.</p> <p>The City's parking penalties have remained unchanged for eight years. A comparison of parking penalties was undertaken with other similar local government authorities, which identified that the City's penalties are considerably lower than other similar local governments. The proposed parking penalties were increased to a level that is considered relative to other similar local governments.</p> <p>As parking penalties can only be prescribed within a local law, any further changes to the parking penalties (post this amendment) will require a local law review process to be undertaken.</p>

Summary of Public Submissions	Officers response
<ul style="list-style-type: none"> Fines should not be increased during the period of the COVID 19 pandemic. Fines should not be increased at all. Parking infringements dissuade people from coming to Fremantle. 	
<p>1 respondent did not agree with any changes to the local law.</p> <p>1 respondent agreed with all changes to the local law.</p> <p>18 respondents provided general feedback in relation to parking in Fremantle, as summarised below:</p> <ul style="list-style-type: none"> The City should not change for motorcycle parking. The City should introduce 1-hour free parking. The City should maintain parking signs better. There should be free parking for electric vehicles. The City should provide more bays for ride share and food delivery vehicles. The City should provide free parking everywhere. The local law should have a provision for parking two wheels of a car on a footpath where there is a purpose built mountable kerb. 	Nil

Response from the Department of Local Government, Sport and Cultural Industries

In response to the City's notification of the proposed Parking Local Law 2021, the Department of Local Government, Sport and Culture Industries provided feedback and recommended changes to the local law. A summary of this feedback and officer response is provided below.

Summary of feedback from the DLGSCI	Officers response
<p>1. Minor edits</p> <ul style="list-style-type: none"> • Contents page: Remove the page numbers, as they may be inconsistent with the page system used in the Gazette. Provided the contents has the clause titles and clause numbers, this is sufficient for readers to navigate the document. • Clause 1.5: In the definition for parking region change “1.4” to “1.3”. • Clause 3.2(1): Delete the bracketed text after the first full stop. • Schedule 1: In item 86 remove the underscore in the second column. 	<p>The removal of the page numbers from the content's pages will be done for the purposes of the gazettal version of the local law.</p> <p>The proposed amendments have been made to the definition of parking region in clause 1.5 and to clause 3.2.1, and also to item 91 of Schedule 1 (not item 86 as referred to by DLG)</p>
<p>2. Clause 2.3 – Determinations</p> <p>Does not follow the WALGA model. We suggest replacing 'Council' with 'local government'. We also suggest amending 2.3(1) from 'The Council may determine' to 'The council may by resolution determine'.</p>	<p>The City's solicitors has advised that although, as pointed out by DLG, clause 2.3 does not follow the WALGA model because it refers to 'the Council', rather than 'the local government' making determinations, the City's approach in the draft local law is preferable because –</p> <ul style="list-style-type: none"> (a) it clarifies that these functions are to be exercised by the Council (unless they are delegated by the Council to the CEO), rather than use the vague expression 'local government' where it is not clear whether the function should be exercised by the Council or by the CEO, on behalf of the City of Fremantle; (b) in any event, the references to 'the Council' in clause 2.3 are consistent with other references to the Council in clauses 2.1, 2.2, 2.4 and 2.5; and (c) it is unnecessary to include 'by resolution' in clause 2.3(1) because the Council has no other way of making a decision otherwise than 'by resolution' and, in any event, there is no similar references to 'by resolution' in clauses 2.1, 2.2, 2.4 and 2.5
<p>3. Clause 4.13 - Event Parking</p>	<p>The City's solicitors have advised that the Joint Standing Committee's 'Report 44' referred to by</p>

Summary of feedback from the DLGSCI	Officers response
<p>The Joint Standing Committee on Delegated Legislation has previously found issue with clauses that relate to special event parking.</p> <p>The primary concerns of the Committee relate to sufficient public notice. In the event that the Town wishes to retain the clause, it should consider the Committee's 44th Report. The Town should also anticipate that the Committee may make further inquiries regarding this clause.</p>	<p>DLG was its 2010 Annual Report. In relation to a similar clause dealing with special event parking in the <i>Town of Claremont Parking Local Law</i>, the Joint Standing Committee sought undertakings that the clause be amended –</p> <ol style="list-style-type: none"> (1) 'to include some reasonable, defined limits to the possible dates that may be used for a special event'; and (2) 'to include a provision whereby sufficient local public notice of the special event is to be given' (paragraphs 3.21-3.22). <p>Despite this, the Joint Standing Committee did not object to an event parking provision in a subsequent local law in 2017. That local law included a description of what an 'event' may be and a similar approach has been taken in the amended version of clause 4.13 of the City of Fremantle's draft Local Law.</p> <p>The suggested revised Clause 4.13, is provided below:</p> <p>4.13 Special event parking</p> <ol style="list-style-type: none"> (1) <i>In this clause, special event means a function or activity characterised by all or any of the following –</i> <ol style="list-style-type: none"> (a) <i>formal organisation and preparation;</i> (b) <i>its occurrence is generally advertised or notified in writing to particular persons;</i> (c) <i>organisation by or on behalf of a club or a body corporate;</i> (d) <i>payment of a fee to attend; and</i> (e) <i>systematic recurrence in relation to the day, time and place.</i> (2) <i>The local government may, by the use of a sign –</i> <ol style="list-style-type: none"> (a) <i>set aside for the period specified on the signs a parking station for the parking of vehicles by those attending a special event; or</i> (b) <i>establish additional parking facilities on a reserve or local government property, for any period specified on the sign, for the parking of vehicles by those attending a special event.</i> (3) <i>A person must not stop or park a vehicle –</i>

Summary of feedback from the DLGSCI	Officers response
	<p>(a) <i>in a parking station set aside under subclause (2) during the period for which it is set aside; or</i></p> <p>(b) <i>on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established, unless a permit obtained from the local government with respect to the special event is—</i></p> <p>(c) <i>in the case of a printed permit, displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in the parking station; or</i></p> <p>(d) <i>in the case of an electronic permit, the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.</i></p>
<p>4. Clause 7.11 – Vehicle obstructing public place</p> <p>The Department has identified two potential issues with this clause:</p> <p>(a) The clause prohibits an unlicensed vehicle from being left in a public place. The fact that a vehicle is unlicensed does not necessarily mean the vehicle is being obstructive. It also appears that the fining of unlicensed vehicles is already addressed in State parking legislation and enforced by the WA police.</p> <p>(b) The clause prohibits a vehicle being abandoned or giving the appearance of being abandoned. The term “abandoned” is vague and could potentially be subject to various interpretations. The City may wish to define the term in further detail.</p>	<p>Each of DLG’s points are addressed in the redrafted version of clause 7.11 which sets out factors that an authorised person is to take into account in determining whether a vehicle is abandoned or appears to have been abandoned.</p> <p>The suggested revised clause is provided below, with the amended shown in green italics:</p> <p>7.11 Vehicles not to obstruct a public place</p> <p>Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –</p> <p>(a) obstructs the use of any part of the public place; or</p> <p>(b) <i>appears to an authorised person to have been abandoned, having regard to factors such as –</i></p> <p>(i) <i>whether there are any number plates on the vehicle;</i></p> <p>(ii) <i>the extent of any damage to the vehicle;</i></p>

Summary of feedback from the DLGSCI	Officers response
	<p>(iii) <i>whether the vehicle has been in the same position for more than 24 hours; and</i></p> <p>(iv) <i>whether the vehicle appears to be inoperable.</i></p>
<p>5. Boxed Notes</p> <p>The draft local law currently contains a large number of boxes containing extracts from the Local Government Act 1995.</p> <p>The Delegated Legislation Committee has raised concerns with this practice in the Committee's 23rd Report. This is because:</p> <ul style="list-style-type: none"> • The references have no legal effect in themselves; and • The references will become misleading if the part of the Act is amended; <p>It is suggested that the boxed references should be deleted from the gazette version of the local law. In the event that the City chooses to maintain a public version of the local law in hard copy or electronic format, the City can choose to retain the references for the benefit of readers.</p> <p>The Shire should also ensure that all references and cross references are checked, particularly if any changes are made as a result of the Department's comments.</p>	<p>It was intended that all boxed notes will be removed in the final version of the local law before it is gazetted.</p>

Other amendments

In response to the additional changes to the proposed local law (outlined above), it is recommended that the following definitions and clauses be included:

- a) Inclusion of the following new definitions:
- grouped or multiple dwelling means either a grouped dwelling or a multiple dwelling*
 - grouped dwelling means a dwelling that is one of a group of 4 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special*

- conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;
- iii. **multiple dwelling** means a dwelling in a group of 4 or more dwellings on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but –
- (a) does not include a grouped dwelling; and
 - (b) includes any dwellings above the ground floor in a mixed use development;

- b) Inclusion of a new definition for a class of vehicle:
- electric vehicle** means a vehicle that uses one or more electric motors or traction motors for propulsion and includes a motorbike, scooter and moped.
- c) Inclusion of a new clause 7.13 for urgent, essential or official functions. This clause has been included in a response to the changes in clause 4.13 and allows an authorised person to close off parking facilities for urgent, essential or official functions at short notice or without a formal application for the closure having been received.

7.13 Urgent, essential or official functions

- (1) Where –
 - (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
 - (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility, the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.
- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.
- (3) Permission given under subclause (1) may –
 - (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by an authorised person.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

- d) Minor amendments have been made to 'Schedule 1 – Prescribed Offences', to combine offences related to the same clause and renumber 'item numbers' where appropriate.

It is recommended that Council approve the above mentioned minor amendments and adopt the revised City of Fremantle Parking Local Law 2021 as provided in Attachment 3.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

- 1. Consider the public submissions received, as provided in Attachment 1.**
- 2. Approve the minor amendments to the City of Fremantle Parking Local Law 2021 as outlined (with track changes) in Attachment 2.**
- 3. Adopt the City of Fremantle Parking Local Law 2021, as shown in Attachment 3, for the purpose and effect as follows:**

Purpose: To enable the City to regulate the parking of vehicles within the district and provide for the management and operation of parking facilities under the City's care, control and management.

Effect: A person parking a vehicle within the parking region is to comply with the provisions of the local law.

- 4. Agree that the revised version of the City of Fremantle Parking Local Law 2021, is not considered to be significantly different from what was first proposed and advertised by the City.**

PROCEDURAL MOTION

The following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Doug Thompson

Seconded: Cr Jenny Archibald

The item be deferred to the next Finance, Policy, Operations and Legislation Committee meeting to allow officers to seek further legal advice on the matters raised by committee.

Carried: 6/0

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

ITEMS APPROVED “EN BLOC”

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

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

The following items be adopted en bloc as recommended:

FPOL2106-3	KINGS SQUARE PLACE DEVELOPMENT WORKING GROUP AMMENDMENT TO TERMS OF REFERENCE
FPOL2106-5	ADOPTION OF COMPLAINT OF THE COUNCIL CODE OF CONDUCT, DIVISION 3, COMPLAINT HANDLING POLICY’
FPOL2106-7	COMMERCIAL EVENTS POLICY REVIEW
FPOL2106-8	SUSTAINABLE EVENTS POLICY REVIEW
FPOL2106-9	FREMANTLE MARKETS REFURBISHMENT WORKS TENDER

Carried en bloc: 6/0

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

**FPOL2106-3 KINGS SQUARE PLACE DEVELOPMENT WORKING GROUP
AMMENDMENT TO TERMS OF REFERENCE**

Meeting date: 9 June 2021
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Committee
Attachments: 1. Kings Square Place Development Working Group Terms of Reference
Additional information: Nil

SUMMARY

The purpose of this report is to provide an update to council on the EOI process for membership of the Kings Square Place Development Working Group and outline proposed changes to the current terms of reference as a result of the process.

This report recommends that Council approve an amendment to section C.3 of the current terms of reference to enable up to 10 business community representatives to participate in the working group.

BACKGROUND

The construction of the Walyalup Civic Centre is now nearing completion and the 2021 calendar year will see a large majority of the broader redevelopment completed and operational.

As the project moves from construction into its operational life, the ongoing place management and activation of the precinct and collaboration with surrounding stakeholders to achieve this will be critical in realising the benefits associated with the broader project.

Engagement and collaboration with key external stakeholders to assist in progressing the development of approaches to the successful place management and activation of the precinct was identified as a key priority. At the Ordinary Council Meeting on the 24th of March 2021, Council approved the establishment of the Kings Square Place Development Working Group and associated terms of reference to facilitate this engagement.

The endorsed terms of reference allowed for up to 5 business community representatives from various sectors to participate in the group. The City ran a public process to invite expressions of interest from the business community to participate in the group and received a positive response as part of the process.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Business community members were invited to nominate for a position on the working group via a public expressions of interest process. The EOI process was advertised across City of Fremantle media channels and via the City of Fremantle business newsletter. The process ran from the 8th of April and closed on the 23rd April.

OFFICER COMMENT

The City received eight (8) applications from business community members as part of the advertised EOI process.

Four (4) applications were received for the hospitality position, three (3) for the retail position and one (1) for the professional services position.

No applications were received for the Arts/Culture position or the Indigenous business position.

Under the current terms of reference, there can only be one representative per sector across five positions. Based on the applications received the current terms of reference will only allow for three business community members to participate in the working group.

Given the strength of all eight (8) applications received, and the absence of applicants for the arts/culture and indigenous roles, it is proposed that rather than limiting business community participation, that the current terms of reference is amended to enable up to 10 (10) applicants to participate. This will enable the participation of all eight (8) applicants as well as the opportunity to continue to seek participation from an arts/culture and indigenous business representative.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION ITEM FPOL2106-3
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council:

- 1. Amend section C.3 of the Kings Square Place Development Working Group to the following:**

Up to ten (10) representatives with suitable qualifications and/or experience from key business sectors including hospitality, retail, professional services, arts/culture and indigenous businesses. Representatives are to be determined through an open process and appointed by the Chief Executive Officer.

- 2. Given there was no applications for arts/culture or indigenous business positions in the initial EOI process, authorise officers continue to seek participation from representatives from these sectors on an individual basis.**

Carried en bloc: 6/0

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

FPOL2106-5 ADOPTION OF COMPLAINT OF THE COUNCIL CODE OF CONDUCT, DIVISION 3, COMPLAINT HANDLING POLICY'

Meeting date: 9 June 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. Council code of conduct, Division 3, complaint handling Policy'
Additional information: Nil

SUMMARY

Legislative changes require local governments to adopt a policy to deal with complaints made under division 3 of the recently adopted (model) code of conduct for council members, committee members and candidates.

The code provides that procedures for dealing with complaints under division 3 of the code, may be determined by the local government.

A Council resolution is required to adopt the draft policy 'Council code of conduct Division 3 complaint handling Policy'.

BACKGROUND

At the Ordinary Council Meeting held on 26 May 2021 Council adopted the City's Council Members, Committee Members and Candidates Code of Conduct (Code), incorporating the model code as required by the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code).

Clause 11 of the adopted Code outlines a broad process for dealing with complaints regarding the behaviour of elected members and candidates under Division 3. However, the Code leaves it open for council to determine the most appropriate and effective process for *how* this is undertaken.

A draft complaint handling policy that relates to complaints made under division 3 of the code of conduct has been developed to address this and is attached to this report for consideration by council.

A further report will be presented to council to consider the appointment of a panel of investigators from which the Chief Executive Officer will use the most appropriate member to consider individual complaints received.

The policy outlines a process where all complaints are received by the City's Complaints Officer, are investigated by an independent and legally trained investigator, from the City's appointed panel, who will provide an opportunity for mediation between the parties and then a determination on the outcome of the complaint and a recommendation relating to any further action required, to be considered by council.

The Regulations do not specify a timeframe for the processing of complaints. However, in the interests of procedural fairness, it is considered that all complaints should be dealt with in a timely manner, while also allowing the parties involved an appropriate opportunity to respond to an alleged conduct breach, and this has been considered in the draft policy.

FINANCIAL IMPLICATIONS

Provisions would need to be made in the City's operational budget to appoint any external party or investigator for complaints that are referred to those parties to manage. This could form part of the City's consultancy budget adopted annually.

LEGAL IMPLICATIONS

Local Government (Model Code of Conduct) Regulations 2021 introduced a complaints mechanism for the council of a local government to consider and determine the outcome of certain behavioural complaints relating to its elected members.

CONSULTATION

Consideration given to approaches taken by other local governments as well as advice from WALGA and the DLGSC.

OFFICER COMMENT

The Code provides that procedures in dealing with complaints under the Code, may be determined by the local government to the extent that it is not provided for in the provisions around behaviour. There is currently no complaints process listed in the Code and therefore it is up to Council to determine that process.

In view of this and to ensure transparency in terms of how complaints are to be investigated, a draft 'Council code of conduct Division 3 complaint handling Policy' has been created.

It should be recognised that:

- minor behavioural matters within the code will be dealt with by the City, through the complaint and investigation process detailed in the draft Policy; and
- a breach of a rule of conduct within the Code, is deemed a minor breach which is to be investigated by the Local Government Standards Panel.

In this regard any complaints the City receives and investigates under the Code are only minor in nature with more significant complaints to continue to be investigated by the Local Government Standards Panel.

Any 'Division 3' complaints that are received between adoption of the Code and adoption of this policy will be acknowledged and accepted and the complainant will be advised that the complaint cannot be progressed until a policy is adopted.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2106-5 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council adopt the Council Code of Conduct Division 3 Complaint Handling Policy, provided in attachment 1.

Carried en bloc: 6/0

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

FPOL2106-7 COMMERCIAL EVENTS POLICY REVIEW

Meeting Date:	9 June 2021
Responsible Officer:	Manager Communications & Events
Decision Making Authority:	Council
Attachments:	1. Revised Outdoor Events Policy
Additional information:	1. Current Commercial Events Policy

SUMMARY

City officers have undertaken a review of the Commercial Events Policy as a result of the continued uncertainty surrounding events, and the impact of COVID-19 on the sector.

This report recommends that Council adopt the now revised (and renamed) Outdoor Events Policy, which builds on the proactive approach to the City's management of events, broadens the policy scope, and sets a clear framework to apply fees for events.

BACKGROUND

The current Commercial Events Policy (attached in additional information 1) was adopted by Council on 12 August 2020 on a trial basis, set to be reviewed in August 2022.

The Commercial Events Policy was a new policy developed to bring consistency to Council's approach to approving events, and proposed to establish an Expression of Interest Process to attract and prioritise events that align with Fremantle's Strategic Community Plan objectives, and provide a bold and engaging range of events that deliver maximum benefit and opportunity to residents, businesses and visitors.

Whilst the policy was intended to be in place for a trial period of 24 months, City officers have reviewed the policy to broaden the scope to also include non-commercial events, incorporate a framework for applying venue hire fees, and are requesting that Council approve a further suspension of the Expression of Interest process due to the uncertainty of COVID-19.

It is proposed that the name of the policy be changed to reflect the fact that the policy specifically applies to outdoor events throughout the City on Council-owned land that are run by external operators.

It is intended that the scope of the policy be broadened to include non-commercial and community events which are also approved through the same process.

Since the Commercial Events Policy adoption, the City has hosted 28 low impact events, 33 medium impact events, and three high impact events. There have been no major impact events during this time.

COVID-19 has resulted in the cancellation or reduction of a number of large and major impact events in Fremantle across 2020 and 2021, including Laneway Festival, Falls Festival and Winterworld Fremantle.

The City normally facilitates up to seven large impact events and four major impact events annually.

The significant decrease in large and major events is due to the ongoing restrictions and the risks associated with the impact of snap lockdowns. Snap lockdowns result in last minute and rapid cancellation, or postponement of events.

11 Fremantle events were cancelled across the 2021 February and April snap lock downs.

There has however been an increase in low and medium impact events where event organisers are operating in a more innovative way, reducing crowd capacity numbers and holding more regular events, as opposed to one large or major scale event.

The ongoing COVID restrictions has also meant that event organisers, and City officers are required to be more agile in the way they operate. The City recently facilitated one of the first seated major events in WA in the post-COVID era, *SummerSalt* which brought 7,000 people into Fremantle.

FINANCIAL IMPLICATIONS

There are no specific financial implications as a result of this policy. The implementation of the policy will continue to occur within the operational budget of the City's Communications and Events team.

Fees and charges are set through the annual Council budget process, or as varied by Council resolution. Venue hire fees are calculated in accordance with the relevant event category scale.

There are two types of event fees:

1. **Venue hire:** the fee to hire the venue. Venue hire fees can be adjusted to reflect market climate.

The framework for applying venue hire fees for outdoor events is categorised by:

- type of event (commercial or community)
- type of venue (categorised as Gold, Silver or Bronze)
- event impact (categorised as low, medium, or high impact)
- event activity per day (bump in/out day or event day)

Fees are set through the annual Council budget process, or as varied by Council resolution.

2. **Cost recovery:** fees based on the principles of cost recovery and include permit fees, licence fees and car bay hire fees. These are separate to venue hire fees and are to be paid by the event organiser prior to the event.

Bonds charged for events are:

1. **Ground restoration bond:** an upfront grounds bond ranging between \$500 to \$20,000 depending on the scale and expected impact of event. Additional charges may be incurred post-event depending on the condition of grounds.
2. **Event bond:** an upfront bond ranging between \$500 to \$20,000 subject to the scale of event, and its potential impact on the surrounding environment.

LEGAL IMPLICATIONS

Although not directly involved in this policy, events themselves are required to comply with the Environmental Protection (Noise) Regulations 1997. This entails the approval by the CEO of exemptions to the allowed noise levels for sporting, cultural or entertainment purposes.

Event organisers are required to follow the terms and conditions of hire for use of the City's venues for the purpose of staging the event.

For Large and Major events, approval is further subject to the mutual execution of a contractual agreement between the City and the event organiser.

CONSULTATION

When the policy was first adopted, the principles and broad intent were discussed with representatives of the Fremantle Chamber of Commerce who highlighted the importance of a strategic approach and criteria that reflect Fremantle's brand and experiences.

This report recommends the continued endorsement of a set number of events to be approved at the City's outdoor event venues in lieu of a formal consultation process for the duration of the policy trial.

At the culmination of the trial period, community consultation will be undertaken to gauge public response to the number of events being permitted under the policy.

Post-event data will be compiled during this period and will be used to guide engagement with the community and stakeholders early in the process of adopting formal frequencies and a permanent policy.

This process will help ensure the Fremantle community have confidence in the policy going forward.

OFFICER COMMENT

The key changes to the policy are:

- scope is broadened to include non-commercial events, not just commercial events
- the inclusion of venue categories: Gold, Silver and Bronze. Venues are categorised in the policy depending on their suitability to accommodate

events. Each of these categories are charged at a different rate through the fees and charges. Gold being the highest, and Bronze being the lowest.

These changes are intended to better align the policy with the existing event approval process and the City's fees and charges.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE RECOMMENDATION ITEM FPOL2106-7 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council:

- 1. Adopt the revised Outdoor Events Policy provided in Attachment 1, to replace the Commercial Events Policy until June 2023. Extending the trial for a further 24 months to allow enough time for sufficient data to be collated to adopt a permanent policy at the end of the trial period.**
- 2. Approve a further 12-month suspension of the Expression of Interest process, until June 2022 to respond to the impact of COVID-19.**

Carried en bloc: 6/0

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

FPOL2106-8 SUSTAINABLE EVENTS POLICY REVIEW

Meeting date: 9 June 2021
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments: 1. Sustainable Events Policy
Additional information: 1. FPOL1811-4 Sustainable Events Policy

SUMMARY

This report reviews the Sustainable Events Policy, adopted in 2018, after the completion of a two-year trial. The review discusses issues identified and subsequent recommendations for their resolution. No changes to the policy itself are recommended.

Many of the issues identified prior to adoption of the policy remain unchanged. In addition, hygiene concerns with regards to Covid have made it difficult to relay the message that reusable items are preferred to single-use items. Most shortcomings in the implementation of the policy can be addressed through continued and expanded communication and provision of information, both with internal and external stakeholders; and the provision of additional budget to procure alternatives to plastic products and bike racks for City-run events.

The change of policy context, with the introduction of the State Government's "Plan for Plastics", strengthens the validity of the Sustainable Events Policy, and shows that the City has been advanced in preparing the community and businesses for the changes to come.

BACKGROUND

The Sustainable Events Policy (Attachment 1) was adopted by Council in November 2018, as a comprehensive follow up to the Sustainable Events Guideline and Checklist (2016). The policy was prepared to support the City's commitment to improving the sustainability of events, consistent with its Environmental Responsibility objectives outlined in Strategic Community Plan.

In preparing the policy, some of the challenges with its implementation were flagged, including the need to balance improved sustainability with continued attraction of quality events, governance and resourcing issues, and the additional cost associated with some of the policy requirements. Upon adoption, elected members resolved to review the Sustainable Events Policy at the end of the two-year trial. For more detail on the background to both the Sustainable Events Policy and the Sustainable Events Guideline and Checklist, see Additional Information 1.

The purpose of this report is to present the findings of the review and make recommendations for implementation of the sustainable events policy moving forward.

OFFICER COMMENT

This review considered the benefits and challenges identified upon the adoption of the policy. In addition, the review sought to provide an understanding of how the policy has been received and implemented internally and externally, by those holding both large and small events. Its preparation involved discussions with and survey of internal stakeholders and external caterers and event organisers, as well as desk top research of alternatives.

Key Issues

Key issues identified during the review and recommendations going forward are discussed below.

COVID

The outbreak of Covid-19 in early 2020 significantly impacted the roll out of the policy for the following reasons:

- A number of events were cancelled, rescheduled and / or undertaken in a modified (often smaller scale) format, requiring often quite hurried replanning and cooperation to realise.
- Single-use items were preferred over reusable items (cutlery, plates, cups etc) for hygiene reasons. Many food vendors would not accept BYO coffee cups.
- Financial impacts associated with Covid meant that budget for more sustainable products was not available or prioritised.

The impacts of Covid, particularly financial, are still being felt and Covid outbreaks means that single-use items are often still preferred.

Waste management

The current policy requires that paired waste and recycling bins that are clearly labelled are provided for all city-run and large-scale events approved by the City. No changes to the policy regarding the provision of waste and recycling bins are proposed.

Contamination remains a key issue for resource recovery and waste management, which was highlighted in feedback from event organisers. Clearly labelled bins and community education on waste management should continue to be provided to help alleviate contamination rates.

FOGO bins were introduced for residential properties in 2019, however this is yet to be rolled out to commercial entities meaning that provision of FOGO bins for events is not yet considered feasible. A further factor compounding issues is that bioplastics are not composted through the SMRC's waste collection services (although bamboo cutlery and paper straws, plates and serviettes are). After being placed in the FOGO bin (where available), these products are removed as contamination due to their appearance as almost identical to plastic products. Some external firms for larger events provide a composting service for bioplastics, but at an additional cost. It is unlikely that this issue will be resolved until single-use plastics are phased out State-wide. Note that compostable products are still preferred over single-use plastics due to their lower embodied carbon emissions.

The requirement for Container Deposit Scheme bins at events was also considered, however this is currently not considered necessary for the following reasons:

- Bottles that are placed in recycling bins will be recycled regardless of whether it is a recycling or CDS bin
- Glass is unlikely to be readily used at events and the City is trying to reduce its use of plastic products at events. Although CDS bins also cover metal and cardboard beverage containers, as above these products will still be recycled if placed in a recycling bin.

Recommendations going forward based on the findings include:

- Event organisers to continue to provide paired waste and recycling bins that are clearly labelled.
- To assist with minimising contamination of bins, the City should procure simple waste signs for landfill and recycling bins used for events, that can be borrowed by event organisers. The City is currently investigating this as part of existing budgets.

Single-use plastics

The replacement of single-use plastics with either reusable items or plant based compostable products has proved problematic due to hygiene concerns associated with Covid and financial constraints associated with alternative products. The reality of single use plastic is that it is cheap and plentiful. Alternatives are still more expensive, and budgets must be able to accommodate this increase in cost for implementation of the policy to be successful.

Specific findings for City-run events over the course of the two years included:

- Replacement of cling film and other single use containers by caterers has been inconsistent – regular reminders are necessary but are not always well met due to the risk of spillage with some other methods. In addition, plant-based cling wraps are roughly double the price of plastic cling wrap.
- As expected, there is still a need for procurement of water tanks and reusable cups (or similar) for long-term use at recurring events such as Anzac day. Compostable water bottles have been purchased but come at a higher cost (and as noted above, are not being composted by SMRC services).
- Coffee vans invited to events are required to provide biodegradable cups. People are encouraged to keep a reusable cup handy, but in Covid conditions these are sometimes not accepted.
- Confusion surrounds exactly what plant-based products are suitable and where these products can be sourced.
- All caterers that responded to our survey noted that they had reduced their plastic use 'where possible. One vendor in particular changed their packaging practices as a direct result of engagement with the City and its Sustainable Events Policy. Some difficulties associated with the policy were that some bioplastics were not suitable for heating, the lack of alternatives for water bottles and the increased cost of bioplastics.

Of the six external event organisers that responded to the survey, 100% said they excluded plastic straws from their events and 86% excluded plastic cutlery, plates

and/or food containers and coffee cups. However, only 17% excluded plastic water bottles.

More generally, the context in which the policy operates has shifted since its introduction in 2018. There is now more community awareness of issues associated with plastic waste, and prior to Covid there was a shift in public opinion away from single use plastic. Importantly, the WA State Government adopted its “Plan for Plastics” roadmap in November 2020. From 2021 to 2023, the State Government is phasing out single use plastics including plates, cutlery, stirrers, straws, thick plastic bags, polystyrene food containers and helium balloon releases. From 2024 to 2026 the following plastic items will be phased out: barrier/produce bags; microbeads; polystyrene packaging; cotton buds with plastic shafts and oxo-degradable plastics (plastics designed to break up more rapidly into fragments under certain conditions).

Event organisers will increasingly be required by legislation to cease use of single use plastic. As the State Government phases out the use of single-use plastics, alternative products will become more readily available and cost-affordable. In light of the “Plan for Plastics”, the City’s Sustainable Events Policy has been helpful in preparing staff, event organisers and the community for this coming change.

Recommendations going forward are:

- Procurement of more reusable crockery and cutlery for staff to book out and use at internal events such as workshops, seminars and meetings. Provision of these would send a message to the community that reusable is far preferable to compostable or disposable items. Provision of appropriate storage space for reusable items and a dishwasher for cleaning is being investigated in the new Walyalup Civic Centre.
- For some occasions, non-plastic disposable items remain a more practical option than reusable items. Compostable cups, plates, cutlery and non-plastic water bottles / cartons should be sourced through centralised procurement. This will reduce cost per item, staff time spent on finding appropriate items, and reliance on staff knowledge about appropriate products and where to source them. Provision of storage space is being investigated in the new Walyalup Civic Centre.

Communications

The review found that the overall intention of the policy is understood, and on the whole promoters, vendors, caterers and staff want to abide by its requirements (though interest from non-responders may be lower). Larger external events including Sets on the Beach, Falls Festival and Laneway Festival are already very proactive in this area and continue to make sustainability improvements. This was evident in feedback from event organisers, with 100% of those that responded excluding balloons, plastic straws and polystyrene and Styrofoam food containers from their events, and 83% also excluding cutlery, plates and cups made from plastic, cling wrap and confetti. However, half of the respondents noted that third party suppliers at events could cause issues with adhering to the policy. Feedback indicated that while it was possible to enforce actions of your own organisation and inform suppliers of the policy requirements, it was difficult to dedicate resources to police those suppliers. One event organiser suggested that it would be useful for Council to provide names of local businesses who supply suitable products.

For smaller and internal events, adherence to the policy by vendors/caterers has been inconsistent. Although regular reminders are necessary, many caterers have reduced their plastic use where possible. The message of preferencing reusable containers over compostable and single-use plastics has been difficult to relay, particularly given the impact of Covid and consequent prioritisation of hygiene and cost efficiency.

Knowledge about the details of the policy and best practice for implementation could be improved. This can most effectively be done by updates to the information provided to staff, event organisers and caterers.

Recommendations for improvements include:

- Regular refresher promotions on the COFI newsfeed about how to apply the policy for internal events
- Creation of infographics that clearly detail the requirements for large and small events and information relevant to caterers. The infographics should be sent to event organisers and caterers early on in discussions.
- Adding sustainability requirements to the existing (Environmental Health) application form for small stallholders
- Creation of a short post-event reporting survey to capture feedback from external event organisers on the success or otherwise of sustainability considerations.

Transport

Active transport options are generally well promoted. Maps are provided on the City's website showing the location of the Fremantle bus and train station and the CAT bus routes. Eighty-three percent of the event organisers surveyed said that they promote active transport options. However, for large events (both City-run and approved by the City), event organisers are required to provide adequate bike parking. As highlighted upon adoption of the policy, the majority of our large events are held at either Esplanade Park or Fremantle Oval. The installation of permanent bike racks around these areas would satisfy this requirement and align with recommendations from the City's Bike Plan.

FINANCIAL IMPLICATIONS

Additional costs to better implement the policy for City-run events are outlined below.

- Moderate cost implications (>\$1000 per bike rack) for the installation of more permanent bike parking at major event locations, such as Fremantle Park and the Esplanade.
- Minor costs (<\$1000 per large event) are associated with providing an alternative water source (ie. Hydration trailer) for large events. Costs will continue to form part of operational budgets.
- Minor costs to procure compostable disposable products for internal staff events. Centralised procurement of these products will be cheaper overall for the organisation, and individual teams hosting events.
- Minor costs (<\$500) to purchase 100 each of reusable crockery plates, bowls and cups and metal cutlery.

Refer to the original Sustainable Events Policy report to council in November 2018 (Additional Information 1) for a more detailed breakdown of costs for various plastic-alternative products.

For external events, the event organiser bears the cost of adhering to the policy. One of the largest costs is the purchase of compostable food packaging rather than single-use plastic. Smaller food vendors also lose a means of income when they are unable to sell plastic water bottles (though could consider biodegradable alternatives).

LEGAL IMPLICATIONS

Currently none, however within the next two years there will be legal implications for the use of some types of single use plastic under the State Governments "Plan for Plastics".

CONSULTATION

This review was undertaken with input from internal stakeholders and feedback from caterers and event organisers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2106-8 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council:

- 1. Approve the retention of the Sustainable Events Policy provided in Attachment 1, without modification.**
- 2. Note the findings from the review and the intention to further develop internal protocols and communications to support administration of the policy.**
- 3. Request that allocation of funding be considered for the following items:**
 - a) procurement and storage of re-useable crockery and cutlery for internal events.**
 - b) waste signage to be used at events**
 - c) installation of more permanent public bike racks at Fremantle Oval and Esplanade Park**

Carried en bloc: 6/0

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

FPOL2106-9 FREMANTLE MARKETS REFURBISHMENT WORKS TENDER

Meeting date: 9 June 2021
Responsible officer: Manager Asset Management
Decision making authority: Committee
Attachments: Nil
Additional information: Nil

SUMMARY

In order to progress the negotiations with Fremantle Markets Pty Ltd, officers are seeking authority to progress to advertise the tender for construction works prior to budget approval and to ascertain costs with greater certainty.

This report recommends that Council authorise officer's progress to advertise the tender for the refurbishment works to the Fremantle Markets prior to full budget allocation. The preferred submission will be used as the basis of lease negotiations and will be included for Council consideration as part of any lease extension process.

the tender will be based on the agreed scope of works as previously adopted by council and agreed by the head tenant.

BACKGROUND

The Fremantle Markets is a significant commercial property with the City returning a rent of approximately \$870,000 p.a. and rates of \$215,000 p.a. The rate of return on this asset is approximately 7% based on the current fair value for the property of \$11.9m* (\$8.8m land and \$3.1m building, * source: APV Valuers 20 February, 2017).

The current lease on this property was adopted by Council in 2008 after two business plan advertising processes, one in 2006 and the second in 2007. The current lease was adopted for a term of 18 years and is due to end in March 2026. The current tenant, Fremantle Markets Pty Ltd (FMPL), has been the tenant since 2008.

Recent building audit reviews of the property have identified several areas of risk for the building which require attention. Other items related to improving the operation of the markets have also been identified and included in a staged capital works program.

The review and program have also included a review of the Fremantle Markets Conservation Plan adopted by Council in 2009. Some of the conservation works have been undertaken through previous capital works projects, whilst others have been incorporated in the staged capital works program

At the Ordinary Meeting of Council on 10 June 2020 Council;

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 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.*

FINANCIAL IMPLICATIONS

The pretender estimate for the project is approximately \$2,400,000. The final tendered value will be used in lease negotiations with FMPL.

Officers seek Council approval to tender prior to establishing the project budget; however, any successful tender would only progress once Council have formally approved adequate budget to allow the project to be awarded.

LEGAL IMPLICATIONS

Tenders will be invited in accordance with the requirements of Section 3.57 of the Local Government Act 1995. The tendering procedures and evaluation complied with the requirements of Part 4 of the Local Government (Functions and General) Regulations 1996.

CONSULTATION

Nil

OFFICER COMMENT

Since the June 2020 Council item, the City has engaged Griffiths Architects to complete the design the refurbishment works. The design package is 90% complete with the final scope of the works included consisting of:

- Replacement roof structure over the Yard
- Renewal of electrical and hydraulic services
- New reticulated gas and mechanical services
- Stall refurbishments

- Addition of new stalls
- Addition of a universal access toilet
- Improved fire safety

The City and FMPL have worked together, with Griffiths Architects, to refine the design and agree the final scope of works.

FMPL have provided confirmation that the scope of works in the design package includes the requirements for them to negotiate a lease extension.

City officers are comfortable that the high priority works have been included in the scope of the design package.

In order to fairly negotiate an extension to the lease, the City and FMPL require an accurate cost of works that will be confirmed when tested through an open tender. Given the current volatility in the construction market and complex nature of this project, it would be prudent for both parties, for the final lease negotiation to be based on a tendered price rather than a pre-tender estimate.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2106-9 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

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.

Carried en bloc: 6/0

**Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Andrew Sullivan,
Cr Bryn Jones, Cr Adin Lang, Cr Sam Wainwright**

FPOL2106-1 SWAN RIVER CROSSING ALIGNMENT

Meeting date: 9 June 2021
Responsible officer: Manager City Design and Projects
Decision making authority: Council
Attachments: 1. 4 Options by Swan River Crossing Alliance
Additional information: Nil

SUMMARY

This report presents analysis of the four bridge alignment options that have been subject to recent community engagement, managed by the Swan River Crossing Alliance (SRCA), on behalf of the State Government. Each option has been reviewed in light of the previous Council resolution in June 2020. It is noted that prior to the Alliance being formed, there was only one alignment option being proposed by Main Roads Western Australia (MRWA).

The report concludes that option 1 appears to be best of the four options to be progressed in more detail. Option 4 has some appeal in terms of potential design opportunities and project timing, however, it comes with significant challenges that would need resolution before it could be supported as a viable option. Options 2 and 3 have been assessed as having little merit and the recommendation is that they are not progressed any further.

BACKGROUND

Between 11 May 2021 and 1 June 2021, the SRCA team consulted with the community through various forums, surveys and online discussion. The focus was to gain feedback from the community to assist with arriving at a preferred bridge alignment. Information that was provided to the community looked at the key aspects of each option and did not include any analysis regarding long-term planning and transport scenarios for the North Fremantle peninsula. The narrative that framed the discussion on the four options was consistently around the need to replace the existing traffic bridge, and to improve the capacity / facilities for rail, cycling and pedestrians.

At its meeting on **24th June 2021**, the council passed the following resolutions:

1. Welcomes the Federal and State funding commitment of \$230m for the Swan River Crossing project, a project that will see major infrastructure delivered that will have an asset life in excess of 100 years;
2. Adopts the following principles to assist with the City's analysis and feedback to Government as the project unfolds and develops:
 - a. PLANNING – That the State Government provides clarity around how this project supports the long-term strategic planning scenarios for the region and how transport planning is fully integrated within this, and specifically how options will address:

- the recommendations of the Westport Taskforce in relation to the future of the Inner Harbour of Fremantle Port;
 - land use, traffic, freight and passenger rail planning options for the areas on the north and south of the proposed new crossing;
- b. ALIGNMENT & CONNECTIONS – That the new bridge alignment(s) are optimised in terms of:
- long-term planning scenarios;
 - uninterrupted flow / connectivity of the state's Principle Shared Path (PSP) to Fremantle and North Fremantle Rail Stations.
 - low-speed cycling and pedestrian connectivity and amenity;
 - cultural heritage and place-making, in particular, impact on Fremantle Traffic Bridge.
- c. DESIGN – That the Swan River Crossing demonstrates excellence in design – delivering infrastructure through a multi-discipline design process that celebrates contemporary bridge design and creates a memorable gateway experience and a place for people.
- d. HERITAGE – That a significant portion of the Fremantle Traffic Bridge is preserved at both ends – especially on the southern end – and adapted in a manner that:
- retains pedestrian and cycling functions on its top deck;
 - retains a section over Beach Street, including its abutment and architectural embellishments;
 - is activated, connected and generates a destination for people on the foreshore;
 - remains an asset of the State Government.
- e. CULTURE – That the Aboriginal significance of this river crossing / location is clearly understood, respected and interpreted in the design and deliverables. This could be a major component of the % for Art program associated with this project.
- f. PUBLIC REALM & PLACE – That all public realm either created or modified by this project is safe, attractive, connected and inviting – with the potential to be extended and further connected with future riverside enhancements and developments – specifically:
- that increased curtilage is created in front of the Naval Stores building on Canning Highway to assist with activating this building and connection to foreshore
 - *That the character of the North Fremantle Townsite is protected and extended towards the river, and in particular that no additional traffic is planned through this historic local centre.*
3. Requests that MRWA commence community engagement as soon as possible, and that this engagement process includes a full and transparent evaluation of design options and bridge alignments that respond to the principles noted above *and that at least two distinctly different alignment*

options with a transparent, holistic explanation of the pros and cons of each option be presented in full for community and Council consideration;

4. Determines a final position on the various aspects of the Swan River Crossing in light of the comments and results that arise during the community engagement process.

FINANCIAL IMPLICATIONS

No financial implications to this report.

LEGAL IMPLICATIONS

No legal implications to this report.

CONSULTATION

As a State Government project, the newly formed SRCA team has conducted the recent community consultation on bridge alignment. Information regarding the project and the various consultation processes and results are updated on the Main Roads website at:

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

On an informal basis, senior staff and elected members have been involved in a range of project meetings and community forums to debate the wide range of issues associated with this complex project.

The City has actively promoted State Government engagement forums to the community to encourage Fremantle citizens to have their say on the Swan River Crossing project.

OFFICER COMMENT

Refer to **Attachment 1** for a copy of the document used by the SRCA in recent community engagement, illustrating the four bridge alignment options.

As a result of the feedback to a single alignment option by MRWA in the second half of 2020, it is encouraging to see Government supporting the Alliance in exploring four different alignment options. This is a welcomed and positive response to the Council resolution in June 2020.

The pros and cons of each of the four alignment options, in terms of community benefits, are discussed below. This analysis has been undertaken based on the following assumptions:

- The existing Fremantle Traffic Bridge cannot be retained in full and is essentially at the end of its asset life in terms of carrying traffic.
- The project is essentially an infrastructure replacement exercise and its scope is limited to approximately the location of the existing road and rail reserves.

- Other critical elements of the project, e.g., connectivity and alignment of cycling infrastructure, are not the subject of this current engagement exercise and will be looked at in more detail once the basic alignment of the new bridge is fixed.
- Construction is scheduled to commence in 2022.

Option 1 (West of Existing, 2 New Rail)

- PROS:** New infrastructure and traffic impact furthest away from existing residents on north bank.
Optimises space east of bridges for place-making and public realm improvements.
Enables retention of a portion of heritage bridge to be integrated with foreshore and public realm improvements, east of crossings.
Two new rail tracks provide long-term continuity of service for passenger trains and allow greater capacity for freight in short/medium term.
Potential to investigate changing the 'T' intersection at Canning/Queen Victoria Streets to put priority movement along Queen Victoria St.
May also increase the possibilities of gaining additional space in front of Naval Stores building.
- CONS:** Being the most complex option to construct, the works will take the longest to deliver. (Estimate completion in late 2025.)
The heritage listed capstan base would be impacted and would need relocation or re-interpreted.
- SUMMARY:** Considered to be the preferred option out of the four and aligns most closely with previous feedback from the City to MRWA around optimising the heritage, public realm and place-making opportunities as well as keeping the overall impact of new infrastructure as far west as practicable.

Option 2 (West of Existing, 1 New Rail)

- PROS:** ***Similar to Option 1, and:***
Slightly less complex to construct than Option 1 - may bring about a community benefit re timing of works or minor improvements to place-making opportunities – although this has not been identified by SRCA.
- CONS:** ***Similar to Option 1, and:***
This option only proposes one new rail track that means that northbound trains would need to use existing bridge (shared with freight). When the existing rail bridge needs replacement, significant disruption to passenger services are probable.
- SUMMARY:** Demonstrates no clear community benefits over and above option 1 but will likely result in major disruption to rail services in the future when the existing rail bridge needs replacing.

Option 3 (East of Existing, 2 New Rail)

- PROS:** Enables retention of a portion of heritage bridge.
Two new rail tracks provide long-term continuity of service for passenger trains and allow greater capacity for freight in short/medium term.
Construction timing is an improvement to Options 1 and 2, estimated for completion in late 2024.
- CONS:** Although part of the heritage bridge can be retained, it is located between the bridges thereby limiting its ability to be accessed and integrated with improvements to the foreshore and the public realm.
The proposed new traffic bridge moves closer to existing residents that has the potential to negatively impact on their amenity.
Provides no opportunity to investigate changing the 'T' intersection of Canning/Queen Victoria Streets to put the priority movement along Queen Victoria Street.
The overall footprint of new infrastructure would widen and necessitate the loss of public open space on the east side.
- SUMMARY:** Assessed with having little merit. It is a complex solution driven by retaining part of the old Traffic Bridge structure 'locked' between two new bridges, and moves new infrastructure and traffic impacts further east towards existing residents.

Option 4 (Full Demolition/Same Alignment, 2 New Rail)

- PROS:** Construction time reduced by 12 months (estimated to be completed in 2024).
Potential to 'open up' bridge design thinking, as major design constraints (existing bridge and constructing with traffic still flowing) have been removed.
Depending on final location of new bridge, it has the opportunity to:
- locate traffic impact away from existing residents on north bank;
 - optimise space east of bridges for place-making;
 - investigate changing the 'T' intersection at Canning/Queen Victoria Streets to put priority movement along Queen Victoria St and gain additional space in front of Naval Stores building.
- Two new rail tracks provide long-term continuity of service for passenger trains and allow greater capacity for freight in short/medium term.
- CONS:** No ability to retain a portion of the heritage bridge structure.
Traffic congestion associated with access to/from Stirling Highway during the works – this has the potential to be significant as the priority movement will be to keep the north-south traffic on Stirling Highway flowing. This will require temporary removal/restrictions to various turns on/off Stirling Highway, especially at the intersection with Canning Highway. As a result, significant diversions and redistribution of traffic will be required.

Potential negative economic impact to local businesses on Queen Victoria Street (north and south of river) as a result of a significant drop in passing vehicle numbers.

SUMMARY: Has the potential to reduce the construction time by 12 months and open up possibilities for greater flexibility in bridge design, however, it has significant risks and challenges. Before this option gains City of Fremantle support, the City will need evidence that the following matters are fully addressed:

- That the State Government resolves the fact that the existing traffic bridge structure is listed on the State Heritage Register and that its full demolition is acceptable.
- Traffic redistribution and local diversions during construction will be managed to tolerable levels of congestion – as indicated by transparent modelling and education on travel behaviour change shared with the community through consultation.
- Businesses along Queen Victoria Street (on both sides of the river) agree to the proposed traffic management plans – noting that there is likely to be a significant reduction in passing traffic during the construction phase.
- The financial gains achieved with this quicker and simpler option are significant and measurable and will fund a noticeably better bridge design and improved place-making outcomes for the community.

Unresolved Matters

There are several planning and design matters associated with this project that the City has previously raised for more discussion. These are summarised as:

- Long-term strategic planning and transport scenarios for the North Fremantle Peninsula, in light of Government's preferred option to relocate the container port.
- Separating the primary route for fast moving commuter cyclists from slower, recreational bike riders and pedestrians.
- How the primary cycling will connect to Beach Street/Fremantle Railway Station (in accordance with the City Bike Plan and State metropolitan cycle planning).
- Investigating changing the 'T' intersection of Canning/Queen Victoria Street to prioritise the movement along Queen Victoria Street.
- Achieving improved public space in front of the Naval Stores building, by re-aligning the roads / intersection.
- How the project will integrate urban design, cultural interpretation and public art to create a great place on and around the bridge including the adjacent foreshore at both ends.
- Ensuring that the new road / traffic bridge design aligns with the local street design, traffic speeds and character, and does not 'mirror' the high-speed high-capacity design character of Stirling Bridge.

- How the project intends to deal with State Government Heritage Listings of the existing traffic bridge and concrete plinth of the former capstan.

It is understood that most of the above issues will be looked at by the SRCA in the next stage of design development once an alignment is fixed. However, it is important to note that the first point – about long-term planning and transport scenarios – is out of scope for the project team. The over-arching narrative with the Swan River Crossing is that it is an infrastructure replacement project with added improvements, capacity and connectivity for rail, cycling and pedestrian movements. Essentially, these broader strategic matters will need to be raised with Government through other avenues.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. **Provides the following summarised feedback to the Swan River Crossing Alliance on each of the four alignment options:**
 - a. **OPTION 1 - is considered to be the preferred option out of the four and aligns most closely with previous feedback from the City to MRWA around optimising the heritage, public realm and place-making opportunities as well as keeping the overall impact of new infrastructure as far west as practicable.**
 - b. **OPTION 2 - demonstrates no clear community benefits over and above option 1 but will likely result in major disruption to rail services in the future when the existing rail bridge needs replacing.**
 - c. **OPTION 3 - assessed with having little merit. It is a complex solution driven by retaining part of the old Traffic Bridge structure 'locked' between two new bridges, and moves new infrastructure and traffic impacts further east towards existing residents.**
 - d. **OPTION 4 - has some merit, having the potential to reduce the construction time by 12 months and open up possibilities for greater flexibility in bridge design. Before this option gains City of Fremantle support, the City will need evidence that the following matters are fully addressed:**
 - **That the State Government resolves the fact that the existing traffic bridge structure is listed on the State Heritage Register and that its full demolition is acceptable.**

- Traffic redistribution and local diversions during construction will be managed to tolerable levels of congestion – as indicated by transparent traffic modelling and education on travel behaviour change shared with the community through consultation.
 - Businesses along Queen Victoria Street (on both sides of the river) agree to the proposed traffic management plans – noting that there is likely to be a significant reduction in passing traffic during the construction phase.
 - The financial gains achieved with this quicker and simpler option are significant and measurable and will fund a noticeably better bridge design and improved place-making outcomes for the community.
2. Re-confirms that the 6 Principles adopted by Council on 24th June 2020 still remain applicable, and should guide the next phase of project design and expresses its desire to continue working with the State Government and its Alliance team on the Swan River Crossing project to achieve the best possible outcomes for the community.
 3. Writes to the Hon. Rita Saffioti MLA, Minister for Transport, Planning and Ports to:
 - Thank the Government for re-opening the discussion with the community regarding multiple bridge alignment options;
 - Seek assurances that the City of Fremantle will receive early engagement from the Government regarding integrated longer-term planning for the North Fremantle peninsula, from economic, land use, place and transport perspectives.

AMENDMENT 1

Moved: Cr Jenny Archibald Seconded: Cr Hannah Fitzhardinge

Minor amendment to include the following dot point to part 3 of the officer's recommendation:

- *The City welcomes the opportunity to continue to be involved in the design development process;*

Amendment carried: 6/0
Cr Hannah Fitzhardinge, Cr Doug Thompson, Cr Adin Lang,
Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan

PROCEDURAL MOTION

The following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Andrew Sullivan Seconded: Cr Doug Thompson

The item be referred to the next Ordinary Meeting of Council to consider additional changes to the recommendation foreshadowed at committee.

Carried: 6/0

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

FPOL2106-2 HIGH STREET UPGRADE – RENAMING OF NEW LOCAL ROADS

Meeting date: 9 June 2021
Responsible officer: Manager Infrastructure Engineering
Decision making authority: Committee
Agenda attachments: Nil
Additional information: Nil

SUMMARY

As part of the Main Roads Western Australia High Street upgrade, High Street is being partially realigned and will create two new local one-way residential roads (formally affronting High Street) that, through the installation of a new noise wall, will be separated from the northern side of High Street as shown in figure 1 below.

The City of Fremantle has received a request from Main Roads Western Australia to rename the two new local roads.

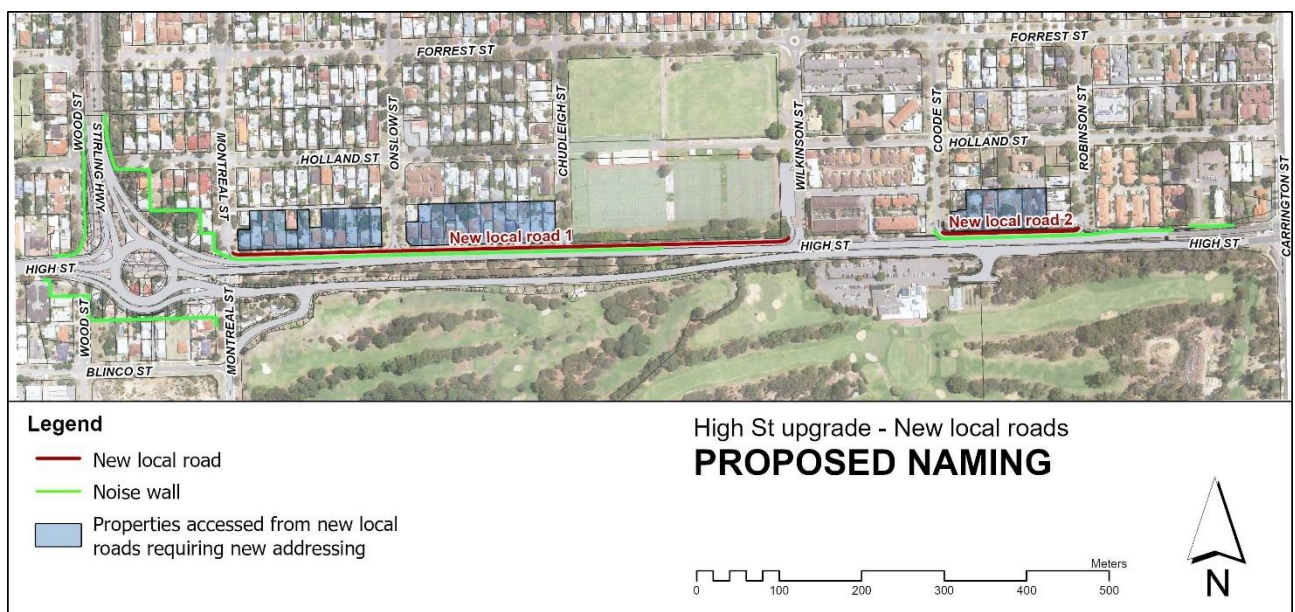


Figure 1 - shows the location of both the new local roads where new public road names are required

Currently the location of the local roads form part of High Street and require re-naming with two new names for street addressing purposes.

The two new local roads will be located between;

- Montreal Street to Wilkinson Street (local road 1 – 28 x properties);
- Coode Street to Robinson Street, (local road 2 – 9 x properties)

This report highlights a selection of options (through officer lead research) for new road names that have passed the preliminary validation test with Landgate.

Based on feedback from the local residents impacted, this report recommends that subject to approval from the Geographic Names Committee (GNC), Council approve the following road names:

- a. **Terrazzo Close (new local road 1)**
- b. **Pulford Lane (new local road 2)**
- c. **Scolaro Lane (back-up name for both new local roads 1 and 2).**

Recognising the City's adopted actions within the Walyalup Reconciliation Action Plan 2019-22, this report also recommends officers consult with the South West Aboriginal Land and Sea Council (SWALSC) in order to develop an approved reserve list of indigenous road names.

BACKGROUND

As part of the High Street upgrade the re-naming of a portion of High Street, Fremantle is required to accommodate the creation of two new local roads for street addressing purposes. The local roads will be located on the northern side of the noise wall which separates the residents from the main upgraded portion of High Street and traffic noise disturbance.

Australian Standards (AS/NZS4819-2011: Rural and urban addressing) and Landgate's policies and procedures require that properties must be addressed from the street which they front onto. On 01 July 2020 - Landgate (Names and Address Senior Geospatial Officer) confirmed that:

"Landgate would expect council to address the properties from their access point. As there will be a noise wall along High Street preventing access and visibility of the houses, High Street would not be suitable. The access to the houses will be the local roads so it would be appropriate to name them to apply new addresses."

This will affect the properties shown in blue on the plan included in the Summary, above. It is recognised that this will cause short-term inconvenience to owners and occupants. However, addressing these properties to the new local road names will make it easier for owners/residents, the public, authorities, mail/general deliveries and general/emergency services to find and identify properties for the long-term future. Incorrect addressing causes ongoing inconvenience and can seriously delay emergency response times.

On 12 May 2021, officers recommended Council approve Scolaro Lane as the new name for road 1 and Terrazzo Close as the new name for road 2 (See FPOL2105-6).

FPOL2105-6 was deferred by Council to give officers the opportunity to consult with the effected local residents before bringing back to the next appropriate Finance Policy Operations and Legislation Committee.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Landgate is responsible for road naming and is guided by the Geographic Names Committee (GNC). The GNC provides the Policies and Standards in relation to the naming of roads, features, townsites and places in Western Australia.

The following publications are referred to by the GNC when assessing road naming and street addressing compliance;

- The Geographic Names Committee – Policies and Standards for Geographical Naming in Western Australian (released on 01/01/2013).
- The Australian/New Zealand Standard Rural and Urban Addressing standard (AS/NZS 4819:2011 (3rd edition released in 2011)).

Officers have reviewed the naming categories and discussed naming options that may potentially be suitable for this location. The preferred options are included in the categorised table below – it is acknowledged that these are predominately people/family names.

When a personal name is proposed, the GNC Guidelines require that permission of the immediate family and community support must be obtained in accordance with Clause 1.4.2 of the Australian/New Zealand Standard Rural and Urban Addressing standard (AS/NZS 4819:2011 headed “Use of Personal Names” as stated below:

“Clause 1.4.2 Use of personal names.

Landgate will not accept a commemorative naming proposal of a person whilst they are still alive for a road or locality.

Requests to approve names that commemorate, or that may be construed to commemorate, living persons will also not be accepted.

The approval of a name to commemorate an individual will only be considered;

- Posthumously
- Permission of the immediate family must be obtained. Where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out
- based on a demonstrated record of achievement
- Having had a direct and long-term association with the location and made a significant contribution to the area
- The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located
- Such application is in the public interest
- There is evidence of broad community support for the proposal.

The following will not be considered as appropriate grounds for a commemorative naming request:

- Current or past ownership of the land is not considered sufficient grounds
- Precedence of existing names
- Past or ongoing public service within all levels of government
- Names will not be supported after a person who has sponsored the development of the area or was a commercial developer.”

CONSULTATION

The use of Aboriginal names for the purpose of road naming requires the approval of the Whadjuk Working Party (WWP) of the South West Aboriginal Land and Sea Council (SWALSC).

Community support is required when a road name is in honour of a person together with the consent of the family of that person in accordance with clause 1.4.2 of the Australian/New Zealand Standard Rural and Urban Addressing standard.

On Friday 21 May 2021, a survey was issued to the residents of the 37 properties on High Street. An additional 10 surveys were also issued to non-resident property owners.

The survey requested residents/owners to rank their preferred road name (1 to 7) from the following list of road names;

1. Pulford Lane
2. Rudeforth Close
3. Scolaro Lane
4. Terrazzo Close
5. Wragg Lane
6. Turpie Lane
7. Spately Close

The survey was open until Sunday 30 May 2021 and of the 47 surveys that were issued, the City received ranked responses from 27 of them.

Of the 18 responses received for road 1, the results were as follows (Terrazzo Close ranked highest with Scolaro Lane ranking second highest);

Road 1

Overall rank	Name	Number of 1st choice	Number of 2nd choice	Total score (low = high preference)
1st	Terrazzo Close	6	6	47
2nd	Scolaro Lane	5	3	55
3rd	Pulford Lane	2	4	61
4th	Turpie Lane	1	3	79
5th	Rudeforth Close	0	0	80
6th	Wragg Lane	4	1	90
7th	Spately Close	0	1	92

Some of the comments received from residents/owners about Terrazzo Close were as follows;

“I love the idea of terrazzo as the tiles are in Fremantle.”

“As we will have a large area of our lane with the terrazzo artwork and all the sound walls are based off of the tiles I feel terrazzo is the nicest fit for our new road name as it encompasses the whole design of the sound walls art and also sounds lovely as a street name.”

Of the 9 responses received for road 2, the results were as follows (Pulford Lane ranked highest with Scolaro Lane ranking second highest);

Road 2

Overall rank	Name	Number of 1st choice	Number of 2nd choice	Total score (low = high preference)
1st	Pulford Lane	3	5	19
2nd	Scolaro Lane	3	2	26
3rd	Turpie Lane	2	0	38
4th	Terrazzo Close	0	3	38
5th	Rudeforth Close	1	0	47
6th	Spratly Close	1	0	56
7th	Wragg Lane	0	0	56

Some of the comments received from residents/owners about Pulford Lane were as follows;

“Ease of saying.”

“Pulford Lane sounds nicer.”

“Local involvement.”

During the period of engagement, there were also two residents/owners who requested that High Street retain its existing road name.

City officers explained that because their roads would no-longer be connected to High Street, it was the preference to re-name these streets to avoid future confusion, particularly for emergency services. One of these residents/owners still partook in the survey and their results are included above. The other resident/owner declined to vote.

OFFICER COMMENT

The last six new road names in the City of Fremantle are as follows:

	Date	Road Name	Applied to	Registered details – CoF
1	16/02/2021	Richard Lane	Laneway at 3-11 Holdsworth Street, Fremantle	Motion to Council FPOL2008-11 on 26/08/2020
2	25/07/2019	Podger Lane	Re-name a portion of Swan Street, North Fremantle for street addressing purposes	Proposed Name - FPOL1907-4 supported under delegated authority on 10/07/2019
3	09/10/2019	Friend Street	New private road name for Lot 1819 Montreal Street, Fremantle	Proposed Name - FPOL1910-3 supported under delegated authority on 09/10/2019
4	21/08/2017	Siska Lane	Accessway + CP - 80 Stirling Hwy Lot 5 on SP60487 & on SP51329 - Fmr Rose Hotel 74-74A Stirling Hwy. Nth Fremantle	Proposed Name - FPOL1707-6 Council Meeting 12/07/2017
5	06/02/2015	Karak Lane	Subdivision of Lot 2089 Nos. 101-133 Stevens Street, WGV (former Kim Beazley School Site)	Proposed name - PSC1411-178 Council Meeting 26/11/2014
6	11/06/2014	Doolya Road	Re-name a portion of Holmes Place, Hilton for street addressing purposes	Proposed name - PSC1403-45 Council Meeting 28/05/2014

All proposed new road names must pass a Landgate GNC preliminary validation test prior to being considered by the GNC. The test checks for duplications and similar sounding names within a 10 km radius of the subject road. The Prefix to the name is selected in accordance with the GNC Guidelines.

The definitions of the selected open-ended road name suffixes are listed below and comply with the GNC Guidelines. The selection of an appropriate road suffix is selected with consideration to the ease of speech being one of the GNC requirements.

- **Road** - Open way or public passage primarily for vehicles.
- **Street** - Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.
- **Lane** - Narrow way between walls, buildings or a narrow country or city roadway.
- **Close** - short enclosed roadway.

Below is the list of public road name options (by category) that officers have researched as potential contenders for the new local roads (formally High Street) and these were the road names that were included in the recent engagement with residents/owners.

These have all recently passed the preliminary approval from the GNC.

Category 1 (Indigenous)

Note: Officers have not consulted with SWALSC on potential options.

Category 2 (Historical Fremantle Women)

Option 2.1 - Pulford Lane

Fanny Pulford (1862 - not known), was the assistant teacher at Perth Girls School in 1861. She moved to Fremantle and occupied the former Rose and Crown Hotel on the corner of High and Queen Streets as a Girls School in 1867. In December 1867 the Fremantle Herald provided a very positive article regarding a visit and examination of the school by respected members of the community including the resident Magistrate. Mrs Pulford was complimented on her management, teaching skills and attendance records of the children. In 1872 Mrs Pulford was the Headmistress of the Fremantle Girls School with an average daily attendance of 68 - noted as the first Government school in Fremantle.

Option 2.2 – Rudeforth Close

Fanny Rose Rudeforth (1885 - 1982), was better known as Sister Alice, devoted her life to helping the sick and disadvantaged. With her sister, Elsie, she took over the Methodist church in Gingin when the minister was called to the war in 1916. She joined the Fremantle Methodist Mission in 1923 working as a Sister of the People. Thirteen years later she set up her own non-denominational mission, visiting women working in brothels, prisoners at Fremantle, patients in hospital and aged homes including people she described as “the sad people on the river at Green Place”. She was made a Member of the order of the British Empire (MBE) in 1952 for social welfare service in Western Australia.

Category 3 (Artwork)

Option 3.1 - Scolaro Lane

The name Scolaro is proposed to acknowledge and honour Giuseppe Scolaro who immigrated to Fremantle with his family from Capo d'Orlando, Italy, in 1949. Mr Scolaro created the Terrazzo floor tile designs seen in early Fremantle heritage floors. He established The Universal Terrazzo Tile Factory in Blinco Street, Fremantle. After Giuseppe Scolaro passed away on the 6 December 1965 aged 51, his wife Anne Scolaro carried on the family business.

The noise wall and retaining wall artwork is designed to celebrate the Terrazzo heritage and would form a connection with the proposed new road name.

Option 3.2 - Terrazzo (tuh-raz-oh) Close

Makes a connection with the Scolaro family and the Terrazzo tiles created by Giuseppe Scolaro forming the basis of the Terrazzo floor heritage in Fremantle.

Category 4 (War Service - Fremantle)

Option 4.1 – Wragg Lane

Albert Wragg was born in Fremantle and lived much of his life in the area. When the First World War broke out Albert was working as a miner but came back to his family home in John Street North Fremantle before enlisting. He served with the 11th Battalion AIF and fought with them in Gallipoli and France. Albert Wragg was killed in action on the 6 April 1917. He is buried near the small village of Morchies in France.

Option 4.2 – Turpie Lane

Flight Sergeant Eric Dudley Turpie of 467 Squadron was born at Fremantle in September 1923. He was the son of David and Marion Turpie, and had a sister, Joann. He attended school at White Gum Valley and Fremantle Boys' School. On leaving school, he was employed as a clerk at Fremantle Cold Storage in Beach Street and in his leisure time he liked to play cricket and football. Eric furthered his education by studying practical and maritime bookkeeping which he passed in July 1940. He enlisted in Perth in November 1941 just after he turned 18 and did his initial training at Victor Harbour in South Australia. He went to Point Cook and later to Ballarat training as a wireless operator air gunner, where he obtained his air gunner badge and was promoted to Sergeant in October 1942. Eric sailed from Melbourne in January 1943 and arrived in the United Kingdom in March. After further training he was promoted to Flight Sergeant in December 1943 and then posted to 467 Squadron in January 1944. Flight Sergeant Eric Dudley Turpie, service number 415595 of 467 Squadron, was killed in action on 26 February 1944 at Deufringen while flying in Avro Lancaster LL756 on a bombing raid over Germany. He was 20 years of age. Biography ref: Government of Western Australia Botanic Gardens & Parks Authority - <https://www.bgpa.wa.gov.au/honour-avenues-plaques/1155-fsgt-eric-turpie>

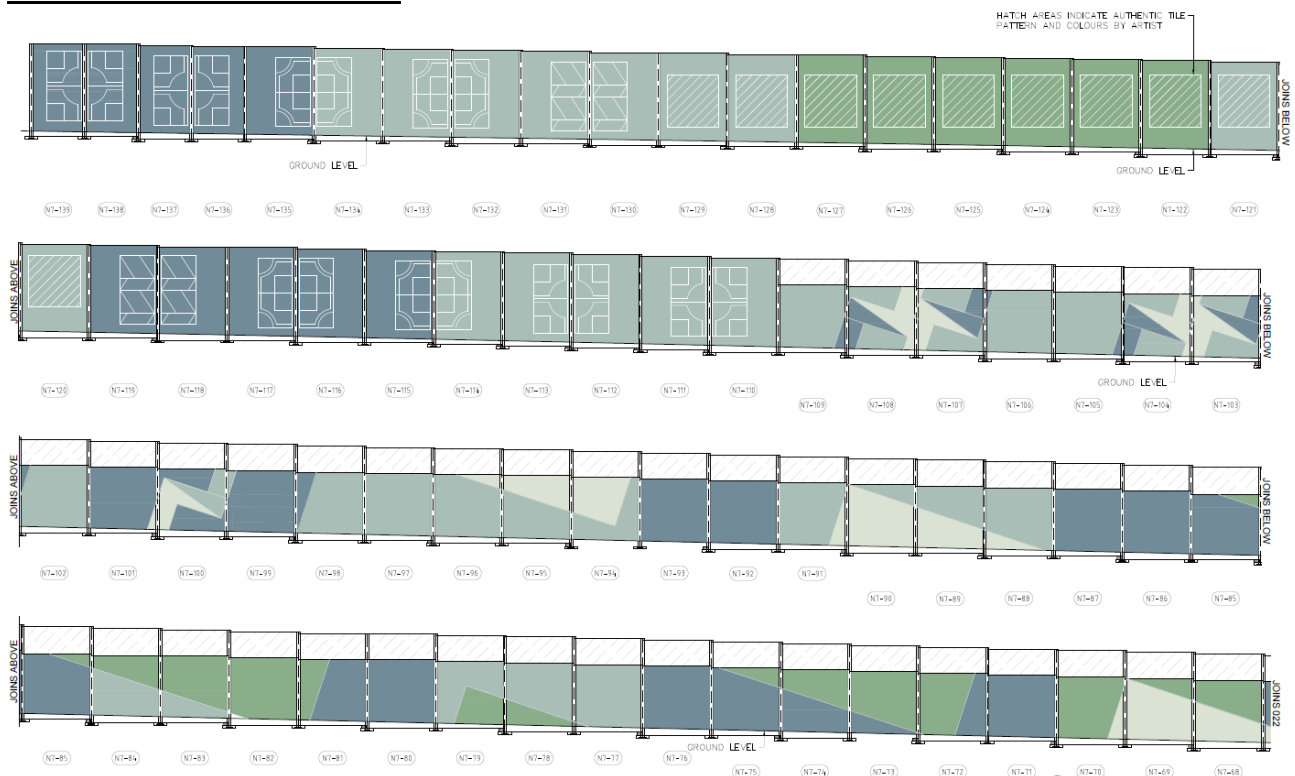
Option 4.3 – Sprately Close

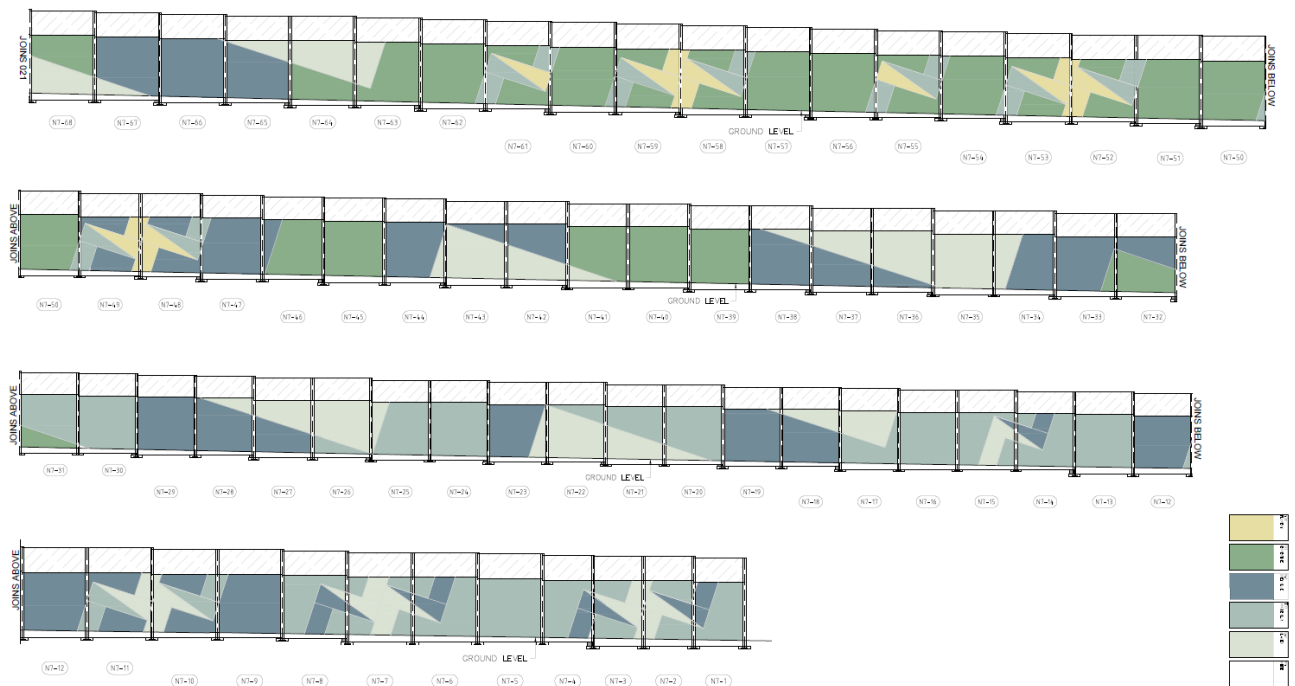
John Charles Spratley was born in Wokingham England and spent much of his early life in England before settling down in Fremantle with his wife. He served in the Boer War and when he enlisted into the Australian Imperial Force (AIF) in World War 1 he was working as a Bicycle Tyre Builder. At the time he was living at 29 Queen Victoria Street Fremantle. When he enlisted into the AIF he was assigned to the 11th Battalion and he embarked with them for service overseas. Charles Spratley died in Egypt on the 29th March 1915 after a short illness. He was the first Fremantle person to die on active serve with the AIF during the First World War.

Project Context

Through an expressions of interest process to local Fremantle artists, three preferred artwork concepts were selected by MRWA's Arts Coordinator and following a series of community drop-in sessions and resident reference group meetings, a Public Art Selection Committee (including officers from the City of Fremantle) met on 26 May 2020 and selected the Terrazzo design produced by local Fremantle artist 'Penny Bovell' as the preferred artwork to be incorporated in the project (example of the noise wall artwork below).

View from new local road 1:





Following the artwork selection, the local Fremantle artist and project manager have teamed up to produce an art installation and community exhibition that explores Terrazzo during this year's Fremantle Festival: 10 Nights in Port. Part of their research for this project included a community call-out to find houses with the original Universal Tile Factory tiling. The community response to date has been fantastic and has included more than 50 Fremantle property owners who have actively engaged and offered their Terrazzo floor tile designs be included in the community exhibition.

The positive community response to the Scolaro family's Terrazzo artwork demonstrates that the recommendation to endorse the use of 'Terrazzo Close' as preferred name for the new High Street local road 1 (and Scolaro Lane as back-up name for both new local roads 1 and 2) supports the cultural significance of the Terrazzo artwork and will further enhance the artistic diversity in Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE DECISION ITEM FPOL2106-2
(Officer's recommendation)

Moved: Cr Doug Thompson

Seconded: Cr Hannah Fitzhardinge

Council:

- 1. Endorse the re-naming of a portion of High Street with public road names to be applied to the new local roads as shown in Figure 1 (below):**



Figure 1 - shows the location of both the new local roads where new public road names are required

- 2. Approve the following road names, to be submitted to the Geographic Names Committee (GNC) for formal approval and adoption:**
 - a. Terrazzo Close (new local road 1);
 - b. Pulford Lane (new local road 2); and
 - c. Scolaro Lane (back-up name for both new local roads 1 and 2).
- 3. Acknowledge the City's adopted actions within the Walyalup Reconciliation Action Plan 2019-22 and request officers consult with the South West Aboriginal Land and Sea Council (SWALSC), in order to develop an approved reserve list of indigenous road names.**

Carried: 6/0

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

FPOL2106-6 BUDGET AMENDMENTS - MAY 2021

Meeting date: 9 June 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2020/2021 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2020/21 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2020/2021 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the July or president in an emergency.

Where expenditure has been incurred;

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

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments to budget account numbers to the adopted budget for 2020/2021 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	Savings from the base operating fuel budget are being used to fund the purchase of two (2) energy efficient vehicles (scooters) for use as part of the fleet.					
Capex	300141.1608	P-11328 Purchase-Plant and Equipment	-	-	(10,452)	10,452
Opex	100345.6863	Maintain heavy vehicles – allocated	170,000		10,452	159,548
1.2	<p>In August 2020, the Library and Community Development were successful in obtaining grant funding via the Be Connected Program, which is aimed at supporting people to build and develop their digital skills. This was in line with item 1.4 of the City of Fremantle's Community Recovery Plan, <i>Explore ways to reduce the digital divide for those at risk of isolation and unable to access online services</i>. Council also approved a budget amendment increase of \$10,000 to the Lifelong Learning programming and activities budget to address the digital divide.</p> <p>This program has progressed, however, delays have been experienced during lockdowns and due to capacity restrictions, community reticence to attend in person programs and delivery delays of IT equipment. The Be Connected grant funding has been extended from 30 June 2021 to 31 December 2021 and a request submitted seeking approval for remaining project funds to be rolled over into next financial year.</p>					
Exp	100482.6868	Operate Library Fremantle	(40,000)		10,000	(30,000)
Exp	200491.6868	P-11954 Event - Building Digital Skills			(10,000)	(10,000)
1.3	Savings from the operation of the Fremantle Arts Centre are being used to fund the purchase of artwork that aligns with the City of Fremantle's WRAP to build stronger relationships with the Aboriginal community. The artwork is to be donated to the Public Art Collection of the Fremantle Arts Centre.					
Exp	100406.6823	Operate Fremantle arts centre	43,000		23,000	20,000
Exp	100415.6822	Coordinate arts centre exhibitions	66,500		(23,000)	89,500
1.4	Successful application for \$20k in grant funding from Department of Planning, Lands and Heritage Grant for review of a heritage area. The grant will cover 100% of the total cost of the heritage review.					
Rev	200xxx.4313	P- Contribution – Review Heritage Area	0	20,000		20,000
Exp	200xxx.6824	P- Contribution – Review Heritage Area	0		(20,000)	(20,000)

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

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

- The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount, and

- b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
2.1	Additional budget required for Gil Fraser Lighting upgrade as the geotechnical investigation has identified the requirement for dewatering and an alternate footing construction to suit the site conditions. This increased cost is to be offset by savings of \$10,000 from Fremantle Leisure Centre leak monitoring due to more competitive pricing than had been expected and savings of \$12,940 from the parks irrigation program due to a reduction in scope of bore renewal in response to detailed investigation completed during the site works.					
Exp	300188.1606	Purchase - Leisure Centre - Leak Monitoring	30,000		10,000	20,000
Exp	300144.1606	Program-Parks - Irrigation	43,000		12,940	30,060
Exp	300186.1606	Design and construct-Gilbert Fraser - Lighting	260,000		(22,940)	282,940
2.2	Additional Budget of \$45,000 required due to increased level of leaf litter maintenance and one-off landscape works including planting and mulching, funded from Leighton Precinct Maintenance Reserve.					
Exp	100913.6823	Maintain Landscape - Leighton Precinct SAR	(45,000)		(45,000)	(90,000)
Rev	100913.3910		45,000	45,000		90,000

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
Nil						

End of financial year adjustments for 30 June 2020 are still ongoing therefore further budget amendments for carried forward projects will be presented to Council next

month. Once completed the final overall effect on the end of year surplus, unspent grant funds and reserve funds movements for carried forward projects will be reported to Council through the budget amendment report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2106-6 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

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

Item	Account #	Account Details	2020/21 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2020/21 Amended Budget
1.1	Savings from the base operating fuel budget are being used to fund the purchase of two (2) energy efficient vehicles (scooters) for use as part of the fleet.					
Capex	300141.1608	P-11328 Purchase-Plant and Equipment	-	-	(10,452)	10,452
Opex	100345.6863	Maintain heavy vehicles - allocated	170,000		10,452	159,548
1.2	In August 2020, the Library and Community Development were successful in obtaining grant funding via the Be Connected Program, which is aimed at supporting people to build and develop their digital skills. This was in line with item 1.4 of the City of Fremantle's Community Recovery Plan, <i>Explore ways to reduce the digital divide for those at risk of isolation and unable to access online services</i> . Council also approved a budget amendment increase of \$10,000 to the Lifelong Learning programming and activities budget to address the digital divide. This program has progressed, however, delays have been experienced during lockdowns and due to capacity restrictions, community reticence to attend in person programs and delivery delays of IT equipment. The Be Connected grant funding has been extended from 30 June 2021 to 31 December 2021 and a request submitted seeking approval for remaining project funds to be rolled over into next financial year.					
Exp	100482.6868	Operate Library Fremantle	(40,000)		10,000	(30,000)
Exp	200491.6868	P-11954 Event - Building Digital Skills			(10,000)	(10,000)
1.3	Savings from the operation of the Fremantle Arts Centre are being used to fund the purchase of artwork that aligns with the City of Fremantle's WRAP to build stronger relationships with the Aboriginal community. The artwork is to be donated to the Public Art Collection of the Fremantle Arts Centre.					
Exp	100406.6823	Operate Fremantle arts centre	43,000		23,000	20,000
Exp	100415.6822	Coordinate arts centre exhibitions	66,500		(23,000)	89,500

1.4	Successful application for \$20k in grant funding from Department of Planning, Lands and Heritage Grant for review of a heritage area. The grant will cover 100% of the total cost of the heritage review.					
Rev	200xxx.4313	P- Contribution – Review Heritage Area	0	20,000		20,000
Exp	200xxx.6824	P- Contribution – Review Heritage Area	0		(20,000)	(20,000)
2.1	<p>Additional budget required for Gil Fraser Lighting upgrade as the geotechnical investigation has identified the requirement for dewatering and an alternate footing construction to suit the site conditions.</p> <p>This increased cost is to be offset by savings of \$10,000 from Fremantle Leisure Centre leak monitoring due to more competitive pricing than had been expected and savings of \$12,940 from the parks irrigation program due to a reduction in scope of bore renewal in response to detailed investigation completed during the site works.</p>					
Exp	300188.1606	Purchase - Leisure Centre - Leak Monitoring	30,000		10,000	20,000
Exp	300144.1606	Program-Parks-Irrigation	43,000		12,940	30,060
Exp	300186.1606	Design and construct- Gilbert Fraser - Lighting	260,000		(22,940)	282,940
2.2	Additional Budget of \$45,000 required due to increased level of leaf litter maintenance and one-off landscape works including planting and mulching, funded from Leighton Precinct Maintenance Reserve.					
Exp	100913.6823	Maintain Landscape - Leighton Precinct SAR	(45,000)		(45,000)	(90,000)
Rev	100913.3910		45,000	45,000		90,000

Carried: 6/0

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

11. Motions of which previous notice has been given

Nil

12. Urgent business

Nil

13. Late items

Nil

14. Confidential business

PROCEDURAL MOTION

At 7.10pm the following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

That the meeting be moved behind closed doors to consider the confidential item/s on the agenda.

Carried: 6/0

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

At 7.10pm members of the public were requested to vacate the meeting.

FPOL2106-10 OFFER TO LEASE– CARRIAGE COFFEE SHOP

Meeting date: 9 June 2021
Responsible officer: Manager Economic Development and Marketing
Decision making authority: Committee
Attachments: Nil
Additional information: Nil

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:

- (iii) information about the business, professional, commercial or financial affairs of a person

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge **Seconded:** Cr Jenny Archibald

Council:

1. Noting the expiry of the council approved postponement of the Esplanade Reserve Park Hub as at 11 July 2021, cease any further consideration of the development of a Park Hub at Esplanade reserve.
2. Acknowledge the Carriage Coffee Shop can be considered exempt from the City's Leasing of City Property in a Competitive Manner Policy, approve an offer to lease between the City of Fremantle and Kurapun Pty Ltd for 45 Marine Terrace (The Carriage Coffee Shop) and authorise the Chief Executive Officer to negotiate terms based on the following:

Land Description	Lot 2046 Plan 216961 & Lot L0141. Portion of Reserve 9399
Premises	45 Marine Terrace, Fremantle.
Lessor	City of Fremantle
Lessee	Kurapun Pty Ltd atf Pornsuda Family Trust
Site Area	284m2
Lease Commencement Date	TBA
First Term	Five (5) years
Second Term	Five (5) years
	The further term will be subject to the following conditions being met by the lessee;

	<ul style="list-style-type: none"> • The lessee carries no outstanding arrears associated with the initial 5-year term • The lessee is not in breach of any lease terms • The nature of the lessee's business remains predominantly as a café
Annual Rent	\$19,484 per annum + GST
Rent Review	<p>Rent will be determined by Consumer Price Index annually on the Lease Commencement Date.</p> <p>A market rent review will occur every third year of the lease terms (including options).</p>
Outgoings	<p>Outgoings on demand will include but not be limited to;</p> <ul style="list-style-type: none"> • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges • Building Services, repairs and maintenance.
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Cafe
Condition Precedent	<p>The lease will be subject to:</p> <ol style="list-style-type: none"> 1. Settlement of the sale of the business that currently operates from the premises (the Carriage Coffee Shop) between David Furness and Kurapun Pty Ltd atf Pornsunda Family Trust 2. Any outstanding arrears owed to the City of Fremantle by David Furness are paid in full with the proceeds of the sale of the business that currently operates from the premises (the Carriage Coffee Shop) 3. Surrender of the existing Lease agreement between the City of Fremantle and David Furness 4. The lessee to gain all relevant approvals for any proposed works, including but not limited to landlord approval and Development application approval.
Special Conditions	<p>1. Lessee's Works</p> <p>Lessee's works definition:</p> <p>(a) Any alternation, improvement or development of the Premises including but not limited to the erection of any building, structure, or fixture on the Premises (including tenancy fit out).</p>

	<p>(b) The excavation or demolition of any part of the Premises:</p> <p>(c) The removal, sale, or disposal of any materials from the Premises.</p> <p>(1) The Lessee must not undertake works unless:</p> <p>(a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.</p> <p>(b) Planning approval under the local planning scheme and;</p> <p>(c) A building permit under the <i>Building Act 2011</i>.</p> <p>(2) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <p>(a) an application for planning consent;</p> <p>(b) an application for a building permit;</p> <p>(c) obtaining any other statutory approval required, including Water Corporation approval where necessary;</p> <p>(d) construction or installation of the Lessee's Works; and</p> <p>(e) Installation or upgrade of any services.</p> <p>(3) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(4) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(5) The parties acknowledge and agree that any Lessee's Works comprising structural</p>
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	<p>improvements shall vest to the Lessor upon Termination of the Lease without cost.</p> <p>2. Assignment or Sub Letting</p> <p>(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:</p> <ul style="list-style-type: none"> (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. <p>3. State of Emergency Clause</p> <p>The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.</p> <p>4. Use of Confidential Information</p> <p>“Confidential Information” means any information relating to the Lease, including but not limited to the provisions of the Lease.</p> <ul style="list-style-type: none"> (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: <ul style="list-style-type: none"> (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or (ii) is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or
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	<p><i>Freedom of Information Act 1992, or by court order.</i></p> <p>(c) The obligations imposed will survive the termination of the Lease.</p> <p>5. Parties to act in good faith</p> <p>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</p> <p>6. End of Lease</p> <p>At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee will be advised of this process not more than 12 months, no less than 6 months prior to the expiry of the last lease term. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.</p>
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AMENDMENT 1

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Andrew Sullivan

- 1. Add an additional condition to part 2 of the office's recommendation, as follows:**

<i>Renewal</i>	<i>Council notifies that no further term may be granted at the end of the second term.</i>
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- 2. Add the following part 3 to the office's recommendation:**

- 3. Note that the lease be granted as an interim solution while the long term strategy of the Esplanade Reserve Master Plan and redevelopment of the Italian club is finalised.***

Carried: 6/0

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

COMMITTEE DECISION ITEM FPOL2106-10

(Officer's recommendation, as amended)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Noting the expiry of the council approved postponement of the Esplanade Reserve Park Hub as at 11 July 2021, cease any further consideration of the development of a Park Hub at Esplanade reserve.
2. Acknowledge the Carriage Coffee Shop can be considered exempt from the City's Leasing of City Property in a Competitive Manner Policy, approve an offer to lease between the City of Fremantle and Kurapun Pty Ltd for 45 Marine Terrace (The Carriage Coffee Shop) and authorise the Chief Executive Officer to negotiate terms based on the following:

Land Description	Lot 2046 Plan 216961 & Lot L0141. Portion of Reserve 9399
Premises	45 Marine Terrace, Fremantle.
Lessor	City of Fremantle
Lessee	Kurapun Pty Ltd atf Pornsuda Family Trust
Site Area	284m ²
Lease Commencement Date	TBA
First Term	Five (5) years
Second Term	Five (5) years The further term will be subject to the following conditions being met by the lessee; <ul style="list-style-type: none"> • The lessee carries no outstanding arrears associated with the initial 5-year term • The lessee is not in breach of any lease terms • The nature of the lessee's business remains predominantly as a café
Renewal	<i>Council notifies that no further term may be granted at the end of the second term.</i>
Annual Rent	\$19,484 per annum + GST
Rent Review	Rent will be determined by Consumer Price Index annually on the Lease Commencement Date. A market rent review will occur every third year of the lease terms (including options).
Outgoings	Outgoings on demand will include but not be limited to; <ul style="list-style-type: none"> • Council Rates • Emergency Service Levy

	<ul style="list-style-type: none"> • Land Tax • Statutory fees and charges • Building Services, repairs and maintenance.
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Cafe
Condition Precedent	<p>The lease will be subject to:</p> <ol style="list-style-type: none"> 1. Settlement of the sale of the business that currently operates from the premises (the Carriage Coffee Shop) between David Furness and Kurapun Pty Ltd atf Pornsunda Family Trust 2. Any outstanding arrears owed to the City of Fremantle by David Furness are paid in full with the proceeds of the sale of the business that currently operates from the premises (the Carriage Coffee Shop) 3. Surrender of the existing Lease agreement between the City of Fremantle and David Furness 4. The lessee to gain all relevant approvals for any proposed works, including but not limited to landlord approval and Development application approval.
Special Conditions	<p>5. Lessee's Works</p> <p>Lessee's works definition:</p> <p>(a) Any alternation, improvement or development of the Premises including but not limited to the erection of any building, structure, or fixture on the Premises (including tenancy fit out).</p> <p>(b) The excavation or demolition of any part of the Premises:</p> <p>(c) The removal, sale, or disposal of any materials from the Premises.</p> <p>(1) The Lessee must not undertake works unless:</p> <p>(a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor.</p>

	<p>(b) Planning approval under the local planning scheme and;</p> <p>(c) A building permit under the <i>Building Act 2011</i>.</p> <p>(2) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</p> <p>(a) an application for planning consent;</p> <p>(b) an application for a building permit;</p> <p>(c) obtaining any other statutory approval required, including Water Corporation approval where necessary;</p> <p>(d) construction or installation of the Lessee's Works; and</p> <p>(e) Installation or upgrade of any services.</p> <p>(3) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</p> <p>(4) The Lessee will provide certification and public liability for all the Lessee contractors undertaking the Lessee Works at the Premises.</p> <p>(5) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost.</p> <p>6. Assignment or Sub Letting</p> <p>(1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if:</p> <p>(a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease.</p> <p>(b) All accounts are paid in full up until the date of the assignment or sub lease.</p>
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- (c) The Lessee pays all costs associated with an assignment or sublease.
- (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST.

7. State of Emergency Clause

The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation.

8. Use of Confidential Information

“Confidential Information” means any information relating to the Lease, including but not limited to the provisions of the Lease.

- (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease.
- (b) The obligations of confidentiality in paragraph (a) will not apply to information which:
 - (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or
 - (ii) is required to be disclosed by an applicable law, including but not limited to the *Local Government Act 1995* or *Freedom of Information Act 1992*, or by court order.
- (c) The obligations imposed will survive the termination of the Lease.

9. Parties to act in good faith

Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.

10. End of Lease

At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee will be advised of this process not more than 12 months, no less than 6 months prior to the expiry

	of the last lease term. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.
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3. *Note that the lease be granted as an interim solution while the long term strategy of the Esplanade Reserve Master Plan and redevelopment of the Italian club is finalised.*

Carried: 6/0

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

PROCEDURAL MOTION

At 7.43pm the following procedural motion was moved:

COMMITTEE DECISION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

That the meeting come out from behind closed doors.

Carried: 6/0

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

15. Closure

The Presiding Member declared the meeting closed at 7.43pm.