



Minutes

Ordinary Meeting of Council

Wednesday 23 March 2022 6pm



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1 Official opening, welcome and acknowledgment

The Presiding Member declared the electronic meeting open at 6.00 pm and welcomed attendees and viewers to the meeting.

2 Attendance, apologies and leave of absence

2.1 Attendance

Ms Hannah Fitzhardinge	Mayor
Cr Andrew Sullivan	South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Fedele Camarda	Beaconsfield Ward
Cr Ben Lawver	Hilton Ward
Cr Frank Mofflin	Deputy Mayor/Hilton Ward
Mr Glen Dougall	A/Chief Executive Officer
Mr Matt Hammond	A/Director City Business
Ms Michelle Brennand	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Mr Graham Tattersall	Director Infrastructure
Ms Charlie Clarke	Manager Governance
Mr Paul Dunlop	Manager Communications and Event
Ms Melody Foster	Executive Assistance
Ms Kayla Goodchild	Meeting Support Officer

There were approximately 8 members of the public in electronic attendance.

2.2 Apologies

Nil

2.3 Leave of absence

Cr Geoff Graham

Cr Su Groome



3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council approve Cr Frank Mofflin's request for a leave of absence from 11 April 2022 to 14 April 2022 (inclusive).

Carried: 11/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

4. Disclosures of interest by members

Cr Rachel Pemberton declared an impartiality interest in item number FPOL2203-8 as the reinstatement of the Red CAT may benefit her employer, Museum WA, but has no direct impact on her.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 23 February 2022

Dominique Mimmagh asked the following questions, a summary of these questions and responses are included below.

Question

How long was the process of coming half an hour early and putting your name down on a list to speak in place for in the City of Fremantle?

Response

It was anticipated that there would be a lot of interest for attendance at the meeting, so attendance was restricted to those people with an interest in the business of the meeting.



Significant time had already been given to COVID-19 vaccine mandate discussion at both the December council meeting and again at the January council meeting and it was important to address the regular business of Council.

Question

Why has public question time been removed from the agenda without sufficient notice to the ratepayers and by removing public question time, how is your decision all-inclusive as per your vision statement?

Response

Public question time was not removed from the agenda, the number of people admitted to the chamber was restricted to allow those with an interest in the business of the meeting the opportunity to be heard.

Mark Woodcock asked the following questions, a summary of these questions and responses are included below.

Question

Can the Council show what investigation has been done to ensure that ratepayers' facilities will remain easily accessible to residents and ratepayers, and not attract the problems of past leases, and how the lease is drawn up so the legal issues, that were reported to have happened, don't happen again?

Response

The Expression of Interest (EOI) criteria will ensure this is achieved as submissions will need to demonstrate:

- The ability to demonstrate an ongoing utilisation of the facility that is equal to or greater than 60%
- The facility is made accessible to the broader community and the extent to which a diversity of use will be achieved can be demonstrated
- The proposal can demonstrate the local community has been consulted or there is an intent and plan to do so
- The extent to which the proposal aligns with the City's Strategic Community Plan and other relevant informing strategies

The criteria will work to achieve the objective of guaranteeing the equitable and appropriate allocation of tenant and usage, whilst maximizing community benefit of the North Fremantle Bowling Club.



Question

Can Council inform the electors when the Annual General Electors Meeting will be?

Response

There is currently no date set for the Annual General Meeting of Electors (AGME) as the City is waiting for the final budget report from the Office of the Auditor General before it can adopt the report and set the date for the AGME.

Question

Has Council taken any additional steps to ensure its pools water safety and quality has not been compromised by its cut in operating expenses?

Response

The question relates to a cost saving for the delivery of a project that was completed underbudget (quotations received were less than initially estimated); the project was successful and delivered to specification and scope. The City has not reduced operational expenses or service levels in any area relating to the swimming pools and continues to actively manage water safety and quality in line with relevant standards and guidelines.

Question

Early in 2021 after the illegal tent city event in Pioneer Reserve, the Council noted in the minutes that the CEO final report was pending. Can Council confirm if this is done, and provide a link to the finalised reports?

Response

The final report tabled at the Jan OCM 2021:

[Minutes - Ordinary Meeting of Council - 27 January 2021 0.pdf \(fremantle.wa.gov.au\)](#).



Question

Is Pioneer Park still under the Minister’s authority and if so, when will it be returned to the City of Fremantle authority?

Response

Pioneer Park is still under the Minister’s authority, the City are currently carrying out due diligence in respect to agreeing a new management order with the City of Fremantle.

Question

What steps has Council taken to avoid an event like Tent City from happening again?

Response

Development of the Goodwill Registration Policy provides strategic guidance in the development of a co-designed registration process to better improve the coordination of providers.

Ongoing liaison with service providers to ensure services are open over extended public holiday periods (e.g., easter and Christmas).

6. Public question time

Paul Mepham spoke in relation to FPOL2203-8

Francesca Posney spoke in relation to C2203-1

Dominique Mimmagh spoke in relation to C2203-1

Cr Rachel Pemberton left the meeting at 6.15 pm.

Cr Rachel Pemberton returned to the meeting at 6.16 pm.

May-Ring Chen spoke in relation to C2203-1

Lisa Barnes asked the following question in relation to FPOL2203-7 and FPOL2203-8

FPOL2203-7

Question 1



As parking pressures in South Fremantle are currently a very real issue that are experienced by many of our residents and car use has increased. Is there an option of having at least 50% of available bays in a street dedicated to residents (that could be one side of the street for example)?

Question 2

It is anticipated that paid parking will further exacerbate residential street parking pressures. Can the City conduct a comprehensive Parking Strategy, with community consultation, prior to a decision on this matter?

FPOL2203-8

Question 1

Instead of expecting residents, within 400m of the CAT, contributing to its costs, can the City look at getting others to contribute including the State Government, Notre Dame, neighbouring Councils who benefit (East Fremantle, Cockburn), the Education Department, Tourism WA, etc.

Question 2

Can we please bring back the CAT in 10 min intervals? 20 mins is unreliable and does not attract sufficient traffic to keep it sustainable.

Natalie Snook spoke in relation to C2203-1

Andrew Luobikis asked question in relation to FPOLC2203-1, FPOL2203-7, FPOL2203-8, PC2203-12 and C2203-2

FPOL2203-1

Question

Why is the following document confidential?

Homeless Services: City's 'Bespoke' submission to the enquiry. Terms of reference document – Confidential attachment 1.

FPOL2203-7

Question 1

Why would angle paid parking not be implanted along the Marine Terrace rail line to discourage campers and all-day parking unmonitored?

Question 2

Would this (angle parking) not take the pressure off the residential areas surrounding the South Fremantle entertainment precinct?



FPOL2203-8

Question

Council talks about tight budget constraints however real amenity for ratepayers such as the CAT service does not get priority. I would think the CAT is essential for the opening of tourism post COVID. More funding from state government for tourism is required.

How is it in the best interest of Fremantle or the Ratepayers by removing more amenity, especially something resident want?

PC2203-12

Question 1

What are the protections for residents in these heritage areas in lieu of these policies?

Question 2

The Seaview as an example should be updated not deleted. Is this just a precursor to a development approval for this parking area with even less parking available for the hotel or future development?

C2203-2

Question 1

To give power to the Mayor to make decisions on changing the format to public meetings is undemocratic and lessens the ability for our councillors to have input on why this should occur, so why can't the protocols of the first council meeting under COVID be applied?

Question 2

With the design of the chamber to be more inclusive to the wider community why could the public not just sit outside the glass door area until they are called to speak, just as happened before?

Question 3

Is this just a way of controlling a narrative without being questioned by the residents?

Question 4



How is this inclusive for all including the elderly, handicapped, or technologically challenged to participate?

Live Streaming:

Question 1

The Video Conference tech in the new Chamber seems inadequate, sound is poor and patchy and not all councillors could be seen on screen at the last meeting. What additional was spent on conference equipment for the Chamber?

Question 2

Why was there such a delay after opening of the Civic building to have such basic video conferencing set up in comparison to other WA local governments?

Mark Woodcock questions in relation to Pioneer Park and Parking Policy

Question 1 – Pioneer Park

How can the Jan 2021 report, relating to the illegal tent city event in Pioneer Reserve, be the final report when in April 2021 you were still working out damage and repair cost to the park, which the city wasn't even then in charge of and still isn't?

Question 2

Do we have different understanding of the word/term final report, or is it standard procedure for the city to table a finalised report without expenses, costs or finalised details?

Question 3 – Parking Policy

Will the city commit to a community consultation process before implementing more parking policies, this new policy change will impact residents greatly, so will the council commit to an open community consultation around future parking plans and an open discussion on its current state?

7. Petitions

Nil



8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council confirm the minutes of the Ordinary Meeting of Council dated 23 February 2022

Carried: 11/0

**Mayor Hannah Fitzharding, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

10. Elected member communication

Cr Vujcic stated that she had attended the Electors meeting on 14 March 2022 and would like to thank the organisers and the City for holding the event. Cr Vujcic commented that she thought the meeting could have been held in more comfortable surroundings, but that it had been a very positive meeting and she thanked everyone involved.



11. Reports and recommendations from committees

11.1 Planning Committee 2 March 2022

PC2203-11 REVIEW OF HERITAGE AREAS, DRAFT LOCAL PLANNING POLICY 3.6 'DEVELOPMENT IN HERITAGE AREAS' & REVISIONS LOCAL PLANNING POLICY 1.6 'HERITAGE ASSESMENT' – OUTCOMES OF CONSULTATION

Meeting Date:	2 March 2022
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	1. Schedule of Submissions 2. Revised Draft Local Planning Policy 3.6 – Heritage Areas 3. Revised Draft Local Planning Policy 1.6 – Heritage Assessment & Protection
Additional Information:	1. Local Planning Policy 2.6 – Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List. 2. Local Planning Policy 1.6 – Heritage Assessment

SUMMARY

In July 2021, Council received a report outlining updates recommended to the heritage protection framework including:

- Revocation of nine heritage areas which no longer meet the definition of a heritage area and / or are subject to separate statutory protections.
- Adoption of a new Local Planning Policy 3.6 – Heritage Areas (LPP 3.6) collating statements of significance for each of the remaining areas and documenting how applications in these areas are assessed.
- Adoption of a revised Local Planning Policy 1.6 – Heritage Assessment (LPP 1.6) which updates and rationalises the content of both the existing Local Planning Policy 1.6 and Local Planning Policy 2.6 – Procedure for amending the Municipal Heritage Inventory (MHI) and Heritage List.

The purpose of this report is to consider the outcomes of consultation on these changes.

The report recommends revocation of the nine heritage areas, adoption of the revised Local Planning Policy 1.6 and revocation of Local Planning Policy 2.6 and adoption of the draft new Local Planning Policy 3.6 subject to some minor modifications responding to submissions and clarifications.



BACKGROUND

The City's Local Heritage Survey (LHS) – previously Municipal Heritage Inventory (MHI) – was adopted on 18 September 2000 and contained approximately 4000 places. This included a series of heritage precincts both large and small, recognising that heritage significance is sometimes attached to a grouping of places rather than (or sometimes in addition to) their individual significance.

When the LHS was prepared, it was a non-statutory / advisory list which was used as a reference point but did not automatically invoke planning controls or restrictions. However various changes have taken place since which require reconsideration of the areas and how they are managed. These include the wholesale adoption of the LHS by Council as a protected Heritage List under Local Planning Scheme No. 4 (LPS4), gazettal of State Planning Policy 3.5 – Historic Heritage Conservation, gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and, most recently, update of heritage legislation and guidelines. These changes require some update to the way the City manages its heritage areas. Specifically, they:

- Replace the term 'Municipal Heritage Inventory' (MHI) with 'Local Heritage Survey' and amend the review requirements for these.
- Define and clarify statutory protections for Heritage Areas and differentiate between these and individual sites and places.
- Introduce a requirement for each Heritage Area to be subject to a local planning policy defining its statement of significance, contributory places and how development will be managed in the area to preserve heritage significance.

As a consequence, on 21 July 2021 Council's Strategic Planning and Transport Committee considered a report reviewing the City's existing heritage areas and resolved to:

1. *In accordance with Schedule 2, Clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, undertake consultation with relevant property owners, as well as the Fremantle Society, Fremantle History Society and Heritage Council of WA on the proposed revocation of the following Heritage Areas, noting the existence of other statutory controls and protections in place for each:*
 - a) *Convict Establishment Heritage Area (Prison Tunnels);*
 - b) *Indian Ocean Precinct;*
 - c) *John Curtin College of the Arts;*
 - d) *Law & Order Precinct;*
 - e) *Lilly Street Precinct;*
 - f) *Monument Hill and War Memorials, Fremantle;*
 - g) *Princess May Reserve;*
 - h) *Swan River Precinct; and*
 - i) *Victoria Pavilion, Fremantle Oval.*



2. *In the event of no objection being received on any given revocation, publish notice of the revoked heritage areas on the City’s website, in accordance with Schedule 2, Clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, and update the Local Heritage Survey and Heritage List to explicitly include the Prison Tunnels in the Fremantle Prison listing. Any objections to be referred to Council for a final decision.*
3. *Adopt draft Local Planning Policy 3.6 – Heritage Areas provided in Attachment 1 for the purposes of public consultation, in accordance with Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3. Consultation to occur concurrently with the proposed heritage area revocations.*
4. *Adopt revised draft Local Planning Policy 1.6 – Heritage Assessment & Protection provided in Attachment 2 for the purposes of public consultation, in accordance with Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3. Consultation to occur concurrently with Local Planning Policy 3.6 – Heritage Areas.*
5. *Note the intention for staff to commence a staged review of the existing and potential heritage areas, focussing initially on the following priority areas:*
 - a) *South Fremantle;*
 - b) *White Gum Valley;*
 - c) *Holland/Forrest Street;*
 - d) *North Fremantle; and*
 - e) *Fremantle City Centre and areas on the periphery of it.*

Further information on the review process and rationale is outlined in the July 2021 report (SPT21-07-2).



The purpose of this report is to consider the outcomes of consultation with affected landowners on the proposed:

- Heritage Area revocation
- Adoption of draft Local Planning Policy 3.6 – Heritage Areas
- Adoption of revised draft Local Planning Policy 1.6 – Heritage Assessment & Protection

Preservation and promotion of the importance of built heritage and history is a component of one of Council's key strategic outcomes, defined in the Strategic Community Plan. The review also contributes to Council's objective to be a transparent and responsive organisation with a high standard of corporate governance.

OFFICER COMMENT

Consultation with affected landowners and tenants was undertaken between 21 October and 26 November 2021 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council's Local Planning Policy 1.3.

At the completion of consultation, 5 submissions had been received, as outlined in Attachment 1. In summary, these include:

- Support for revocations with recommendations for more community involvement in heritage and resources for owners.
- Support for revocation of Lilly Street Heritage Area.
- Consideration of guidelines for places on major transport routes (particularly in relation to fencing).
- Clarification of Management Categories and a place-specific query regarding levels.
- Some suggestions for administrative refinements.

Officers have considered each submission and recommend the following minor changes:

LPP1.6 – Heritage Assessment and Protection

- Correct reference to 'heritage framework' in lieu of 'planning framework'
- Confirm that the heritage significance of a place is determined through a heritage assessment.

LPP 3.6 – Heritage Areas

- Amend fencing requirements to include provision to consider fencing above 1.2m on higher order (primary distributor and district distributor A roads) where necessary to mitigate traffic noise.

During the consultation period, staff have also trialled application of the draft policies and recommend several minor refinements to Local Planning Policy 3.6 to increase clarity, namely:



- Reiteration that the policy relates to contributory places and aspects also relate to non-contributory places.
- Clarification of the application of the setbacks specified in the Residential Streetscape policy (where applicable) via the 'Area Specific Development Guidance' provisions in Schedule 1 of LPP 3.6 as a 'deemed to comply' standard, to maintain the current provisions pending an area-by-area review of these.
- Further clarification of extent of replication versus contrast expected in new buildings and additions.
- Further refinement of hybrid fencing provisions.
- Clarification that roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.
- Various typographic corrections.

Other comments not related to the policies or revocation have been noted and, in the case of the Skinner Street submission, referred to the annual review of heritage listing.

Final revocation of the Heritage Areas and adoption of the revised Draft Local Planning Policy 1.6 – Heritage Assessment & Protection with no change is also recommended.

With adoption of the revised Local Planning Policy 1.6, Local Planning Policy 2.6 can also be revoked as its pertinent content has been included in the revised Local Planning Policy 1.6.

A minor update to the existing Local Planning Policy 2.8 Fences is also required, to amend the permissible front fencing (currently up to 1.8m open style as of right) to reflect the standards proposed by the new Heritage Areas policy.

Separate more detailed reviews of the South Fremantle Heritage Area and White Gum Valley are in train as per resolution 5 above; these will be reported to Council in the coming months.

FINANCIAL IMPLICATIONS

Nil



LEGAL IMPLICATIONS

The revised policies align with the *Planning and Development (Local Planning Schemes) Regulations 2015* and update terminology to reflect the regulations and new *Heritage Act 2018*.

CONSULTATION

Consultation on the revocation of heritage areas and adoption and amendment of local planning policies has been undertaken in accordance with the requirements of *Planning and Development (Local Planning Schemes) Regulations 2015* and Council's Local Planning Policy 1.3 with 5 submissions received (see Officer Comment section above and Attachment 1 for details).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM PC2203-11 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

1. Note submissions received on the review of heritage areas and polices as outlined in Attachment 1.
2. Revoke the following heritage areas, noting the existence of other statutory controls and protections in place for each:
 - a) Convict Establishment Heritage Area (Prison Tunnels);
 - b) Indian Ocean Precinct;
 - c) John Curtin College of the Arts;
 - d) Law & Order Precinct;
 - e) Lilly Street Precinct;
 - f) Monument Hill and War Memorials, Fremantle;
 - g) Princess May Reserve;
 - h) Swan River Precinct; and
 - i) Victoria Pavilion, Fremantle Oval.

and publish notice of the revoked heritage areas on the City's website, in accordance with Schedule 2, Clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



3. Update the Local Heritage Survey and Heritage List to explicitly include the Prison Tunnels in the Fremantle Prison listing.
4. Adopt Local Planning Policy 3.6 – Heritage Areas provided in Attachment 2.
5. Amend Local Planning Policy 2.8 –Fences to replace the permissible fencing within the front setback area within heritage areas with that specified in clause 3.9.2 ii of the Heritage Areas policy.
6. Adopt revised Local Planning Policy 1.6 – Heritage Assessment & Protection as provided in Attachment 3.
7. Revoke Local Planning Policy 2.6 – Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List in light of the amalgamation of its key content into the revised Local Planning Policy 1.6.

AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Ben Lawver

Amend to committee recommendation as follows

Council:

1. **Note submissions received on the review of heritage areas and polices as outlined in Attachment 1.**
2. **Revoke the following heritage areas, noting the existence of other statutory controls and protections in place for each:**
 - a) **Convict Establishment Heritage Area (Prison Tunnels);**
 - b) **Indian Ocean Precinct;**
 - c) **John Curtin College of the Arts;**
 - d) **Law & Order Precinct;**
 - e) **Lilly Street Precinct;**
 - f) **Monument Hill and War Memorials, Fremantle;**
 - g) **Princess May Reserve;**
 - h) **Swan River Precinct; and,**
 - i) **Victoria Pavilion, Fremantle Oval.****and publish notice of the revoked heritage areas on the City’s website, in accordance with Schedule 2, Clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015.**
3. **Update the Local Heritage Survey and Heritage List to explicitly include the Prison Tunnels in the Fremantle Prison listing.**



- 4. Adopt Local Planning Policy 3.6 – Heritage Areas provided in Attachment 2 with the following amendments:**
- a) **Add a fifth dot point to the “objectives of the policy” to state that:**
Existing places and fabric located in Heritage Areas which are, or may become, of cultural heritage significance are protected until such time as mapping of Contributory Places has been completed and any significant fabric added to the Heritage Area mapping and/or the Local Heritage Survey, or as otherwise determined by Council upon planning application;
 - b) **“Clause 2. Contributory places” be amended by changing:**
 - i) **the first part of the third sentence as follows:** *“Contributory places are determined through by Council having had due regard to an assessment...”;*
 - ii) **the second paragraph to read:** *“Where mapping of contributory places has not been undertaken for a Heritage Area, or has not been completed due to the inaccessibility of the site or the inability to fully reveal the existence of potentially fabric of cultural significance, this will be assessed upon planning application.”*
 - c) **In “3.4 DEMOLITION”, add new sentences in “3.4.1 Intent” (to follow the existing first sentence) that states:**

3.4.1 Intent
Demolition is a permanent change that cannot be reversed: even removal of placed with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area.

Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme.

In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.
 - d) **In “3.6.3 Building Form” subclause “i”, the word “falsely” shall be deleted;**
- 5. Amend Local Planning Policy 2.8 –Fences to replace the permissible fencing within the front setback area within heritage areas with that specified in clause 3.9.2 ii of the Heritage Areas policy.**



6. Adopt revised Local Planning Policy 1.6 – Heritage Assessment & Protection as provided in Attachment 3 **with the following amendment:**
 - a) **The third sentence in the second paragraph of the third dot point of Part 3 entitled “Heritage Areas” be amended to commence as follows: “Where mapping of Contributory Places has not been undertaken for a Heritage Area, or is incomplete, this will be assessed upon application.”**
7. Revoke Local Planning Policy 2.6 – Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List in light of the amalgamation of its key content into the revised Local Planning Policy 1.6.

Amendment carried: 11/0

Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

COUNCIL DECISION ITEM PC2203-11

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council:

1. Note submissions received on the review of heritage areas and polices as outlined in Attachment 1.
2. Revoke the following heritage areas, noting the existence of other statutory controls and protections in place for each:
 - a) Convict Establishment Heritage Area (Prison Tunnels);
 - b) Indian Ocean Precinct;
 - c) John Curtin College of the Arts;
 - d) Law & Order Precinct;
 - e) Lilly Street Precinct;
 - f) Monument Hill and War Memorials, Fremantle;
 - g) Princess May Reserve;
 - h) Swan River Precinct; and,
 - i) Victoria Pavilion, Fremantle Oval.and publish notice of the revoked heritage areas on the City’s website, in accordance with Schedule 2, Clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Update the Local Heritage Survey and Heritage List to explicitly include the Prison Tunnels in the Fremantle Prison listing.



- 4. Adopt Local Planning Policy 3.6 – Heritage Areas provided in Attachment 2 with the following amendments:**
- a) Add a fifth dot point to the "objectives of the policy" to state that: Existing places and fabric located in Heritage Areas which are, or may become, of cultural heritage significance are protected until such time as mapping of Contributory Places has been completed and any significant fabric added to the Heritage Area mapping and/or the Local Heritage Survey, or as otherwise determined by Council upon planning application;**
 - b) "Clause 2. Contributory places" be amended by changing:**
 - i) the first part of the third sentence as follows: "Contributory places are determined ~~through~~ by Council having had due regard to an assessment...";**
 - ii) the second paragraph to read: "Where mapping of contributory places has not been undertaken for a Heritage Area, or has not been completed due to the inaccessibility of the site or the inability to fully reveal the existence of potentially fabric of cultural significance, this will be assessed upon planning application."**
 - c) In "3.4 DEMOLITION", add new sentences in "3.4.1 Intent" (to follow the existing first sentence) that states:**

3.4.1 Intent
Demolition is a permanent change that cannot be reversed: even removal of placed with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area.

Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme.



In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.

d) In "3.6.3 Building Form" subclause "i", the word "falsely" shall be deleted;

5. Amend Local Planning Policy 2.8 –Fences to replace the permissible fencing within the front setback area within heritage areas with that specified in clause 3.9.2 ii of the Heritage Areas policy.

6. Adopt revised Local Planning Policy 1.6 – Heritage Assessment & Protection as provided in Attachment 3 *with the following amendment:*

a) The third sentence in the second paragraph of the third dot point of Part 3 entitled "Heritage Areas" be amended to commence as follows: "Where mapping of Contributory Places has not been undertaken for a Heritage Area, or is incomplete, this will be assessed upon application."

7. Revoke Local Planning Policy 2.6 – Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List in light of the amalgamation of its key content into the revised Local Planning Policy 1.6.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



PC2203-12 REVIEW OF SOUTH FREMANTLE LOCAL PLANNING POLICIES

Meeting date:	2 March 2022
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. D.G.S1 – Seaview Tavern – 282 South Terrace, South Fremantle2. D.G.S2 – South Terrace, South and Attfield Streets and Lefroy Road Local Area3. D.G.S3 – South and Attfield Streets, Hampton and Lefroy Roads Local Area4. D.G.S4 – South Terrace, Douro & Ocean Roads and Hickory Street Local Area5. D.G.S5 – Wills Transport Site - 122 Marine Terrace & 3 South Street, South Fremantle6. D.G.S6 – South Beach Village
Additional information:	Nil.

SUMMARY

As part of the ongoing review of the City’s local planning policy manual, officers have reviewed local planning policies for the suburb of South Fremantle. These policies are classified as ‘design guidelines’ and apply to:

- **282 South Terrace**
- **South Terrace, South and Attfield Streets and Lefroy Road**
- **South and Attfield Streets, Hampton and Lefroy Roads**
- **South Terrace, Douro and Ocean Roads and Hickory Street**
- **122 Marine Terrace and 3 South Street and**
- **South Beach Village**

These policies mostly relate to management of development within these precincts and are considered outdated, with most of the provisions superseded by other planning instruments, notably the Residential Design Codes (R-Codes), the proposed Heritage Areas local planning policy (the subject of a separate report on this agenda) and specific heritage listings.

This report recommends that Council revokes four of the six policies. The last two are recommended for retention, subject to updates.



BACKGROUND

On 26 February 2020, Council considered a report on the status of the City's Local Planning Scheme. This identified (amongst other things) that the City had close to 100 local planning policies covering numerous matters relating to planning and development of land within the Fremantle municipality; a number of which were quite dated. The scheme review report concluded that the City's planning scheme is satisfactory in its existing form but should be maintained based on an agreed program of projects including "*periodic / recurrent / ongoing ... policy review for the purpose of rationalising the policy framework*" (SPT2002-4). In addition to maintaining a robust and up-to-date policy framework, this recommendation responds to the State Government's planning reform agenda, which promotes a planning system that is more contemporary and easier to navigate, and more streamlined and consistent.

Maintenance of the local planning framework supports the Capability objectives of the Strategic Community Plan relating to governance. Revocation of superfluous policies reduces unnecessary administrative burden and strengthens the City's efficiency, effectiveness and credibility in review (i.e. on appeal).

As part of a staged review of the City's local planning policy manual, officers have reviewed six local planning policies relating to South Fremantle. These policies are designated as 'design guidelines' with each detailing development requirements for specific precincts within the suburb. Each policy was prepared in the 1980s, '90s or early-mid '00s (i.e. before gazettal of the current planning scheme), and none have been reviewed since this time.

OFFICER COMMENT

The following provides a brief summary of each reviewed policy, along with a recommendation. Each policy is provided in its entirety in Attachments 1-6.

D.G.S1 – Seaview Tavern – 282 South Terrace, South Fremantle (Attachment 1)

This policy was adopted in February 1988 and relates specifically to the Seaview Tavern – now The Local Hotel – at 282 South Terrace. The objective of the policy is to "*recognise the Seaview Tavern's role as a neighbourhood tavern and prevent the encroachment of the tavern into the surrounding residential area.*" The policy states that "*the Seaview Tavern should remain a neighbourhood tavern catering to, and compatible with, the local community. The tavern should be contained within its present property boundaries. Any enlargement of the site would not be consistent with the tavern's role or its location in a predominantly residential area.*"



Since the adoption of the policy, there has been no significant expansion of the Seaview Tavern/Local Hotel. The premises covers three lots; two Mixed Use zoned lots fronting South Terrace and a third Residential zoned lot fronting Charles Street (see Figure One below). The Mixed Use zoned lots accommodate the building, whilst the Residential zoned lot is used as a car park. The stated objective of the Mixed Use zone is to *“provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional service, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones...”* and *“ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality...”*. Assessment of any application for a discretionary use (which includes ‘Hotel’) would include consideration against these objectives.

The lot immediately to the north of the building is zoned Mixed Use and although this could accommodate commercial uses, it is occupied by a heritage listed duplex, the demolition of which the City would be highly unlikely to support.

These constraints restrict further expansion of the Local Hotel and its encroachment on the surrounding residential area. For this reason, it is considered that the policy is superfluous and can be revoked.



Figure 1 – The Local Hotel (formerly Seaview Tavern), corner South Terrace and Charles Street, South Fremantle (Source: City of Fremantle ESRI mapping)

D.G.S2 – South Terrace, South and Attfield Streets and Lefroy Road Local Area (Attachment 2)

This policy was adopted in March 1993 and relates to a specific street block bounded by the abovementioned roads (see images below). The objective of the policy is “to protect the amenity of the Local Area while reinforcing its role within the City and allowing compatible development.”

The policy is intended to protect heritage places and their surrounds and to ensure that infill development is of high quality and fits within its context. The policy deals with matters including the location, scale, orientation, and finishes of both new buildings and additions and alterations. However, those policy provisions are now almost entirely superseded by the Residential Design Codes and the proposed Local Planning Policy 3.6 – Heritage Areas, which promote similar outcomes (see separate report on this agenda relating to proposed LPP 3.6). Heritage places are protected adequately by individual listings, the existing South Fremantle Heritage Area and the proposed Heritage Areas policy. Consequently, revocation of this policy is recommended.



Figure 2 – Street block bounded by South Terrace, South and Attfield Streets and Lefroy Road, South Fremantle
(Source: City of Fremantle ESRI mapping)

D.G.S3 – South and Attfield Streets, Hampton and Lefroy Roads Local Area (Attachment 3)

This policy was adopted in May 1988 and last amended in March 1992. It relates to a specific street block bounded by the abovementioned roads (see images below). The objective of the policy is *"to ensure that residential development takes place in a way which protects the integrity of the existing buildings, the scale and character of the area, the amenity of adjoining properties and addresses traffic and parking issues."*



Figure 3 – Street block bounded by South and Attfield Streets and Hampton and Lefroy Roads, South Fremantle
(Source: City of Fremantle ESRI mapping)

Similar to D.G.S2, the policy is intended to protect places of heritage value and ensure that infill development fits its context. The policy deals with several matters, including density, built form, heritage value and traffic and parking. The policy states that in considering increases in density, due regard should be given to the quality of site planning and design and that development should take the form of single dwellings or small groups not exceeding two storeys in height. It further states that where infill development fronts an existing street, the new building should be designed to fit within the streetscape context and that adequate on-site parking will be required for existing and infill dwellings. These policy provisions are now superseded by the Residential Design Codes, the existing South Fremantle Heritage Area and the proposed Local Planning Policy 3.6 – Heritage Areas, which promote similar outcomes.



The policy notes that numerous buildings within the street block have heritage and “urban” (streetscape) value. It recommends that these buildings be retained and incorporated into the redevelopment of the site and that significant buildings are documented prior to any disturbance. The proposed Heritage Areas policy provides guidance on the alteration and extension of places with heritage and/or streetscape value. The review of the South Fremantle Heritage Area will further identify the contributory and non-contributory places within the area, which will support these design criteria by further clarifying where they should be applied.

The final requirement set out in the policy states that *“the small park to be created at the end of Dale Street as part of the subdivision of the old Swan Hardware site shall be designed and maintained as a small community park for the use of residents in the immediate locality.”* The park – Lillydale Park – has been constructed and is managed by the City of Fremantle, making this provision redundant.

To summarise, these policy provisions are now superseded by Local Planning Policy 3.6 – Heritage Areas and the Residential Design Codes. Consequently, revocation of this policy is recommended.

D.G.S4 – South Terrace, Douro & Ocean Roads and Hickory Street Local Area (Attachment 4)

This policy was adopted in June 1992 and amended in December 1993. It relates to a specific street block bounded by the abovementioned roads (see images below). The objective of the policy is *“to allow for residential redevelopment, whilst recognising the need to retain buildings of heritage significance that reinforce the original beachfront character of South Terrace and conform with the existing scale and character of Hickory Street whilst minimising access problems arising from future residential development proposals.”*



Figure 4 – Street block bounded by South Terrace, Douro and Ocean Roads and Hickory Street, South Fremantle
(Source: City of Fremantle ESRI mapping)

The policy deals with density, setbacks, building height, vehicular access and heritage places. It states that the maximum allowable density is R40, which has now been applied in Local Planning Scheme No. 4, and that “*reduced setbacks may be permitted to Hickory Street and South Terrace where this would permit a more satisfactory form of development and in particular would allow for better provision of private open spaces.*” The street block is now completely developed and setbacks to South Terrace are broadly consistent. Reduced setbacks have been permitted to the rear of many lots, with garages and ancillary dwellings built up to the property line. Should any redevelopment take place, the Residential Design Codes and Streetscape Policy would apply, which allow performance-based reduction of street setbacks in any regard. In terms of building height, the policy states that the maximum height of dwellings shall be two storeys, which is consistent with the scheme and Residential Design Codes.



The policy requires vehicular access to be taken from Hickory Street, with the exception of Nos. 418, 426 and 446 South Terrace where there are existing crossovers. All properties, other than those above, take vehicular access from Hickory Street.

The policy states that *"the buildings at Nos. 414, 422 and 448-458 South Terrace are considered to have significant heritage value and should be retained and incorporated into any redevelopment of these sites."* It adds that a detailed assessment of the architectural and heritage value of these buildings shall be carried out prior to any development of the lots. The abovementioned places are included on the City's Local Planning Scheme Heritage List, which affords them a high degree of protection from demolition or unsympathetic alterations or additions.

It is recommended that this policy be revoked, as most matters it covers are now superseded by the Residential Design Codes, while heritage places are adequately protected by individual listings and the proposed Heritage Areas policy. There is some risk that future redevelopment of a site could introduce additional vehicle access to South Terrace however this is a relatively minor risk given that Hickory Street could effectively be designated as a 'secondary street' (which the R-Codes promote vehicle access from ahead of primary streets).

D.G.S5 – Wills Transport Site - 122 Marine Terrace & 3 South Street, South Fremantle (Attachment 5)

This policy was adopted in August 2003 and amended in September 2004. It relates to a specific street block bounded by Marine Terrace and South, Coral and Louisa Streets and catered for its residential redevelopment. The objective of the policy is *"to provide design guidance for the policy area in conjunction with other relevant council Policies. The policy is to be applied to achieve an attractive streetscape and a high level of amenity for the policy area and surrounding locality."*



*Figure 5 – Street Block over former Wills Transport Site, bounded by Marine Terrace, South, Coral and Louisa Streets, South Fremantle
(Source: City of Fremantle ESRI mapping)*

The general provisions of the policy cover a broad variety of matters, including access, parking, surveillance of the laneway and public open space, shading devices, landscaping, location and setback of garages, and the measurement of site levels. A further provision excludes the block from inclusion in LPP D.G.F16 – Marine Terrace Policy (Including South Fremantle), while each street has unique provisions for the control of setbacks, building form and open space. These provisions are supplementary to the Residential Design Codes and vary setbacks and building heights. Some of these setback requirements are greater than those deemed-to-comply in the Residential Design Codes, particularly front and rear setbacks, which were intended to articulate the facades of new dwellings. However, the policy has not been endorsed by the WAPC and so some elements could be subject to challenge.

There remains only one undeveloped lot within the street block, which is at the corner of Louisa Street and Marine Terrace.

Council could opt to revoke the policy on the basis that its provisions are very broadly consistent with the R-Codes and Streetscape Policy (other than the 10m upper floor setback) or retain it to provide continuity of the design intent for the precinct. On balance, retention is recommended subject to update to replace outdated references to the R-Codes, planning scheme and local planning policies, and application of the current policy template.

D.G.S6 – South Beach Village (Attachment 6)

This policy was adopted in August 2006 and relates to lots on Keeling Way and South Beach Promenade and catered for their redevelopment. The objectives of the policy are:

- *“To ensure development design embodies a coastal character reflecting the climate and feel of Fremantle’s beaches rather than conventional suburbs.*
- *To promote building design and development that is compatible with the character of South Fremantle.*
- *To provide a mix of building materials, colours and textures.”*



*Figure 6 – Street block over South Beach Village, South Beach Promenade and Keeling Way, South Fremantle
(Source: City of Fremantle ESRI mapping)*

The general provisions of the policy supplement the Residential Design Codes and cover matters including building elevations, building materials, carports and garages, ancillary development and services, and fences. The policy requires that where dwellings face the street(s) and/or public open space(s), they must address the street(s) and public open space(s) via design, fenestration and a clearly identifiable entrance. The policy further requires that those elevations have passive surveillance over the street(s) and public open space(s) and that elevations are articulated by varying setbacks and/or building materials.



The remaining policy provisions mainly relate to the use of materials, a requirement to screen ancillary fixtures where they would be visible from the street, and a restriction on the height of front fences to 1.2m in height and 50% visual permeability.

Five lots within the policy area remain undeveloped and so to revoke the policy would potentially allow development that is inconsistent with the existing. Retention of the policy subject to updates to outdated planning framework references and application of the current template.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The procedure for revoking a local planning policy is provided for under Schedule 2, Part 2, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION

Consultation is not required for revoking a local planning policy: publication of a digital notice is required, with the option to publish a notice in a local newspaper if the local government considers it appropriate. Given the age and limited application and impact of the policies, digital notification is considered sufficient in this case.

The administrative corrections to the retained policies do not warrant consultation having no material impact on the policy content.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority



OFFICERS RECOMMENDATION PC2203-12

Moved: Cr Bryn Jones

Seconded: Cr Hannah Fitzhardinge

Council:-

1. In accordance with Schedule 2, Part 2, Clause 6 of the Planning & Development (Local Planning Schemes) Regulations 2015:
 - a. Revoke the following local planning policies:
 - D.G.S1 – Seaview Tavern – 282 South Terrace, South Fremantle
 - D.G.S2 – South Terrace, South and Attfield Streets and Lefroy Road Local Area
 - D.G.S3 – South and Attfield Streets, Hampton and Lefroy Roads Local Area
 - D.G.S4 – South Terrace, Douro & Ocean Roads and Hickory Street Local Area
 - b. Publish a notice of the revocations on the City of Fremantle website.
2. Retain, update references to the R-Codes, planning scheme and local planning policies and reformat:
 - D.G.S5 – Wills Transport Site - 122 Marine Terrace & 3 South Street, South Fremantle
 - D.G.S6 – South Beach Village

Cr Su Groome requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Andrew Sullivan.

Carried: 7/0
Mayor Hannah Fitzhardinge, Cr Bryn Jones, Cr Fedele Camarda
Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver

Reason for change

Planning Committee has not offered a recommendation at this stage and will give consideration to additional comments received from the community ahead of the Ordinary Meeting of Council.



COUNCIL DECISION ITEM PC2203-12
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:-

1. In accordance with Schedule 2, Part 2, Clause 6 of the Planning & Development (Local Planning Schemes) Regulations 2015:

a. Revoke the following local planning policies:

- **D.G.S1 – Seaview Tavern – 282 South Terrace, South Fremantle**
- **D.G.S2 – South Terrace, South and Attfield Streets and Lefroy Road Local Area**
- **D.G.S3 – South and Attfield Streets, Hampton and Lefroy Roads Local Area**
- **D.G.S4 – South Terrace, Douro & Ocean Roads and Hickory Street Local Area**

b. Publish a notice of the revocations on the City of Fremantle website.

2. Retain, update references to the R-Codes, planning scheme and local planning policies and reformat:

- **D.G.S5 – Wills Transport Site - 122 Marine Terrace & 3 South Street, South Fremantle**
- **D.G.S6 – South Beach Village**

Carried: 10/1
For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against
Cr Marija Vujcic



11.2 Finance, Policy, Operations and Legislation Committee 9 March 2022

FPOL2203-3 DRAFT ANNUAL FINANCIAL STATEMENTS 2020-21

Meeting date:	9 March 2022
Responsible officer:	Manager Financial Services
Decision making authority:	Committee
Attachments:	1. Full set of Draft Financial Statements for year ending 30 June 2021
Additional information:	Nil

SUMMARY

The audit of the City of Fremantle’s Annual Financial Statements for the year ending 30 June 2021 is progressing towards completion with the Office of the Auditor General (OAG) advising that their review completion will occur late March 2022.

The City provides the attached draft Annual Financial Statements for the year ending 2020-21 to allow opportunity for review by Council prior to OAG sign-off before the requirement to adopt the statements within timeframes as required by the Local Government Act once sign-off has been provided.

BACKGROUND

The Office of the Auditor General (OAG) is currently auditing the Annual Financial Statements for the year ending 30 June 2021 in order to provide an independent report as required under the relevant provisions of the *Local Government Act 1995* (the Act). To date all requests from the OAG have been actioned and, based on timing advised by the OAG, it is expected that the audit will be completed in March 2022. The OAG has advised that due to workload and other audits in its schedule, this is the realistic timeframe for completion.

In accordance with section 7.12A(2) of the Act and the *Local Government (Audit) Regulations 1997*, Council is required to meet with the external auditor at least once per year. Council has delegated to the Audit and Risk Management Committee the power to meet with the external auditor in accordance with the provisions of the Act.

This matter will be discussed with the OAG and is anticipated to occur in April or May 2022, following completion of the audit.



FINANCIAL IMPLICATIONS

The draft statements provide an end of year operating result of \$15.06m. The breakdown of this result is provided in commentary below and is the result of projects carried forward that were either in progress or yet to commence, cash provided through cash received from insurance bonds with the collapse of Pindan late in the financial year, balance sheet adjustments through valuations and adjustments from the Southern Metropolitan Regional Council (now known as Resource Recovery Centre) and municipal surplus.

LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* states that:

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

Section 7.12AD of the *Local Government Act 1995* states that:

- (1) The auditor must prepare and sign a report on a financial audit.
- (2) The auditor must give the report to —
 - (a) the mayor, president or chairperson of the local government; and
 - (b) the CEO of the local government; and
 - (c) the Minister.

CONSULTATION

Nil



OFFICER COMMENT

The City has completed the preparation of the Annual Financial Statements for the year ended 30 June 2021 and provided the draft of these statements for review by the OAG in accordance with the Act requirements. The initial audit was undertaken prior to Christmas and is now being finalised. Whilst the completion of the audit is being undertaken an opportunity exists for the Committee to consider the draft statements and the detailed contained within.

Below is an overview of the significant issues to consider as part of the draft statements;

Operating Results (Rate Setting Statement)

For the year ended 30 June 2021, the draft closing balance as per the Rate Setting Statement (ie cash position) was an operating result of \$15,061,399.

Below is a reconciliation of the allocation of this end of year Operating Result:

Operating Result at end of year 30 June 2021		15,061,399
Project Budget to be Carried Forward into 2021/22	19,799,760	
Identified Project Funding	(14,235,870)	
Carried forward projects to be funded through Municipal		<u>5,563,890</u>
Net available Municipal Funds		9,497,509
less: Quarantined Items		
Pindan Insurance Settlement (net of contra-spend) - held as restricted cash	(2,857,415)	
Additional WCC Insurance [funding approved by Council 22/09/21; Item #: FPOL2109-17] to be funded by carried forward Surplus	(40,000)	
Financial Assistance Grant (FAG) received 8/06/21 in advance for 2021-22 - Department of Local Government, Sport and Cultural Industries	(572,825)	
		<u>(3,470,240)</u>
Remaining Operating Result available from 2020/21 Financial Year		<u>6,027,269</u>

The primary sources of this operating position are:

- A \$2.0m of municipal surplus for the financial year carried forward from the previous financial year (2019/20);
- A \$2.1m improvement in fees & charges revenue for the audited year, mainly stemming from:

Lease Revenue	\$713k
Parking Revenue	\$386k
FAC Education Services	\$346k
FLC Memberships	\$240k

**Minutes – Ordinary Meeting of Council
23 March 2022**



- City received \$3.6m from cashed-in insurance bonds with the collapse of Pindan during the year. some of these funds were used before the end of the year, however \$2.8m of these funds remained at year end. These are noted in the City’s cash position with a restriction on its use.

The City also received non-cash adjustments through its operating statement for the following;

- \$1.7m resulting from change in assets of the Southern Metropolitan Regional Council (now Resource Recovery Centre).
- \$1.9m resulting from a valuation of City’s Art Collection.

Projects carried forward into the 2021-22 financial year were approximately \$19.8m of which approximately \$5.56m was provided through municipal funds. Significant projects include:

- Walyalup Civic Centre and Kings Square development, including the Public Realm and Play-Space
- Port Beach Coastal Adaptation
- Fremantle Leisure Centre Pool Roof
- Fremantle Golf Clubhouse and Community Facility
- Arthur Head Wall Stabilisation
- Fremantle Park Car Park
- Gilbert Fraser Park Lighting
- Booyeembara Park Masterplan
- Dick Lawrence Oval Play-Space

Statement of Financial Position

The Statement of Financial Position continues to be strong, with major variances since last financial year highlighted below.

	FY 2021	FY 2020	Variance	Comments
	\$M	\$M	\$M	
Current Assets	47.01	56.88	(9.87)	Reduction of \$6m in Cash at Bank and \$4m in Short Term Deposits - drawn down to pay Capex and Opex operational requirements.
Non-Current Assets	445.24	427.50	17.73	Net \$15m increase in PPE (\$20m additions, -\$1m disposals, -\$4m depreciation). Increase of \$1m net equity in South Met. Reg. Council. Net \$1m Increase in overall Infrastructure (\$6m additions, -\$5m depreciation).
Total Assets	492.25	484.39	7.86	
Current Liabilities	21.89	23.29	(1.39)	
Non-Current Liabilities	24.73	26.53	(1.80)	Repayment of WA Treasury Corporation loans.
Total Liabilities	46.62	49.82	(3.19)	
Total Net Assets	445.63	434.57	11.06	



Capital Projects

The end of year result includes completion of the following projects:

- Fremantle Golf Course
- Town Hall fire upgrade

Key Financial Ratios

Debt Service Ratio

The DLGSC Operational Guideline 18 on financial ratios defines the Debt Service Cover Ratio as a measure of a local government’s ability to service its debt, that is to produce enough cash to cover its debt payments.

The Guideline sets the basic standard as met with a ratio result between 2 and 5. An advanced standard is met with a ratio result above 5.

The ratio results for the last 3 years have been:

	2021	2020	2019
	Actual	Actual	Actual
Debt Service Ratio	4.60	-2.46	0.99
Comparison to DLGSC Standard	✓	✗	✗
<i>Re-Calculated Debt Service Ratio excluding one-off non-cash items</i>	4.80 ✓	3.32 ✓	2.89 ✓

Last year’s report from the OAG highlighted concerns that the Debt Service Ratio was outside the Operational Guidelines, however it was highlighted that this was the direct result of significant one-off non-cash book entries.

While these non-cash do not have an impact on the cash surplus at end of financial year, they do adversely affect several financial ratios. A re-calculation of the ratios excluding the non-cash items resulted in this Ratio falling within DLGSC Guidelines.



Operating Surplus Ratio

The DLGSC Operational Guideline 18 on financial ratios defines the Operating Surplus Ratio as a measure of a Local government’s ability to cover its operational costs and have revenues available for capital funding or other purposes.

The Guideline sets the basic standard as met with a ratio result between 0.01 and 0.15. An advanced standard is met with a ratio result above 0.15.

The ratio results for the last 3 years have been:

	2021 Actual	2020 Actual	2019 Actual
Operating Surplus Ratio	0.06	(0.19)	(0.08)
Comparison to DLGSC Standard	✓	✗	✗
<i>Re-Calculated Debt Service Ratio excluding above one-off non-cash items</i>	<i>0.08</i> ✓	<i>0.01</i> ✓	<i>(0.02)</i> ✗

The Operating Surplus Ratio was similarly affected by the noted non-cash book entries and the re-calculation of this Ratio excluding the non-cash items is shown above.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM FPOL2203-3
(Committee recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council note

- 1. the draft financial statements for the City of Fremantle for the financial year ending 30 June 2021.**
- 2. the completion of the audit by the Office of Auditor General due in late March 2022, after which the final statements will be formally presented for adoption with the City of Fremantle Annual Report.**

Carried: 10/1

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic



FPOL2203-7 DRAFT PARKING PLAN PRINCIPLES

Meeting date: 9 March 2022
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Attachments: Nil
Additional information: Parking Precinct Locations

SUMMARY

The development of a Parking Plan is an action in the City’s Strategic Community Plan and Integrated Transport Strategy. The purpose of the Plan is to inform and guide public parking management and provision across the city.

Work on the parking plan has involved:

- **research into best practice management and provision,**
- **parking behaviour research and analysis,**
- **benchmarking, and**
- **parking surveys of activity centres/precincts across the city (including beaches).**

The purpose of this report is to present to Council the guiding principles and parking management approach proposed to underpin the Plan, to confirm support for these prior to consideration of the full document.

The report also considers recent community requests to make Harbour Road and Orient Street in South Fremantle resident-only parking areas. Designation of public parking bays for one user type (beyond ACROD permit holders) is inconsistent with Council’s current policy and the parking principles and management approach proposed by the draft Plan, which seeks to make most efficient use of public land and resources through shared use.

This report recommends that Council:

- 1. Support the guiding principles, management approach and parking occupancy rate provision proposed as the basis for the draft Parking Plan.**
- 2. Advise the Harbour Road and Orient Street petitioners that exclusive resident-only designation of public parking is not supported, but that the City will review parking time limits and management in the area to increase availability of bays to residents to achieve the target distance proposed in the draft Parking Plan.**



BACKGROUND

Parking provision and management is important in supporting community access and visitation to centres and places of amenity. However, it also has implications for urban form, commercial viability and activation, heritage, amenity, lifestyle and the environment. Successful parking management is consequently complex and subjective, needing to balance multiple considerations and objectives well beyond having 'enough' parking at any given time.

The significance of parking and the City's role in effectively providing and managing parking is identified in key strategic documents including the Strategic Community Plan, Integrated Transport Strategy and Economic Development Strategy which recommend preparation of a Parking Plan to promote a consistent and strategically aligned approach to this issue.

The development of the plan to date has involved:

- Research scan to consider trends, approaches and case studies.
- Development of overarching principles and level of service standards.
- Definition and surveys of 16 'Parking Precincts'.
- Development of broad (city-wide) recommendations.

The final stage of plan development involves precinct-specific recommendations. Prior to completion and submission of the document to Council, confirmation of the principles and broad approach underpinning the plan is sought.

OFFICER COMMENT

Parking provision has traditionally involved a combination of public on-street parking and private off-street parking, with street parking supplementing the private parking landowners and business operators provide for their own needs. In some areas (particularly historic precincts with limited capacity for off-street parking provision), provision of public off-street parking stations has also occurred. Where demand is high and fees can be changed, these are sometimes privately operated for profit. Parking provision is consequently a shared endeavour with both private and public responsibility for the outcomes.

Research into parking confirms what most people intuitively know; which is that parking demand is highly variable, fluctuating significantly based on aspects such as the popularity of a business, the size and age of households, alternative transport availability, special events and even, in the case of the beach and other outdoor attractors, the weather. Changes in transport availability (including the rise in on-demand transport such as Uber, e-scooters and the like) and societal trends (such as increasing work-from-home capacity) are seeing further changes in parking demand which are likely to grow (albeit gradually, partially off-set by a growing overall population).



Application of a one-size-fits all approach to parking provision and accurate projection of future demand is consequently unlikely to be successful. Pursuit of a more agile and responsive approach to parking management is consequently recommended. This should be based around parking precincts (defined as a place where a person can access multiple services, businesses, facilities or attractions (e.g. beaches) within a short walk of a parked vehicle (car, bike or other) – refer Additional Information 1 for Parking Precincts defined and assessed to date.

Whilst initial community sentiment to parking pressure often centres around personal convenience and suggestions that more parking should be provided and / or that it should be provided free of charge, this reflects the expectations of personal convenience and priority established through the planning and land use management of the 1960s, when land was cheap, car ownership was on the rise and land use separation and independent mobility underpinned much urban policy. More recently, analysis has focussed on the high financial cost of parking provision and its opportunity cost (in terms of both what use and enjoyment of land is excluded, and the direct cost of land, construction and management which could otherwise be redirected). Concerns have also been raised about the equity of car-oriented public policy, and the environmental implications of fostering a continued dependence on private vehicle transportation. A more balanced approach acknowledging the high cost of parking and the need for responsible, balanced decision-making in the allocation of public funding and land is consequently recommended.

In addition to the financial and opportunity costs of increased parking provision, in an established urban area such as Fremantle, there are many physical constraints to the supply increase: at the beach, for example, the dunes (with their environmental value), public infrastructure (such as roads and rail) and established private lots restrict land area available for new parking. Within the City Centre, the heritage values associated with many sites is a further restriction. Parking provision and management based on defined target-availability recognises that unconstrained provision is neither feasible nor desirable but establishes a clear benchmark against which to manage public expectations and measure performance. 85% parking utility (i.e. 15% of total bays available at any given time) is the internationally recognised benchmark 'ideal' to ensure that some parking is always available, but that supply is being efficiently used.



In assessing options to improve parking availability and utility (particularly where the 85% utilisation target is being exceeded), an escalating hierarchy of responses is suggested:

1. Optimise Existing Bays

The first step is to ensure that parking bays are safe to use and easy to access. For instance, where parking is located in poorly lit areas, improved street lighting, CCTV, wayfinding signage and pedestrian links may encourage higher use. In other areas, seating and shading along key connections between parking bays and destinations can encourage use. This approach may be particularly effective where parking is located on the edge of a precinct.

Time limits and parking fees can be used to shift demand away from busy streets to under-utilised bays that might be a short walk away.

Different occupancy rates should be used to identify when time limits and parking fees should be changed. For instance, in time limited bays that regularly surpass 85% occupancy, shorter time limits could be reduced. If shorter time limits are not appropriate given surrounding land uses and businesses, time limits should remain unchanged and parking fees should be introduced.

In paid parking areas where occupancy regularly surpasses 85%, dynamic pricing (and timing) can be used to balance demand across a precinct and across the day. For instance, in low-occupancy periods, free parking periods could be extended, or parking fees lowered, to shift demand from busy streets or times to normally quieter streets or times. Conversely, during peak-occupancy periods, free parking periods should be reduced or eliminated, or parking fees increased, to encourage parking turnover. This approach has been used successfully in other WA local authority areas.

Special dispensation from fees and / or time limits may be appropriate in some areas for priority users: residential permits for local residents in residential areas with limited on-site parking capacity is a common example. The City's Parking Local Law and Policy allows for residential parking permits in some areas experiencing high and conflicting parking demand, but not dedicated resident bays. Exclusive use of bays is only appropriate for ACROD permit holders (refer Resident Only Parking below).

2. Decrease Parking Demand

The City can implement measures that decrease demand for parking by encouraging the use of alternative transport modes like walking, cycling, scooters, buses and trains. These measures might include investing in footpaths, dual use pathways, bicycle awareness zones and separated bike lanes and contributing to a CAT bus service or working with public transport providers to expand their services. An e-scooter rental scheme could also assist (albeit with limitations). Travel behaviour takes time to shift, but provision of comfortable, convenient and amenable alternatives is vital to providing alternatives, and more achieving more balanced modal choice over the longer term.



3. Increase Parking Supply

Increasing parking supply is the final option in the framework. Increasing supply can be expensive, given the costs associated with purchasing land in high value locations and opportunity costs where land could be used for purposes other than parking. Increasing parking supply can also induce traffic congestion and decrease amenity and vibrancy in a precinct through encouraging increased car use and paved space for parking. However, increasing parking supply may be an appropriate step when all reasonable options to affect parking demand have been exhausted, and where increased visitation /accommodation is desirable.

Measures that increase parking supply include:

Constructing at-grade or multi-deck parking.

Offering development bonuses such as increased heights and plot ratios where public parking is provided as part of new development in appropriate locations.

The feasibility and cost benefit of these options require careful assessment before they are committed to. However, in areas such as the City Centre where existing supply is expected to reduce and demand increase as development proceeds, planning for (if not necessarily committing to) additional bays is advisable.

The surveys undertaken across the City confirm the perception that parking demand and experience is very different in the older precincts (with limited off street parking and a pre-car urban structure) to the newer areas and centres (which tend to have much higher private and off-street provision). Where demand for on-street bays is high (i.e. in older centres such as South Fremantle, North Fremantle and the City Centre), a 'kerb hierarchy' is suggested which allocates space based on a rough order of collective community benefit, seeking to maximise utility and access to the highest number and broadest range of people: public transport, loading and ACROD, short term down to long term parking. Given the intent of these areas to accommodate a range of uses and visitors, their primary purpose as being commercial, and the higher accessibility they generally have to services transport and amenity, special dispensation from parking regulations (fees or time limits) is not recommended for residents living within activity centres.



Outside of activity centres (in residential zoned areas), overflow from commercial and other activities can also be experienced. The road, being public space, does not belong to the adjoining resident any more than it does to an adjoining business in the City Centre and so shared use should be promoted as a base principle. However, exemption from parking fees and time limits for local residents is recommended to be retained in areas of high demand, in recognition of the primacy of residential (as opposed to commercial) purpose. Where commercial overflow is routinely experienced and on-site parking capacity is restricted due to heritage fabric, management of street parking is also recommended to target availability of a street bay within 200m (ideally 100m) walkable distance of each dwelling. This again establishes a clear benchmark and assists in management of expectations and well as providing focus for interventions. In a very few instances, it is noted that high demand may make the 200m target challenging during limited peak times, in which situations an absolute maximum of 400m is proposed. These instances are, however, very rare. Consideration has been given to reducing the target to 100m (making this a commitment rather than an aspiration) however this is likely to require very high degrees of intervention to achieve in some areas during peak demand periods (including the introduction of parking fees to much larger parts of the city), and significant disruption as a consequence: it is possible but would require Council to carefully consider the flow on impacts on visitation.

If these principles and approaches are supported by Council, finalisation of the draft Parking Plan including definition of precinct-specific recommendations can occur.

Resident Only Parking

The City periodically receives requests from residents to implement residential-only parking in their streets. These requests are commonly in mixed use, older areas where off-street parking is limited (due to pre-car residential development), streets are narrower and constrained, and parking for visitors, deliveries, or residents unable to park on-site creates (sometimes significant) inconvenience. At its meeting of 27 October 2021, Council received a petition from residents in Harbour Road, South Fremantle to make the street resident only parking. A further request was received from a resident in January 2022 to extend resident only parking for all local streets in South Fremantle (starting with Harbour and Orient Streets).

The Residential and Multi Purpose Parking Permits Policy (SG33) recognises the needs and parking constraints in these areas and allows residents parking permits in timed and/or paid parking areas. The management approach proposed by the draft Parking Plan is in line with current SG33, supplemented by a target to have an available public bay within 200m (ideally 100m, but conceivably up to 400m in extreme situations) of residential-zoned properties. Amendments to parking time limits and potentially introduction of fees may be used to achieve the targets. Restriction of parking to one user group only (i.e. residential) is not recommended (except than in exceptional circumstances) as it reduces the public parking supply, impacting on other residents and activities in the area as parking demand is transferred onto other streets, and introduces inequities in the allocation of what is, ultimately, a public asset. It



also sets a precedent which, extended across the city, would create significant disfunction. For example, if this was applied in North Fremantle, on -street car parking could be reduced by 70 bays.

It is noted that historic resident-only zones have been applied in the following areas:

- Commercial Street, South Fremantle (14 resident bays and 3 public bays)
- 5 marked resident bays in Alma Street, Fremantle
- 6 marked resident bays in Suffolk Street, Fremantle
- 6 marked resident bays in Holdsworth Street, Fremantle
- 10 marked resident bays in Little Howard Street, Fremantle

These resident-only zones/bays were installed prior to the adoption of Policy SG33, and some (such as Alma Street) may warrant review.

Resident-only parking was approved Burns Street, North Fremantle (24 resident bays and 6 public bays) more recently in light of the limited on-site capacity and heritage constraints, high public bay demand and the major road barriers in the area which restrict access to alternative bays. This represents an exceptional circumstance where achievement of available parking within walking distance of dwellings with significant restrictions to onsite provision of parking was otherwise unachievable.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The City's Parking Local Law 2021 applies for parking management.

CONSULTATION

The principles have been developed in consultation with a cross – organisation team taking into account broad community needs and priorities established through overarching strategic documents, and ongoing community feedback received through the parking team. No targeted community engagement has been undertaken in the development of the plan to date, but is proposed to occur once a coherent response to the issue (ie the Plan) is documented.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority required

OFFICER'S RECOMMENDATION



1. Support the following guiding principles and approaches for inclusion in the draft Greater Fremantle Parking Plan:
 - 1.1 Acknowledgement of the complexity of parking management and the inherent conflicts which exist between different objectives relating to or affected by parking.
 - 1.2 Recognition that whilst the City has an important role to play in parking management, this is in partnership with the community and parking users and providers (both commercial and residential): public provision of an infinite supply to meet demand at all times is neither feasible nor desirable.
 - 1.3 Recognition that public parking is a community asset which comes at a cost, and which should therefore be managed in the interests of maximum community benefit.
 - 1.4 Recognition that parking demand is dynamic and that establishment of accurate projections for future demand are unfeasible.
 - 1.5 Application of a precinct-based approach to parking management due to the unique parking characteristics and urban form in each activity centre and parking precinct.
 - 1.6 Pursuit of an outcomes-based approach to public parking management, targeting an industry standard 'ideal' parking occupancy rate of 85% (i.e. 15% of bays in a precinct are available at any given time).
 - 1.7 Application of a hierarchy of responses to parking stress (i.e. where 85% utilisation is regularly exceeded):
 - Optimize existing parking bays.
 - Decrease parking demand (by spreading demand or transferring to alternate modes).
 - Increase parking supply.
 - 1.8 In residential-zoned areas where competing commercial/non-residential and residential demand for public parking is creating significant conflict, target a house-to-vacant-public-bay distance of up to 200m at most times (ideally 100m, with a maximum tolerance of 400m) through application of time limits and parking fees (variable for residential parking permit holders).
 - 1.9 Recognise the specific needs of ACROD permit holders and the need to review provision and placement for this user group across the City to meet the objectives of the Access and Inclusion Plan relating to equity of access.



2. Advise the Harbour Road and Orient Street petitioners that exclusive resident-only designation of public parking is not supported but that the City will review parking time limits and management in the area to increase availability of bays to residents to achieve the target (200m, ideally 100m) distance proposed in the draft Parking Plan.

AMENDMENT

Moved: Cr Rachel Pemberton Seconded: Cr Frank Mofflin

To amend part 1.5 of the Officer’s Recommendation to read as follows:

- 1.5 Application of a precinct-based approach to parking management due to the unique parking characteristics and urban form in each activity centre and parking precinct, which may include but not limited to paid parking and urban realm.**

Amendment carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Rachel Pemberton, Cr Fedele Camarda,
Cr Marjia Vujcic, Cr Frank Mofflin**

The Presiding Member moved the recommendation in two parts.

COMMITTEE RECOMMENDATION ITEM FPOL2203-7 **(Officer’s recommendation)**

Moved: Cr Rachel Pemberton Seconded: Cr Frank Mofflin

Council:

- 1. Support the following guiding principles and approaches for inclusion in the draft Greater Fremantle Parking Plan:**
 - 1.1 Acknowledgement of the complexity of parking management and the inherent conflicts which exist between different objectives relating to or affected by parking.**
 - 1.2 Recognition that whilst the City has an important role to play in parking management, this is in partnership with the community and parking users and providers (both commercial and residential): public provision of an infinite supply to meet demand at all times is neither feasible nor desirable.**



- 1.3 Recognition that public parking is a community asset which comes at a cost, and which should therefore be managed in the interests of maximum community benefit.**
- 1.4 Recognition that parking demand is dynamic and that establishment of accurate projections for future demand are unfeasible.**
- 1.5 Application of a precinct-based approach to parking management due to the unique parking characteristics and urban form in each activity centre and parking precinct, which may include but not limited to paid parking and urban realm.**
- 1.6 Pursuit of an outcomes-based approach to public parking management, targeting an industry standard 'ideal' parking occupancy rate of 85% (i.e. 15% of bays in a precinct are available at any given time).**
- 1.7 Application of a hierarchy of responses to parking stress (i.e. where 85% utilisation is regularly exceeded):**
 - **Optimize existing parking bays.**
 - **Decrease parking demand (by spreading demand or transferring to alternate modes).**
 - **Increase parking supply.**
- 1.8 In residential-zoned areas where competing commercial/non-residential and residential demand for public parking is creating significant conflict, target a house-to-vacant-public-bay distance of up to 200m at most times (ideally 100m, with a maximum tolerance of 400m) through application of time limits and parking fees (variable for residential parking permit holders).**
- 1.9 Recognise the specific needs of ACROD permit holders and the need to review provision and placement for this user group across the City to meet the objectives of the Access and Inclusion Plan relating to equity of access.**

Carried: 5/0

**Mayor Hannah Fitzhardinge, Cr Rachel Pemberton, Cr Fedele Camarda,
Cr Marjia Vujcic, Cr Frank Mofflin**



COMMITTEE RECOMMENDATION ITEM FPOL2203-7
(Officer’s recommendation)

Moved: Cr Rachel Pemberton

Seconded: Cr Frank Mofflin

Council:

- 2. Advise the Harbour Road and Orient Street petitioners that exclusive resident-only designation of public parking is not supported but that the City will review parking time limits and management in the area to increase availability of bays to residents to achieve the target (200m, ideally 100m) distance proposed in the draft Parking Plan.**

Carried: 4/1

For

**Mayor Hannah Fitzhardinge, Cr Rachel Pemberton,
Cr Fedele Camarda, Cr Frank Mofflin**

Against

Cr Marija Vujcic

The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

COMMITTEE RECOMMENDATION ITEM FPOL2203-7
(Officer’s recommendation)

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council:

- 1. Support the following guiding principles and approaches for inclusion in the draft Greater Fremantle Parking Plan:**
 - 1.1 Acknowledgement of the complexity of parking management and the inherent conflicts which exist between different objectives relating to or affected by parking.**
 - 1.2 Recognition that whilst the City has an important role to play in parking management, this is in partnership with the community and parking users and providers (both commercial and residential): public provision of an infinite supply to meet demand at all times is neither feasible nor desirable.**
 - 1.3 Recognition that public parking is a community asset which comes at a cost, and which should therefore be managed in the interests of maximum community benefit.**



- 1.4 Recognition that parking demand is dynamic and that establishment of accurate projections for future demand are unfeasible.
- 1.5 Application of a precinct-based approach to parking management due to the unique parking characteristics and urban form in each activity centre and parking precinct, which may include but not limited to paid parking and urban realm.
- 1.6 Pursuit of an outcomes-based approach to public parking management, targeting an industry standard 'ideal' parking occupancy rate of 85% (i.e. 15% of bays in a precinct are available at any given time).
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- 1.9 Recognise the specific needs of ACROD permit holders and the need to review provision and placement for this user group across the City to meet the objectives of the Access and Inclusion Plan relating to equity of access.
2. Advise the Harbour Road and Orient Street petitioners that exclusive resident-only designation of public parking is not supported but that the City will review parking time limits and management in the area to increase availability of bays to residents to achieve the target (200m, ideally 100m) distance proposed in the draft Parking Plan.



AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Jenny Archibald

Amend part 1 (1.8) of the Committee recommendation to read as follows:

- 1.8 In residential-zoned areas where competing commercial/non-residential and residential demand for public parking is creating significant conflict, target a house-to-vacant-public-bay distance of up to 200m at most times (ideally 100m, ~~with a maximum tolerance of 400m~~) through application of time limits and parking fees (variable for residential parking permit holders).**

Carried: 10/1

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic

COUNCIL DECISION ITEM FPOL2203-7

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council:

- 1. Support the following guiding principles and approaches for inclusion in the draft Greater Fremantle Parking Plan:
 - 1.1 Acknowledgement of the complexity of parking management and the inherent conflicts which exist between different objectives relating to or affected by parking.**
 - 1.2 Recognition that whilst the City has an important role to play in parking management, this is in partnership with the community and parking users and providers (both commercial and residential): public provision of an infinite supply to meet demand at all times is neither feasible nor desirable.**
 - 1.3 Recognition that public parking is a community asset which comes at a cost, and which should therefore be managed in the interests of maximum community benefit.**
 - 1.4 Recognition that parking demand is dynamic and that establishment of accurate projections for future demand are unfeasible.****



1.5 Application of a precinct-based approach to parking management due to the unique parking characteristics and urban form in each activity centre and parking precinct, which may include but not limited to paid parking and urban realm.

1.6 Pursuit of an outcomes-based approach to public parking management, targeting an industry standard 'ideal' parking occupancy rate of 85% (i.e. 15% of bays in a precinct are available at any given time).

1.7 Application of a hierarchy of responses to parking stress (i.e. where 85% utilisation is regularly exceeded):

- **Optimize existing parking bays.**
- **Decrease parking demand (by spreading demand or transferring to alternate modes).**
- **Increase parking supply.**

1.8 In residential-zoned areas where competing commercial/non-residential and residential demand for public parking is creating significant conflict, target a house-to-vacant-public-bay distance of up to 200m at most times (ideally 100m) through application of time limits and parking fees (variable for residential parking permit holders).

1.9 Recognise the specific needs of ACROD permit holders and the need to review provision and placement for this user group across the City to meet the objectives of the Access and Inclusion Plan relating to equity of access.

2. Advise the Harbour Road and Orient Street petitioners that exclusive resident-only designation of public parking is not supported but that the City will review parking time limits and management in the area to increase availability of bays to residents to achieve the target (200m, ideally 100m) distance proposed in the draft Parking Plan.

**Carried: 10/1
For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**Against
Cr Marija Vujcic**



Cr Marija Vujcic left the meeting at 7.29 pm.

Cr Marija Vujcic returned to the meeting at 7.32 pm.

Cr Bryn Jones left the meeting at 7.32 pm.

Cr Bryn Jones returned to the meeting at 7.33 pm.

FPOL2203-8 CAT BUS REVIEW – ADDITIONAL FINDINGS

Meeting date:	9 March 2022
Responsible officer:	Manager Strategic Planning
Decision making authority:	Council
Attachments:	1. Nil
Additional information:	1. CAT Bus Routes 2. Passenger Boarding Counts 3. Observation Study Findings 4. Intercept Survey

SUMMARY

In June 2020, in response to the impacts of COVID-19, Council resolved on a temporary suspension of the Red CAT bus and a reduction of the Blue CAT bus service and requested a review of the service be undertaken. Council specified the parameters of the review, and provided supplementary direction in considering an update report on the review in September 2020.

The review was submitted to Council in March 2021 in response to which Council requested further information and stakeholder consultation. This confirmed that:

- The primary use of the service (during the time of the survey) is by local residents.**
- Stakeholders consider the access provided by the service to key destinations within the City Centre (including the Fishing Boat Harbour, Victoria Quay, Arts Centre and Notre Dame) as important but not critical.**
- Opportunities remain to continue exploration of extension and / or supplementing the service to connect with adjoining local government areas, but neither Cockburn nor East Fremantle currently have budget capacity or appetite to commit to this.**

On the basis of the direction previously set by Council, this report recommends that Council renegotiate the agreement with PTA for maintenance of the service as a reduced 15-20minute service interval (both Blue and Red CAT services) with investigation of potential advertising revenue to be explored in the new contract.



BACKGROUND

A Central Area Transit (CAT) bus service (or variation of it) has operated in Fremantle since 2000. The service has been periodically reviewed and has evolved over time to the two CAT routes shown in Additional Information attachment 1. The service operates under a contractual agreement between the City of Fremantle (City) and the Public Transport Authority (PTA), which expires on 31 October 2022.

In response to the significant social and economic disruption of the COVID-19 pandemic on the CAT service and City income, Council resolved on a temporary reduction of the CAT bus service in June 2020 and requested conduct of a review. In September 2020, Council confirmed that the review should focus on “A service broadly based on the features of the current CAT service focussed on maximising access to residents and visitors to key destinations and services in Fremantle...” or a Free Transit Zone model (SPT2009-4)

The review findings were reported to Council on 24 March 2021 (refer SPT2103-3) in response to which Council resolved as follows.

1. *Reaffirm the desirability of a CAT service as an add-on bus service to that provided by the state through the PTA, and its alignment with various strategic objectives including:*
 - 1.1. *Supporting investment, increased residential and commercial populations and increased visitation*
 - 1.2. *Enabling more sustainable movement and transport options (with associated reduction in emissions)*
 - 1.3. *Supportive active and public transport use*
 - 1.4. *Improved peripheral parking opportunities*
 - 1.5. *Improved urban environment, amenity and liveability*
 - 1.6. *Social inclusion opportunities.*
2. *Note the following conclusions of the Central Area Transit (CAT) Review 20/21 report provided as Attachment 1 to this item:*
 - 2.1. *The current CAT routes and service level (frequency) be recognised as the best configuration at current (pre-August 2020) cost.*
 - 2.2. *Options involving an increased cost should be put aside as unfeasible at this time.*
 - 2.3. *Additional external (third party) funding is unlikely to become available within the foreseeable future.*
 - 2.4. *The opportunity cost of the CAT when weighed against other budget demands represents the key consideration point in reviewing the service at this time.*



3. *The City remains open to a negotiating a different funding model with the PTA.*
4. *Recognising that ongoing uncertainty regarding tourism, the economy and City finances stemming from COVID-19 is continuing into 2021/22, authorise the Chief Executive Officer to request the PTA to agree to a continuation of the temporary suspension of the Red CAT and reduction in service frequency (to 20 minutes) of the Blue CAT to the end of the 2021/22 financial year.*
5. *During the extended period of reduced CAT service operation referred to in 4 above, request officers to:*
 - 5.1. *Further investigate and obtain data regarding patronage profile and based on this,*
 - 5.2. *Prepare a further report on opportunities for Specified Area Rate contributions towards the cost of running the CAT from landowners within 400m of the CAT route for Council's consideration.*
6. *Note the expiry of the current CAT service agreement with PTA in 2022 and work towards resolution of a revised service agreement based on the above prior to its expiry, so that an agreed service level can be the subject of new multi-year service agreement between the City and the PTA.*
7. *Further consider its future funding appetite for the CAT (either with or without Specified Area Rate contributions) in the context of other budget priorities in future budget discussions, focussing on the following options:*
 - 7.1. *Return to full service: at an estimated cost of \$670,000p/a.*
 - 7.2. *Return to reduced (15-20minute) Red and Blue CAT service: at an estimated cost of \$535,000p/a.*
8. *Request that officers further investigate and pursue introduction of fee-based parking within the CAT catchment noting that additional revenue generated is unlikely to be significant, but that it discourages entirely free park n ride utilisation.*
9. *Request that officers further pursue discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.*
10. *Note that officers intend to provide a community and stakeholder update on the status of the review.*

The purpose of this report is to consider the further actions requested in resolutions 5, 8 and 9 above.



The CAT bus contributes directly to the Council’s transport objectives, and indirectly to its economic, social and urban enhancement objectives. A review of the service provides the opportunity for Council to evaluate the CAT bus services’ contribution towards these objectives in the context of its Capability objectives in the Strategic Community Plan and the opportunity cost of the expenditure on the CAT against Council’s other objectives and competing initiatives.

OFFICER COMMENT

Passenger Boarding

Utilisation data (passenger boardings) is provided monthly by PTA. This illustrates the dramatic fall in passenger use resulting from the COVID-19 lockdown initiated in March 2020. The service was reduced in August 2020 but has seen increases in passenger patronage on the Blue CAT service as restrictions have eased, taking into account seasonal fluctuations. When comparing 2018-2019 and 2020-2021 Blue CAT passenger boarding, although total passenger boarding has reduced by around half, the number of passengers on each bus is similar to the previous pre-COVID service (refer Additional Information 2), with the reduction reflecting the fewer bus trips being provided.

Patronage profile

Two methods were employed to assess patronage profile:

1. Passenger Observation Survey
2. Intercept surveys

Whilst indicative only of utility at the time of review (winter, operating on reduced service with limited tourism), these nevertheless give some general indication of the user profile. They indicate that:

Observational Survey

- The majority of passengers observed used the service for social and recreation visits e.g. cafés, South Beach and were observed to live locally (39%).
- University of Notre Dame (UND) students were observed being the second highest bus user, mainly from South Beach/Marine Terrace to campus buildings in the West End (15%).
- Passengers used the CAT bus for park and ride commuting, mainly from South Beach and Marine Terrace to the Fremantle Train Station (11%).
- A similar number of passengers were assessed to be visitors, using the service to access recreation/social destinations e.g. Bathers Beach, The Esplanade and South Beach (11%).



- Peak bus use times are in the early morning and afternoon, reflecting the commuter and UND student use. Passenger use reduced during the day, with most local and visitor passengers using the service to access social/recreation destinations close to the route.
- There was a low number of primary and secondary school students using the service (2% primary and 7% secondary) given the proximity of 5 state and private primary and secondary schools and train station exchange.

Refer Additional Information 3 for further detail.

Intercept Survey

- 53% of respondents were female and 47% were male.
- Age ranges were broadly spread, as would be expected from the general population distribution, although trending towards the older demographic.
 - 18% were 65+
 - 25% of respondents were in the 55 – 64 age group
 - 21% were between 45 – 54
 - 12% between 35 – 44
 - 15% were between 25 – 34
 - 9% were 18 – 24Note survey code of practice inhibits interviews with children unless with carer permission and presence
- 70% (by far the largest proportion) of adult respondents were travelling on their own. Of the remaining 30%, most were either travelling with another adult, although just less than half were travelling with a child (around 50:50).
- A majority of passengers using the Blue CAT lived within the City of Fremantle at 56%. Of the remaining 44% of respondents, most lived in neighbouring suburbs (23% of total): 9% lived in the northern suburbs, 5% in the southern suburbs, 4% in the eastern suburbs and 2% in the western suburbs. Only 1% lived in regional WA.
- Of the City of Fremantle residents using the service, the highest proportion respondents' suburb of origin was South Fremantle (33.3%) followed by Fremantle 32.1%. This was followed by Beaconsfield respondents (17.6%) Hilton respondents at 9.5% then Samson (3.6%) and White Gum Valley (3.6%).
- Many of the respondents (41%) used the CAT regularly for multiple purposes. This is compared to 29% who used it rarely, and 21% who used it occasionally. Only 9% used it regularly for a single purpose.
- People were most likely to use the service on a Friday (41% of all respondents) followed by 38% each who would use it on a Tuesday or a Thursday. 32% each used it on a Thursday or a Saturday. The smallest proportion of respondents used the service on a Sunday (29%) or Monday (26%).
- Survey respondents indicated they mostly used the CAT service in the mornings (59%). 47% of respondents used it around the noon hours, and a further 41% used it in the afternoon. Only 12% of respondents used it in the evening rush hour,



with 9% using it in the morning rush hour. 6% of respondents used it at 'other' times.

- The largest proportion of respondents used the CAT service to get to shops and services (59%). This was followed by respondents who were going to work (in Fremantle) (18%), for leisure (15%) and going to the train station/public transport (12%). Fewer respondents used it for going to university (7%), school (6%), entertainment (3%) or the beach (2%).
- The largest proportion of respondents used the CAT service because it was the most convenient route (47%), followed by respondents who wanted to save money on parking (44%) and those who were after a regular, reliable service' (32%). 15% of respondents used it because they didn't own a car, 12% of respondents used it due to personal preference, with a further 9% who felt it was more sustainable than driving.

Opportunities for Specified Area Rate contributions towards the cost of running the CAT from landowners within 400m of the CAT route.

As previously discussed, a Specified Area Rate (SAR) could be levied against properties deemed to most benefit from the service, as a special contribution towards its operation. Based on the user profile above, a contribution of up to 20% could be levied for the Blue CAT, translating to \$107,200, reducing the City's contribution to \$428,800. A lesser 10% would attract \$53,000, reducing the City's contribution to \$482,400.

The following table describes the current Red and Blue CAT cost, 20% and 10% SARS rate per property, and 'split' of cost of 80% and 20% contribution between the Blue and Red CAT catchments based on patronage use and route type (Blue CAT serves a city centre, beach and residential catchment where the Red CAT serves city centre, visitor destinations and a lesser residential component, though it is noted higher density residential development is identified in the planning scheme).



CAT	Rateable Property Catchment	CAT cost apportionment	CoF Cost	Total 20% SARS contribution	Total 10% SARS contribution	Residual general revenue cost (-20% SAR)	Residual general revenue cost (-10% SAR)	20% SAR Per Property (Av)	10% SAR Per Property (Av)
Blue	3917	80%	\$536,000	\$107,200	\$53,600	\$428,800	\$482,400	\$27.37	\$13.68
Red	2894	20%	\$134,000	\$26,800	\$13,400	\$107,200	\$120,600	\$9	\$5
Totals	6811	100%	\$670,000	\$134,000	\$67,000	\$536,000	\$603,000		

The following assumptions have been made in the high level SAR contribution cost calculation; costs represent a return to pre-Covid service i.e. Red CAT with one bus at 15-20 minute intervals, Blue CAT with two buses at 10 minute intervals; uses a 400m walkable catchment along the route, uses a 20%/80% split based on previous patronage, assumes a flat rate per property. If supported in principle, a detailed breakdown of cost per property will be required due to rates calculations such as Gross Rental Value.

The passenger surveys indicate a significant level of local use for the Blue CAT which could warrant consideration of a SAR. However, given the relatively high non-local usage, the relatively small proportion of cost secured through a SAR and the administrative complexity and objections a SAR is likely to attract, it remains open to Council to continue to fund the service out of general revenue without revenue from a SAR. Should a SAR be considered it is recommended to fund a return to a high frequency service i.e. 10 minute Blue CAT frequency and 15-20 minute Red CAT as it provides an 'over and above' public transport service in addition to Transperth services.

On balance, bearing in mind the above considerations, pursuit of an SAR is no longer recommended by officers.

Introduction of fee-based parking within the CAT catchment.

Previous investigation of fee-based parking (SPT2103-3) indicated the CAT routes were well served by public and private car parking (and vice versa) and identified Ord Street and Marine Terrace as appropriate to introduce paid parking (note updates to the Parking Local Law to allow this is underway and is awaiting state government approval). Further fee car parking investigation was undertaken in all areas within the CAT catchments.

The majority of the on and off-street public parking facilities in the Red CAT catchment are already fee paying, with the exception of peripheral residential streets e.g. Finnerty Street, Quarry Street and Stirling Street. These types of streets provide a combination of resident and visitor parking, with the exception of Ord Street which currently functions as



a free on-street car park, untimed, mainly for week-day commuters, identified in previous investigations.

Similarly, most car parking on the Blue CAT route catchment in the city centre is fee paying, with the peripheral and residential car parking providing a combination of free, untimed, and free timed on-street parking for residential and commercial use. The residential areas also allow resident parking permits. Marine Terrace, particularly the western side functions as a free on-street car park, untimed and used extensively for week day commuters as identified in previous investigations and passenger intercept survey. Commuter parking 'spill over' has also been observed in off-street car parks at South Beach in the catchment area, which the City has managed by introducing timed parking.

The 'side street' free on-street parking in the CAT catchment areas perform both a resident and visitor/commercial function for the mixed use and residential areas, outside of the city centre paid parking area. This is considered important to supplement on-site parking provision which is constrained due to the age and type of existing development (e.g. pre-car development without on-site parking, smaller lots). Although timed parking has been or can be introduced to encourage parking space turnover, it is not recommended to introduce paid parking in these areas at this stage.

Conservative projections for the all-day use of Marine Terrace parking and Ord Street parking indicate an estimated \$77,000 and \$58,000 (respectively) income per year, which could partially offset the CAT service costs.

Discussions with the City of Cockburn and the Town of East Fremantle regarding potential support for maintenance and / or extension of the service.

Since the March 2021 report, further conversations regarding the service have been held with:

- City of Cockburn
- Town of East Fremantle
- PTA
- Department of Transport
- Notre Dame University.



Key conclusions include:

- City of Cockburn officers are interested to see the Blue CAT extend to North Coogee. However, it is noted that this is not possible through the northern section of South Beach (North Coogee residential) so it would need to extend back to Hampton Road then south, adding a further 8.5km to the journey. (at an estimated cost of over \$600,000). If current or higher service frequency is to be maintained, an additional bus will be required, further adding to this cost. This extension becomes more akin to a traditional (albeit higher frequency) bus service than a CAT and would add significantly to journey times.
- Conversation is continuing with Cockburn officers, with alternatives being considered including:
 - An additional (separate CAT bus) loop between South Beach and North Coogee, to create two interconnected loops.
 - Further advocacy to Department of Transport to bring forward the planning and implementation of rapid transit between Fremantle and Cockburn, as per the Cockburn Coast Structure Plan and Fremantle's Integrated Transport Strategy.
- Town of East Fremantle staff have advised of a general interest in the Red CAT extending to East Street, and potentially travelling along George Street (responding to recent community engagement feedback). As with South Beach, the road geometry may inhibit the current CAT service travelling down George Street, but extension to East Street was one of the options explored in the March review. The additional cost for this extension was estimated at between \$16,000 and \$52,000 (depending on the route configuration length). A further loop through George Street (if geometry accommodates) would add a further \$140,000, taking the cost of the Red service to around \$365,000 (for a 30 minute service). Further discussion of this may occur in the future however to date the Town has been unable to provide any firm indication of support for or budget capacity for extension of the service.
- As part of the Fremantle Boat Harbours master planning exercise being conducted by the Department of Transport, the opportunity to loop the Blue CAT into the Fishing Boat Harbour and / or to establish a separate loop between the Harbour and Station has been identified. This has been listed for further investigation and business case analysis and so may provide a further opportunity. However given the current PTA contribution of 40% toward the cost of the CAT, its unclear whether diversion into the Harbour Precinct would be accompanied in any further contribution.



- The University remains supportive of the service but note the relatively modest student patronage. Continued operation of the service is supported, and review of the Memorandum of Understanding between the City and University provides a logical forum to discuss common interest such as this. However, it is noted that the tertiary education sector as a whole is seeking to reduce costs in light of significant income reductions associated with COVID. Use of on-bus advertising to generate revenue has been suggested as an opportunity worth investigating and is being discussed with the PTA (noting contractual and operational requirements).

The conclusions of this review confirm that whilst some future route variations and contributions could be forthcoming, none are likely within the short term, with discussions very much remaining at the conceptual level. In order to renew the service agreement with the PTA, the City will consequently need to determine its funding appetite for this service based on the current City/PTA 60:40 shared funding arrangement.

The original review recommendation remains that broadly preferred by staff, noting again that the funding appetite for the service should be primarily determined by its merit against other community services and priorities.

Future CAT Operation Service Options

In this context, and noting Council's previous (March 2021) resolution reaffirming the desirability of the CAT service and the current (pre-COVID) routes and service level recognised as the best configuration, four CAT service operation scenarios are considered, each with positive and negative aspects:

Option 1: Reinstatement of previous full service of Blue CAT at a 10-minute frequency service and Red CAT 15 to 20-minute service (\$670,000 p/a City contribution – 60% of total cost). Reinstates the popular 10-minute Blue CAT frequency, which will likely increase passenger use (total passenger numbers) and reinstatement of the Red CAT for businesses, residents, connecting peripheral car parks and supporting visitor/tourism increases as COVID-19 restrictions ease. This option presents the highest cost to the City of the four options considered here.

Option 2: Maintain current Blue CAT service at a 20-minute frequency and discontinue the Red CAT service (\$242,000 p/a City contribution). This is maintaining the current service level which has operated since mid-2020 which does not serve the Red CAT catchment/attractors but still services the 80% catchment of the Blue CAT service. This represents a lower cost to the city but reduced service and strategic alignment.



Option 3: Reinstatement of Blue CAT service at a 10-minute frequency and discontinue the Red CAT service (approx. \$484,000 City contribution). Reinstates the popular 10-minute Blue CAT frequency, which will increase passenger use.

This option does not serve the Red CAT catchment/attractors but still services the 80% catchment of the Blue CAT service. This represents a lower cost to the city but reduced service and strategic alignment.

Option 4: Maintain Blue CAT service at a 15-20-minute frequency and reinstate Red CAT service also at a 15-20 minute frequency (approx. \$535,000 p/a City contribution). This option provides for a service on both routes, with a reduced frequency service on the Blue route compared to pre-Covid service level. Both catchments and attractors are provided for, with the Red CAT service reinstated however Blue CAT catchment service is reduced. This also represents a lower cost to the City.

Discounted options (being those inconsistent with or less aligned to the objectives Council established at the commencement of the review) remain as outlined in March 2021 and include:

- Cessation of the service entirely – noting that by discounting this option Council forgoes the opportunity to consider reallocating the budget allocation for the CAT service (at whatever service frequency and therefore cost is adopted) to support other City services or initiatives, or the opportunity to reduce overall operating expenditure.
- Numerous route variations, amending either commercial, tourist or residential catchments.

On balance, Option 4 above is recommended by officers as most aligned to the direction Council set at the commencement of the review. Officers do acknowledge however that Council is not bound by the direction it set at the beginning of the review, especially in light of uncertainties in the City's current and immediate future operating environment associated with the Covid-19 pandemic.

FINANCIAL IMPLICATIONS

The current (excluding temporary COVID-related service reduction) cost of the CAT bus service is \$1.1 million with the City's (60%) contribution to this being approximately \$670,000 p/a.



Operation of a Blue and Red CAT service both at a frequency of 15 to 20 minute intervals would reduce the City’s contribution to \$535,000 p/a.

The introduction of a Specified Area Rate equal to 10-20% of City’s contribution would generate between \$67,000 and \$134,000 p/a for both the Red and Blue CAT service, depending on the level of rate set and exact calculations of rate per eligible property. Officers recommend that an SAR is not pursued.

Introduction of fee paid parking on Marine Terrace and Ord Street could potentially yield a total of \$135,000 p/a additional parking revenue.

Original Service Cost to CoF (10min Blue, 15min Red)	Current Reduced Service Cost to CoF – (20min Blue, no Red)	Proposed Alternate Service Cost to CoF – (20min Blue, 15min Red)	Current Budget Provision (21/22)	Gross Additional Budget Required for Proposed Alternative	Potential Additional Parking Revenue	Net Additional Budget Required for Proposed Alternative if potential additional parking revenue is realised
\$670000p/a	\$242,000p/a	\$535,000p/a	\$336,000	\$201,000p/a	\$135,000p/a	\$66,000p/a
Note: All costs are estimates only: subject to PTA retender						

LEGAL IMPLICATIONS

The CAT bus service operates under agreement with the PTA: changes to service will require PTA agreement. The current agreement expires in October 2022 and continuation of the service beyond that date will require renegotiation and a new agreement.

The introduction of Specified Area Rating “for the purpose of meeting the cost of the provision by it of a specific work, service or facility” is provided for under Cl 6.37 of the *Local Government Act 1995*.



CONSULTATION

The City has consulted with the following key agencies in this review of the CAT bus service:

- PTA
- Department of Education and local schools (John Curtin, CBC)
- Notre Dame University
- Chamber of Commerce
- Destination Marketing Working Group
- Tourism WA
- Town of East Fremantle
- City of Cockburn

All parties support the operation of the service, but no further funding opportunities were identified other than on-bus advertising, which was identified in discussions with the PTA. If introduced, advertising would be managed by the PTA as the service provider but revenue would offset the total service cost, and it would be reasonable in its renewed agreement with the PTA for the City to expect its share of total service costs to be reduced by an amount proportionate to the overall 60% (City):40% (PTA) funding split to reflect the reduction in net service costs achieved through advertising revenue.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council

1. Note the findings of the additional research into the CAT bus service requested by Council's resolution of 24 March 2021 (SPT2103-3) which indicates that:
 - a. Reduction of the Blue CAT service (combined with other factors such as COVID) has reduced patronage.
 - b. The 56% of Blue CAT users during the survey period were City of Fremantle residents with 65% of these from South Fremantle or Fremantle (36% of total) residents.
 - c. 50% of service users are regulars, with others occasional or rare.
 - d. The largest proportion of respondents during the survey period used the CAT service to get to shops and services (59%), followed by people going to work (in Fremantle) (18%), for leisure (15%) and going to the train station/public transport (12%). Fewer respondents used it for going to university (7%), school (6%), entertainment (3%) or the beach (2%).
 - e. The service is valued by institutions and businesses it services but is not considered critical.



- f. Adjoining local authorities have some interest in extension to service their areas but are not currently in a position to commit to or contribute funding to any extensions.
 - g. Installation of advertising by PTA on the service has been identified as a potential funding stream to off-set the cost of the service.
2. Support the following scope of service for the Fremantle CAT service with effect from the date of renewal of the current service contract with the Public Transport Authority (PTA) in October 2022:
 - i. the retention of the Blue CAT at a 20-minute frequency service, and
 - ii. the reinstatement of the Red CAT at a 15 to 20-minute service
 3. Consider budget allocation to fund the City's share of the total cost of the Fremantle CAT service under the current cost sharing formula with the PTA (60% of total cost paid by the City), based on the scope of service recommended in (2) above, as part of the 2022/23 budget process (estimated annual cost to the City approx. \$535,000).
 4. Subject to budget allocation, authorise the Chief Executive Officer to enter into agreement with the PTA to renew the CAT service contract, which expires in October 2022, based on the following scope of service:
 - i. the retention of the Blue CAT at a 20-minute frequency service, and
 - ii. the reinstatement of the Red CAT to a 15 to 20-minute servicefor a period of not less than 5 years. Agreement negotiations are to include discussion of CAT bus advertising opportunities and contribution-proportionate revenue sharing towards the cost of the service.

AMENDMENT

Moved: Cr Rachel Pemberton

Seconded: Cr Frank Mofflin

To add a new part 4 to Read as follows:

4. **As part of the 2022/23 budget process, look at implementing the following additional revenue streams to offset the cost of the CAT bus:**
 - a) **A Specified Area Rate equal to 10-20% of City's contribution**
 - b) **the introduction of fee paid parking on Marine Terrace and Ord Street**
 - c) **Advertising on board**

then original part 4 would become part 5.

Amendment Carried: 5/0
Mayor Hannah Fitzhardinge, Cr Rachel Pemberton,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Marija Vujcic



COMMITTEE RECOMMENDATION ITEM FPOL2203-8
(Officer's recommendation)

Moved: Cr Rachel Pemberton

Seconded: Cr Fedele Camarda

Council:

- 1. Note the findings of the additional research into the CAT bus service requested by Council's resolution of 24 March 2021 (SPT2103-3) which indicates that:**
 - a. Reduction of the Blue CAT service (combined with other factors such as COVID) has reduced patronage.**
 - b. The 56% of Blue CAT users during the survey period were City of Fremantle residents with 65% of these from South Fremantle or Fremantle (36% of total) residents.**
 - c. 50% of service users are regulars, with others occasional or rare.**
 - d. The largest proportion of respondents during the survey period used the CAT service to get to shops and services (59%), followed by people going to work (in Fremantle) (18%), for leisure (15%) and going to the train station/public transport (12%). Fewer respondents used it for going to university (7%), school (6%), entertainment (3%) or the beach (2%).**
 - e. The service is valued by institutions and businesses it services but is not considered critical.**
 - f. Adjoining local authorities have some interest in extension to service their areas but are not currently in a position to commit to or contribute funding to any extensions.**
 - g. Installation of advertising by PTA on the service has been identified as a potential funding stream to off-set the cost of the service.**
- 2. Support to the following scope of service for the Fremantle CAT service with effect from the date of renewal of the current service contract with the Public Transport Authority (PTA) in October 2022:**
 - i. the retention of the Blue CAT at a 20-minute frequency service, and**
 - ii. the reinstatement of the Red CAT at a 15 to 20-minute service**
- 3. Consider budget allocation to fund the City's share of the total cost of the Fremantle CAT service under the current cost sharing formula with the PTA (60% of total cost paid by the City), based on the scope of service recommended in (2) above, as part of the 2022/23 budget process (estimated annual cost to the City approx. \$535,000).**
- 4. As part of the 2022/23 budget process, look at implementing the following additional revenue streams to offset the cost of the CAT bus:**



- a) **A Specified Area Rate equal to 10-20% of City’s contribution**
 - b) **the introduction of fee paid parking on Marine Terrace and Ord Street**
 - c) **Advertising on board**
5. **Subject to budget allocation, authorise the Chief Executive Officer to enter into agreement with the PTA to renew the CAT service contract, which expires in October 2022, based on the following scope of service:**
- i. **the retention of the Blue CAT at a 20-minute frequency service, and**
 - ii. **the reinstatement of the Red CAT to a 15 to 20-minute service**
- for a period of not less than 5 years. Agreement negotiations are to include discussion of CAT bus advertising opportunities and contribution-proportionate revenue sharing towards the cost of the service.**

Carried 4/1

For

**Mayor Hannah Fitzhardinge, Cr Rachel Pemberton,
Cr Fedele Camarda, Cr Frank Mofflin**

Against

Cr Marija Vujcic

The above item is referred to the Ordinary Meeting of Council for determination in accordance with the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

In response to a query relating to the possible introduction of a service charge, Section 6.38 of the Local Government Act 1995 prescribes very limited purposes for which a local government can impose a service charge - property surveillance and security, television and radio rebroadcasting, underground electricity and water.



COMMITTEE RECOMMENDATION ITEM FPOL2203-8
(Officer's recommendation)

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council:

1. Note the findings of the additional research into the CAT bus service requested by Council's resolution of 24 March 2021 (SPT2103-3) which indicates that:
 - a. Reduction of the Blue CAT service (combined with other factors such as COVID) has reduced patronage.
 - b. The 56% of Blue CAT users during the survey period were City of Fremantle residents with 65% of these from South Fremantle or Fremantle (36% of total) residents.
 - c. 50% of service users are regulars, with others occasional or rare.
 - d. The largest proportion of respondents during the survey period used the CAT service to get to shops and services (59%), followed by people going to work (in Fremantle) (18%), for leisure (15%) and going to the train station/public transport (12%). Fewer respondents used it for going to university (7%), school (6%), entertainment (3%) or the beach (2%).
 - e. The service is valued by institutions and businesses it services but is not considered critical.
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2. Support to the following scope of service for the Fremantle CAT service with effect from the date of renewal of the current service contract with the Public Transport Authority (PTA) in October 2022:
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3. Consider budget allocation to fund the City's share of the total cost of the Fremantle CAT service under the current cost sharing formula with the PTA (60% of total cost paid by the City), based on the scope of service recommended in (2) above, as part of the 2022/23 budget process (estimated annual cost to the City approx. \$535,000).
4. *As part of the 2022/23 budget process, look at implementing the following additional revenue streams to offset the cost of the CAT bus:*
 - a) *A Specified Area Rate equal to 10-20% of City's contribution*
 - b) *the introduction of fee paid parking on Marine Terrace and Ord Street*
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Cr Jenny Archibald left the meeting at 7.55 pm.

Cr Jenny Archibald returned to the meeting at 7.56 pm.

AMENDMENT

Moved: Cr Ben Lawver

Seconded: Cr Doug Thompson

Additional condition 6 to read as follows:

6. Council considers options to ensure any CAT Bus service funded (in whole or part) by Fremantle ratepayers provides an equitable service for all residents.

**Amendment Lost: 4/7
For**

**Cr Ben Lawver, Cr Adin Lang, Cr Doug Thompson, Cr Bryn Jones
Against**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Frank Mofflin, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton,
Cr Fedele Camarda,**



COMMITTEE RECOMMENDATION ITEM FPOL2203-8
(Officer's recommendation)

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council:

1. Note the findings of the additional research into the CAT bus service requested by Council's resolution of 24 March 2021 (SPT2103-3) which indicates that:
 - a. Reduction of the Blue CAT service (combined with other factors such as COVID) has reduced patronage.
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 - ii. the reinstatement of the Red CAT to a 15 to 20-minute service for a period of not less than 5 years. Agreement negotiations are to include discussion of CAT bus advertising opportunities and contribution-proportionate revenue sharing towards the cost of the service.

Lost: 0/11

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Alternative Recommendation

Moved: Cr Rachel Pemberton

Seconded: Cr Andrew Sullivan

Council:

1. Notes the findings of the research conducted in June 2021, recognising that the passenger data was collected at a time service frequency was reduced and tourism was impacted by the WA borders being closed.
2. Support the retention of a CAT bus service for reasons including that it:
 - a. reduces traffic congestion and parking pressure in central Fremantle;
 - b. provides alternative transport options for high density residential areas to access the CBD and key destinations; and



- c. transports visitors around the city and between key destinations.
3. Agrees to consider a 2022-23 budget allocation to complete the current Covid level CAT service contract with PTA (i.e. the Blue CAT only, at a 20-minute frequency) until the expiry of the contract in October 2022.
4. In recognition that no other CAT bus service in WA relies on more than one-third local government funding, agrees to consider a quarantined budget allocation of \$249,000, equal to one third of the total estimated cost of an indicative CAT Bus service (based on the pre-COVID PTA contract costings, i.e. one-third of \$1.117mil p.a., being \$249,000 over 8 months).
5. Request the Mayor and CEO seek to secure additional funding for a service, the details of which has yet to be determined, with options to be explored including:
 - a. Contribution from Fremantle Ports / State Government as part of activation of Victoria Quay;
 - b. Paid parking to be introduced on Ord St and Marine Tce;
 - c. A Special Area Rate to be paid by those properties within walking distance (400m) to the CAT bus service;
 - d. Advertising on board the CAT buses;
 - e. Charging a small fee to ride the CAT bus using a 'tap and go' EFTPOS facility or similar.
 - f. Contribution from major Educational Institutions
6. Authorise the CEO to provide input into the PTA request for tender, based on the following:
 - a. Service parameters – the CAT service, irrespective of exact route configurations, is to serve a similar catchment to the area previously served by the Blue and Red CAT routes. The service is to operate 7 days per week all year round with similar operating hours to the current service.
 - b. The extent of PTA funding remains no less than their current funding proportion of the total service cost.
 - c. A new tendered contract should include a 'New Stakeholders' clause which makes provision for another party or parties to become an additional contributor to the funding of the service (either from the commencement of the contract or at a later date), if agreed to by the City of Fremantle and the PTA.



7. Request that a report be brought back to Council to finalise the preferred CAT Bus routes and frequencies once the cost of the service under the new PTA contract is known, and other funding sources have been identified in late 2022, based on agreed, prioritised principles.

Cr Jenny Archibald left the meeting at 8.14 pm prior to consideration of the following amendment and was absent for the vote.

AMENDMENT

Moved: Cr Ben Lawver

Seconded: Cr Bryn Jones

Additional condition 8 to read as follows:

8. Council considers options to ensure any CAT Bus service funded (in whole or part) by Fremantle ratepayers provides an equitable service as possible.

Amendment Lost: 3/7

For

Cr Ben Lawver, Cr Doug Thompson, Cr Bryn Jones

Against

**Mayor Hannah Fitzhardinge, Adin Lang, Cr Fedele Camarda, Cr Frank Mofflin
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton,**

Cr Jenny Archibald returned to the meeting at 8.18pm.

Cr Jenny Archibald left the meeting at 8.20 pm

Cr Jenny Archibald returned to the meeting at 8.21 pm.

COUNCIL DECISION ITEM FPOL2203-8
(Alternative recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:

- 1. Notes the findings of the research conducted in June 2021, recognising that the passenger data was collected at a time service frequency was reduced and tourism was impacted by the WA borders being closed.***
- 2. Support the retention of a CAT bus service for reasons including that it:***



- a. reduces traffic congestion and parking pressure in central Fremantle;*
 - b. provides alternative transport options for high density residential areas to access the CBD and key destinations; and*
 - c. transports visitors around the city and between key destinations.*
- 3. Agrees to consider a 2022-23 budget allocation to complete the current Covid level CAT service contract with PTA (i.e. the Blue CAT only, at a 20-minute frequency) until the expiry of the contract in October 2022.**
- 4. In recognition that no other CAT bus service in WA relies on more than one-third local government funding, agrees to consider a quarantined budget allocation of \$249,000, equal to one third of the total estimated cost of an indicative CAT Bus service (based on the pre-COVID PTA contract costings, i.e. one-third of \$1.117mil p.a., being \$249,000 over 8 months).**
- 5. Request the Mayor and CEO seek to secure additional funding for a service, the details of which has yet to be determined, with options to be explored including:**
 - a. Contribution from Fremantle Ports / State Government as part of activation of Victoria Quay;*
 - b. Paid parking to be introduced on Ord St and Marine Tce;*
 - c. A Special Area Rate to be paid by those properties within walking distance (400m) to the CAT bus service;*
 - d. Advertising on board the CAT buses;*
 - e. Charging a small fee to ride the CAT bus using a 'tap and go' EFTPOS facility or similar.*
 - f. Contribution from major Educational Institutions*
- 6. Authorise the CEO to provide input into the PTA request for tender, based on the following:**
 - a. Service parameters – the CAT service, irrespective of exact route configurations, is to serve a similar catchment to the area previously served by the Blue and Red CAT routes. The service is to operate 7 days per week all year round with similar operating hours to the current service.*
 - b. The extent of PTA funding remains no less than their current funding proportion of the total service cost.*
 - c. A new tendered contract should include a 'New Stakeholders' clause which makes provision for another party or parties to become an additional contributor to the funding of the service (either from the commencement of the contract or at a later date), if agreed to by the City of Fremantle and the PTA.*
- 7. Request that a report be brought back to Council to finalise the preferred CAT Bus routes and frequencies once the cost of the**



service under the new PTA contract is known, and other funding sources have been identified in late 2022, based on agreed, prioritised principles.

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Marija Vujcic**



ITEMS APPROVED "EN BLOC"

The following items were adopted unopposed and without discussion "en bloc" as recommended.

COUNCIL DECISION

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

The following items be adopted en bloc as recommended:

FPOL2203-09	Venue Support – Fremantle Soroptimists Request
FPOL2203-11	Tender – Port Beach Sand Nourishment Via Dredge Project
C2203-3	CEO Performance Review Committee Report – March 2022
C2203-6	Statement of Investments – February 2022
C2203-7	Schedule of Payments February 2022

Carried en bloc: 11/0
Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver, Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



FPOL2203-9 VENUE SUPPORT – FREMANTLE SOROPTIMISTS REQUEST

Meeting date: 9 March 2022
Responsible officer: Manager Community Development
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to seek Council’s approval to waive all fees associated with the hire of Town Hall as requested by the not-for-profit organisation, Fremantle Soroptimists.

This report recommends that Council waive all fees associated with the hire of Town Hall by Fremantle Soroptimists Friday 29 July to Sunday 31 July 2022.

BACKGROUND

The Grants and Sponsorships Policy adopted by Council on 12 May 2021, provides a consolidated approach to the management of financial assistance requests across the City’s multiple funding streams. Funding requests that sit outside the policy scope, are to be submitted to Council for assessment and approval consideration.

The not-for-profit organisation, Fremantle Soroptimists are seeking 100% subsidy for the hire of Town Hall for their Help the Homeless Art Auction. The booking request is for the use of Town Hall for an annual art auction, including set up and pack down time.

As per the Venue Support grants community organisations are only eligible to apply for in-kind support for up to 50% of the cost of hire. This request of 100% subsidy has been forwarded to Council for consideration as it sits outside the Policy.

Funds raised from the Fremantle Soroptimists Help the Homeless Art Auction, will be distributed to organisations within Fremantle who run programs to assist those who are experiencing homelessness or those at risk of homelessness. The Freo Street Doctor and Starlight Hotel Choir have been beneficiaries each year and this year St. Patrick’s Community Centre will also be assisted.

Prior to the adoption of the Grants and Sponsorship Policy the Fremantle Soroptimists hired Town Hall seven times from 2013 until 2019, in 2020 and 2021 the auction was held online. The City of Fremantle provided full subsidy for these past seven times. Previously the Fremantle Soroptimists have raised an average of \$27,000 per auction event.

FINANCIAL IMPLICATIONS



The Fremantle Soroptimists have requested set up on 29 July and pack down on 31 July, with the fundraising art auction to be held on 30 July 2022, total hire fees of \$2,812.00.

The breakdown of fees listed below.

Booking request	Hire cost/rate (proposed estimate on current fees)	Subsidy Request	Income Lost
12 Hours set up and pack down	\$125.00 p/hr	100%	\$1,500
10 Hours Hall hire	\$125.00 p/hr	100%	\$1,250
Booking fee	\$62.00 per booking	100%	\$62.00
		Total	\$2,812

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil.

OFFICER COMMENT

Fremantle Soroptimists are a not-for-profit organisation seeking to improve the lives of vulnerable people in the community, with an emphasis on women and girls, especially those experiences homelessness.

Whilst this request sits outside the Grants and Sponsorship Policy, this program provides a valuable contribution to organisations who support and provide assistance for, those experiencing homelessness within Fremantle.

The art auction event at Town Hall on Saturday 30 July 2022, will seek to raise funds to be donated to other key agencies such as St. Patrick's Community Support Centre, the Freo Street Doctor and the Starlight Hotel Choir to support the homeless in the Fremantle community.



The City plays a vital role in developing the capacity of community organisations that seek to aid those at risk of and experiencing disadvantage in the community. As per the Grants and Sponsorship Policy, it will be requested that the City be appropriately acknowledged for the support and an evaluation report completed.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM FPOL2203-9 (Committee recommendation)

**Moved: Mayor, Hannah Fitzhardinge
Council**

Seconded: Cr Frank Mofflin

- 1. Acknowledges the ongoing charitable work of the Fremantle Soroptimists and the benefits of their work to the community.**
- 2. Approve to waive all fees associated with the hire of Town Hall by the Fremantle Soroptimists from Friday 29 July to Sunday 31 July 2022.**
- 3. Notes that the City of Fremantle requires appropriate acknowledgement for the support of this fundraising event.**

Carried en bloc: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



FPOL2203-11 TENDER - PORT BEACH SAND NOURISHMENT VIA DREDGE PROJECT

Meeting date: 9 March 2022
Responsible officer: Manager Parks and Landscape
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The City of Fremantle, in partnership with Fremantle Ports and the Department of Transport are delivering the grant funded Port Beach Sand Nourishment via Dredge Project in response to the coastal erosion at Port Beach. The next phase of the project is the dredging, sand placement and associated landside works which is being delivered as a joint project by the City of Fremantle and Fremantle Ports. The tender for the works is being released, administered and awarded through the Fremantle Ports procurement process. This report seeks Council delegation of authority to the CEO to approve and execute the works Contracts.

BACKGROUND

Council's long-term strategic direction in relation to Port Beach coastal erosion risk guides the short to medium-term implementation adaptation response. It provides the position for ongoing discussions with State Government on the establishment of an appropriate coastal setback, including the widening of the coastal foreshore reserve, to enable managed retreat to occur while retaining a coastal foreshore reserve for community benefit.

At the December 2019 meeting, Council adopted managed retreat as the preferred strategy for responding to coastal erosion risk at Port Beach and Leighton Beach, noting managed retreat is implemented over an extended timeframe. Sand nourishment via dredge is a soft engineering protection mechanism that is the most adaptive to changing environmental conditions and policy positions. The design life of the proposed sand nourishment via dredge coastal adaptation option will address the current extreme erosion risk level while allowing time for a longer-term planning process to take place for Port and Leighton Beach to enable the implementation of a managed retreat strategy for Port Beach that includes the establishment of a broader foreshore reserve.



In 2019, the City of Fremantle in partnership with Fremantle Ports were awarded a CAP grant to undertake the detailed investigations on sand nourishment via dredge as the preferred coastal adaptation response for the current extreme risk of coastal erosion at Port Beach in the short-term (up to 10 years). In August 2020, the Minister for Transport, Planning announced a grant of \$3,250,000 under the WA Recovery Plan for the purpose of the Port Beach large-scale sand nourishment project. In consideration of progressing with sand nourishment via dredge and accepting the grant, at the Finance, Policy, Operations and Legislation Committee meeting dated 14 October 2020 Council resolved the following:

1. *Note the draft 'Port Beach Detailed Investigation on Sand Nourishment via Dredge' report.*
2. *Agree that sand nourishment via dredge is the preferred coastal adaptation response for the current extreme risk of coastal erosion at Port Beach in the short-term for up to 10 years, with an adaptive maintenance option that reflects this 10 year period.*
3. *Agree that the preferred long-term coastal adaptation response for Port Beach requires State Government agreeing to progress work immediately with the City to establish through the statutory planning framework (including the Metropolitan Region Scheme) a significantly increased coastal foreshore reserve width in or near the Port Beach North Coastal Management Unit (CMU) including land in the former railway reserve and current industrial zoned area between Tydeman Road and the existing Leighton urban development zone.*
4. *Request the CEO enter into negotiation and execute an agreement with the Department of Transport in respect to their funding agreement proposal for the State government WA Recovery Plan- Coastal Project 2020/21 grant to fund the Port Beach Sand Nourishment project, on the basis that:*
 - a. *The funding agreement allow flexibility for the Council to use the grant for a combination of capital and adaptive maintenance of sand nourishment for up to 10 years.*
 - b. *It is acknowledged that the coastal erosion risk at Port Beach is a collective issue for the respective State government responsible land managers, Fremantle Ports and Main Roads Western Australia, that have assets at and adjacent to Port Beach and that the City accept a role in managing the implementation of this project upon agreement with these State government agencies to take joint responsibility for the ongoing risk management and adaptive maintenance of the sand nourishment via dredge project for its duration.*
 - c. *There is a commitment by State government to proceed with the establishment of a planning framework as in 3 above.*



In relation to part four of the decision, the CEO entered into negotiations with the Department of Transport and the grant agreement was executed 3 December 2020.

Since execution of the grant agreement, the Project Working Team (PWT) comprising the City of Fremantle, Department of Transport and Fremantle Ports, have been progressing the project in relation to project management, environmental studies and approvals, stakeholder engagement, site remediation works and preparation of works specifications and documents for the dredging and placement works.

FINANCIAL IMPLICATIONS

In August 2020, the Minister for Transport, Planning announced a grant of \$3,250,000 under the WA Recovery Plan for the purpose of the Port Beach Large-Scale Sand Nourishment Project. The grant is being administered through the Department of Transport. The funding is to be used to implement the sand nourishment via dredge project which includes:

- Consultancy fees for project management, stakeholder engagement and environmental investigations, approvals and monitoring
- Sand screening and rock removal works
- Dredging and placement of the sand including associated land side works.

To date, the project financials are as follows:

Item	Budget
WA Recovery Plan Grant for Port Beach Large-Scale Sand Nourishment Project	\$3 250 000
Works completed and paid for in 2020/21 financial year	\$256 585
Amount carried forward to 2021/22 financial year	\$2 993 415

Any remaining grant monies can then be used for ongoing sand nourishment maintenance works subject to further approval from Department of Transport.



LEGAL IMPLICATIONS

Procurement through Fremantle Ports

The works are being procured by Fremantle Ports through their procurement process and the City of Fremantle will be a joint Principal on the Contract for works. The Local Government Act 1995 allows Local Governments to procure through a Government Agency, such as Fremantle Ports, as follows:

Relating to "*Section 3.57. Tenders for providing goods or services*" in the *Local Government Act 1995* -

Local Government (Functions and General) Regulations 1996

11. *When tenders have to be publicly invited*

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

(e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;*

Environmental protection approvals

The Port Beach Sand Nourishment via Dredge Project was submitted to the EPA for consideration in December 2021. The City of Fremantle and Fremantle Ports are joint proponents on the EPA submission. Should the project be approved, any conditions relating to the approval relevant to these works will be implemented.

WA Recovery Plan – Coastal Project 2020/21 funding agreement

The grant is being provided via the Department of Transport Coastal Management Unit and sets out the terms of the grant agreement between the City of Fremantle and Department of Transport.

CONSULTATION

Developing the coastal adaptation response to the extreme risk of coastal erosion at Port Beach has been undertaken over a number of years through several projects to date. The information from the community consultation work completed for the Port, Leighton and Mosman Beaches Coastal Adaptation Plan (2017) and the Port Beach Coastal Adaptation Options Report (2019) remain relevant to the Port Beach Sand Nourishment via Dredge Project.



For the Port Beach Sand Nourishment via Dredge Project, a detailed Community Engagement and Communications Management and Implementation Plan has been developed for all phases of the project by an external consultant. The purpose of the plan includes:

- Enhancing stakeholder awareness, understanding and support for over-arching project goals.
- Ensuring that residents, businesses, landowners and other stakeholders are well informed, aware of planned activities and tolerant of likely impacts.
- Working with the Project's traffic management team to inform affected road users, cyclists and pedestrians of planned traffic arrangements.
- Ensuring all relevant authorities, including the City of Fremantle and surrounding LGAs, The Town of Mosman Park and the City of Cottesloe are regularly informed about construction activities and community views relevant to them.
- Promptly and effectively addressing stakeholder enquiries and complaints.
- Ensuring Project contractors are sensitive to community needs and desires through regular briefings.
- Ensuring community and stakeholder input influences decision making, as appropriate, where stakeholders are likely to be adversely impacted by the project.

OFFICER COMMENT

Following the execution of the grant agreement, the Project Working Team (PWT) which comprises the City of Fremantle, Department of Transport and Fremantle Ports, has been progressing with the project. The City has enjoyed an open and productive working relationship with Fremantle Ports and Department of Transport with both organisations providing their considerable skill and expertise to the benefit of the project. Key milestones met to date include:

- Appointment of a Project Management consultant, which was a requirement of the funding agreement.
- Appointment of the Environmental and Stakeholder Engagement consultants.
- Completion of a Coastal Morphology Task and Report (baseline study).
- Completion of a detailed Beach Nourishment Design by coastal engineers.
- Completion of a detailed Dredge Channel Design.
- Completion of a Community Engagement and Communications Management and Implementation Plan.
- Completion of the sand screening and rock removal works.
- Successful recovery and stockpiling of ~330 T of suitable granite from a legacy seawall for reuse as a revetment structure at Port Beach.



- Community engagement, including the installation of project information signage.
- Formal agreement between the City of Fremantle and Fremantle Ports to joint deliver the sand nourishment via dredge contract.
- Preparation and lodgement of a S91 Licence to DPLH, to operate dredge equipment in unallocated crown land, waterbodies required for the project.
- Formal EPA submission, including several accompanying environmental reports and studies.
- Preparation of the dredging, sand placement and associated landside works design, specifications, tender and contract package.
- Frequent and ongoing PWT meetings and reporting against project schedule and grant agreement requirements.

Tender - Port Beach Sand Nourishment via Dredge Project

The next phase of the project is the dredging, sand placement and associated landside works and is being delivered as a joint project by the City of Fremantle and Fremantle Ports. The works are being procured by Fremantle Ports through their procurement process and the City of Fremantle will be a joint Principal on the Contract. The Local Government Act 1995 allows Local Governments to procure through a Government Agency, such as Fremantle Ports.

The works include dredging of Deepwater Channel, placement of dredged material as sand nourishment at Port Beach, Fremantle, and beach profiling and stabilisation of the placed material including revegetation. The works will be split into two portions, with the Principal having the options to award each part (or not) to a single or multiple Contractors.

Portion A – Dredging, nourishment and dune stabilisation works shall include:

- Preliminaries.
- Construction of New Dunes to the dimensions, lines, levels and slopes.
- Stabilisation of the New Dunes with coir matting.
- Stabilisation of the New Dunes with sand trap fencing and dune fencing.
- Dredging and placement of nourishment material at Port Beach. Includes earthworks and grading of placement material to achieve the beach profiles shown on the Drawings.
- If directed, removal and disposal of undesirable material from Port Beach.

Portion B – Dune vegetation works shall include:

- Preliminaries.



- Design of a vegetation plan for the New Dunes.
- Supply and installation of vegetation in accordance with the approved vegetation plan.
- Maintenance of the vegetation during the Maintenance Period.

The tender will be evaluated by the PWT and the project management consultant and the evaluation panel will consist of one voting member from:

- Fremantle Ports
- City of Fremantle
- Department of Transport
- MP Rogers and Associates.

The evaluation panel will then make a recommendation to Fremantle Ports CEO and the City of Fremantle CEO for approval to award. The tender evaluation and award will then go through Fremantle Ports normal procurement process. Fremantle Ports procurement of goods and services / works including associated activities by all involved in the procurement process aligns and complies to the WA State Government Procurement Act 2020. Fremantle Ports as a Government Trading Enterprise has a Procurement and Contract Management Framework that ensures consideration of social and environmental impacts. Safety, working with the local community and promoting local businesses is embedded into processes when conducting procurement activities.

The Contract for works will have joint Principals with both the City of Fremantle and Fremantle Ports signing the works Contracts. The roles and responsibilities of the City of Fremantle and Fremantle Ports for the works Contract have been set out in an agreement which has been signed by both CEO's. The works are entirely funded by the grant and the City will administer the finances as the grant receiver.



The current estimated project timeframes are as follows:

Item	Date
Tender opening date	February 2022
Tenders closing date	March 2022
Formal Contract executed and start-up meeting	April 2022
Sand placement and landside works	May – June 2022

There will be closures of sections of Port Beach and nearshore waters during the placement and landside works. A traffic, pedestrian and water management plan will form part of the Contractors requirements for implementation of the works. The majority of the disruption is currently estimated for a period of 8 weeks during the dredging and placement operations. The project team will work to minimise this disruption in terms of impact on public use and time of closures.

Project Risk

A project risk register has been developed for the project and will continue to be reviewed throughout the life of the project to manage and mitigate risk. Risk will also be considered during tender evaluation and throughout the next phases of the project.

Summary

The tender for the dredging, sand placement and associated landside works for erosion management at Port Beach is being delivered as a joint project by the City of Fremantle and Fremantle Ports. The works are being procured by Fremantle Ports through their procurement process and the City of Fremantle will be a joint Principal on the Contract. The Local Government Act 1995 allows Local Governments to procure through a Government Agency such as Fremantle Ports. Officers recommend Council delegate authority to the CEO to approve and execute the works Contracts, provided a suitable tender submission is approved by Fremantle Ports.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required



COUNCIL DECISION ITEM FPOL2203-11
(Committee recommendation)

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council

- 1. Note the progress with the dredging, sand placement and associated landside works Contract and the release of the tender through Fremantle Ports who are administering the tender process.**
- 2. Subject to approval of a suitable tender submission by Fremantle Ports delegate authority to the Chief Executive Officer to approve and execute the Contract and associated works.**

Carried en bloc: 11/0
**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



12. Reports and recommendations from officers

C2203-3 CEO PERFORMANCE REVIEW COMMITTEE REPORT – MARCH 2022

Meeting date:	23 March 2022
Responsible officer:	People and Culture Manager
Decision making authority:	Council
Attachments:	1. Minutes of the CEO Performance Review Committee meeting held on 2 March 2022
Confidential attachment:	1. Quarterly KPI Progress Report by Acting CEO
Additional information:	Nil

SUMMARY

This report makes recommendation to Council from the Chief Executive Officer (CEO) Performance Review Committee in relation to the progress of performance monitoring undertaken by the committee.

This report recommends that Council:

- 1. Receive the minutes of the Chief Executive Office Performance Review Committee meeting held 2 March 2022, as provided in Attachment 1.**
- 2. Receive the Acting Chief Executive Officer quarterly progress report, for the period ending February 2022, as provided in Confidential Attachment 1.**

BACKGROUND

The purpose of the CEO Performance Review Committee (the Committee) is to coordinate and undertake the performance review of the CEO on behalf of Council, and report findings and recommendations to Council for consideration in accordance with the *Local Government Act 1995*.



This committee does not have any decision-making authority and therefore may only make recommendations to Council for consideration. The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its functions, such as:

- a. Appointment of an independent facilitator to assist the committee to undertake the CEO performance review.
- b. Development and review of Key Performance Indicators (KPI's) to be achieved by the CEO.
- c. Annual review of the CEO's performance in accordance with the CEO's KPI's.
- d. Quarterly informal reviews of the CEO's performance in accordance with the CEO's KPI's.
- e. Review of the CEO's remuneration package.

The Acting CEO KPI's were adopted by Council in July 2021. As part of the quarterly performance reviews undertaken by the Committee, the Acting CEO is required to prepare a brief report outlining progress against these KPIs in August, November, and February for discussion with the CEO Performance Review Committee.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The CEO's performance review process is undertaken in accordance with the *Local Government Act 1995* and the City of Fremantle CEO Recruitment, Performance and Termination Standards, as adopted by Council on 15 December 2021.

CONSULTATION

Nil

OFFICER COMMENT

As outlined in the Minutes of the Committee meeting held 2 March 2022 (Attachment 1), Committee received the Acting CEO's quarterly progress report for the period ending February 2022 and recommended that Council receive this report. No further action was recommended by Committee as a result of the review.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2203-3 (Officer recommendation)



Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council:

- 1. Receive the minutes of the Chief Executive Office Performance Review Committee meeting held 2 March 2022, as provided in Attachment 1.**
- 2. Receive the Acting Chief Executive Officer quarterly progress report, for the period ending February 2022, as provided in Confidential Attachment 1.**

Carried en bloc: 11/0
**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



C2203-6 STATEMENT OF INVESTMENTS – FEBRUARY 2022

Meeting date: 23 March 2022
Responsible officer: Manager Finance Services
Decision making authority: Council
Attachments: 1. Investment Report – 28 February 2022
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 28 February 2022 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 28 February 2022, as provided in Attachment 1.

The investment report provides a snapshot of the City’s investment portfolio and includes:

- **Portfolio details as at February 2022;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month;**
- **Investing activities for the month;**

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

The City has committed to carbon neutrality and to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.



To this end, the City will review and manage its investment portfolio to identify financial institutions which support either direct or indirect support of fossil fuel companies and has limited these investments in these institutions to the minimum whilst maintaining compliance with the investment policy.

FINANCIAL IMPLICATIONS

To date, actual investment interest earned is \$139,962 against a year-to-date budget of \$144,604 and a full year adopted budget of \$200,000.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 0.40% for the month of 28 February 2022. The City's actual portfolio return in the last 12 months is 0.33%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.03% (refer Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards which are overviewed by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 28 February 2022 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 28 February 2022

At period end, the City's investment portfolio totalled \$50.76m. The market value was \$50.84m, which takes into account accrued interest.



The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$09.26m
Term Deposits (> 3 months)	\$41.50m
TOTAL	\$50.76m

Of which:

Unrestricted cash	\$46.87m
Restricted cash (Reserve Funds)	\$ 3.89m
TOTAL	\$50.76m

The current amount of \$46.87m held as unrestricted cash represents 60.3% of the total adopted budget for operating revenue (\$77.76m)

2. Portfolio counterparty credit framework (as at 28 February 2022)

The City’s Investment policy determines the maximum amount to be invested in any one financial institution or bank based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020. The recently adopted counterparty credit framework is as below.

Counterparty credit framework

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

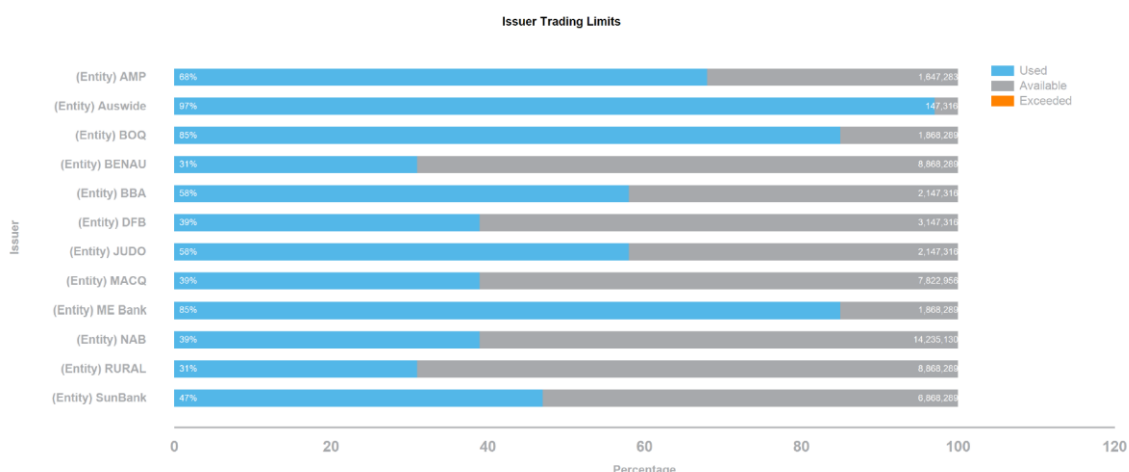
The following graphs provide details of the funds invested at the end of this month as per the City’s investment portfolio relative to the threshold allowed by the investment policy.



Portfolio Credit Framework Limits As at 28 February 2022

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	8,219,347.89	16.19%	100.00%	16.19%	83.81%	0.00%
Tier 2	26,045,365.97	51.31%	60.00%	85.52%	14.48%	0.00%
Tier 3	16,500,000.00	32.50%	35.00%	92.86%	7.14%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
50,764,713.86						

Values used in the above calculations exclude interest for term deposits and other simple interest securities



As reported in the above graphs at 28 February 2022, the portfolio was compliant with the issuer trading limit (Attachment 1).

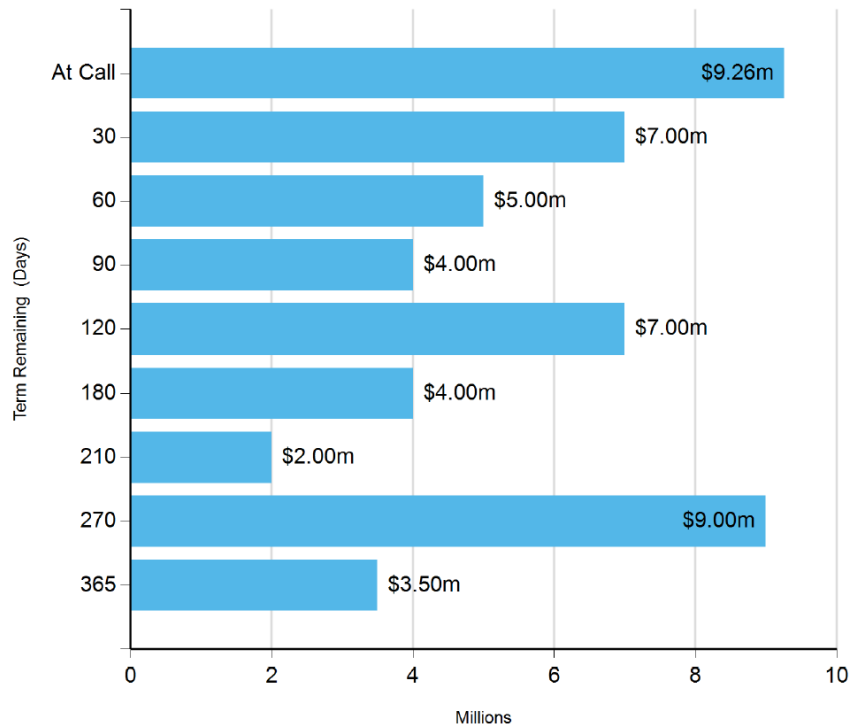
3. Portfolio Liquidity Indicator (as at 28 February 2022)

The below graph provides details on the maturity timing of the City’s investment portfolio. Currently, all investments will mature in one year or less.

Investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.



Face Value by Term Remaining



4. Portfolio Summary by Fossil Fuels Lending ADIs (as at 28 February 2022)

At the end of this month, \$23m (45.3%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI’s).

In order to address the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to tier 3 and tier 4 categories to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in “Green Investments”. However, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.



Fossil Fuel vs
Non Fossil Fuel
Lending ADI



Non Fossil Fuel Lending ADIs (45.3%)

Fossil Fuel Lending ADIs (54.7%)

5. Interest Income for Matured Investments (For 1 February 2022 to 28 February 2022)

During the month of February 2022, interest income earned from matured investments was \$1,773.97 (refer to Attachment 1 point 9).

6. Investing Activities (For 1 February 2022 to 28 February 2022)

During the month of February 2022, one (01) term deposit investment of \$1.0m was withdrawn for operational requirements.

Full details of the institution invested in, interest rate, number of days and maturity date are provided in the attached report (Attachment 1).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2203-6 **(Officer recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council receives the Investment Report for the month ending 28 February 2022, as provided in Attachment 1.

Carried en bloc: 11/0
Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang



C2203-7 SCHEDULE OF PAYMENTS FEBRUARY 2022

Meeting date: 23 March 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: Schedule of payments and listing
Purchase Card Transactions
Attachments viewed electronically

Additional information: Nil

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending February 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of February 2022, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$6,349,814.05 in payments were made this month from the City's municipal and trust fund accounts

LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing*



- (a) for each account which requires council authorisation in that month –
- (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be –
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending February 2022 by payment type, with full details of the accounts paid contained within Attachment 1*.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$ 4,127,090.78
Purchase card transactions	\$ 44,293.73
Salary / Wages / Superannuation	\$ 2,178,429.54
Other payments (<i>as outlined in Attachment 1</i>)	0.00
Total *	\$ 6,349,814.05

** Discrepancy of \$3,155 to Warrant of Payments due to timing difference of prior period cheque cancellation*

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending February 2022.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2203-7 **(Officer recommendation)**

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin



Council:

- 1. Accept the list of payments made under delegated authority, totalling \$6,349,814.05 for the month ending February 2022, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending February 2022, as contained within Attachment 2.**

Carried en bloc: 11/0
**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



11.2 Finance, Policy, Operations and Legislation Committee 9 March 2022

FPOL2203-10 DEDICATION OF SETBACK AREAS – 14 PARRY STREET, FREMANTLE (PART LOT 1508) AND THE WHOLE OF LOT 50 PARRY STREET, FREMANTLE

Meeting Date: 9 March 2022
Responsible Officer: Manager Information Technology
Decision Making Authority: Council
Agenda Attachment 1: CoF location map
Agenda Attachment 2: 14 Parry Street Certificate of Tiles Volume 1037 Folio 625,
Plan 222444 and Diagram 9418

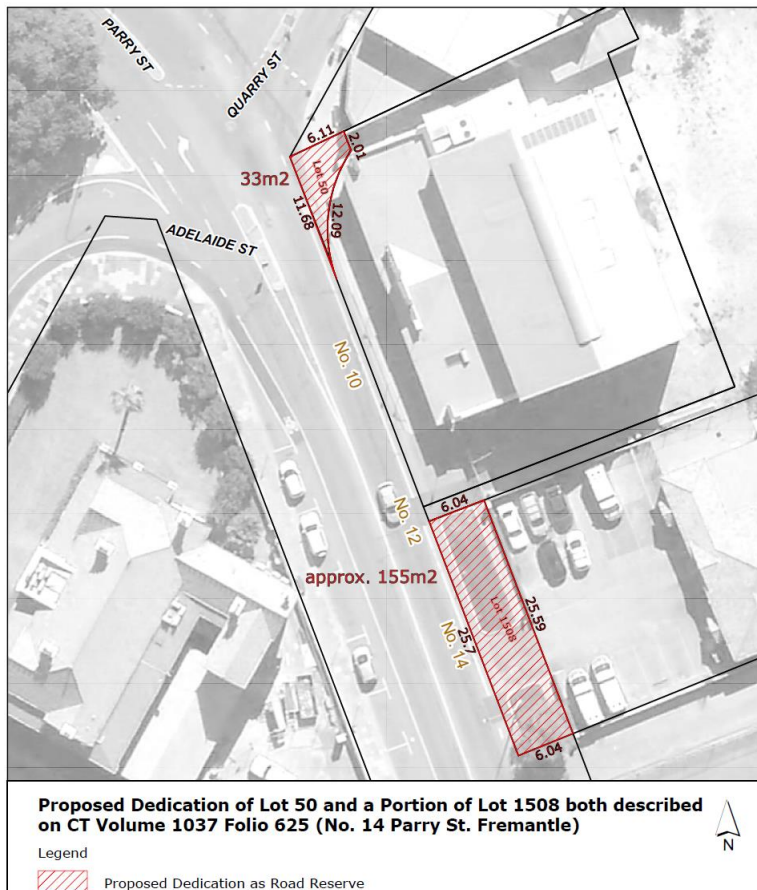


Figure 1 – Location Map



SUMMARY

The purpose of this report is to propose the dedication as public road reserve the portion of Lot 1508 currently setback for future road widening, being the footpath area contained within the City of Fremantle ('City') owned property at 14 Parry Street, Fremantle as shown on Certificate of Title Volume 1037 Folio 625 ('Title').

Also proposed for dedication and Included on the same Title as 14 Parry Street is the truncation intersected by Quarry Street and Parry Street being the whole of Lot 50 (33m²).

Council, in accordance with sections 56 of the *Land Administration Act 1997*:

- 1. endorse the dedication (as public road reserve) of approximately 155.3 m² portion of Lot 1508 as shown on Plan 222444 including the whole of Lot 50 as shown on Diagram 9418 with both Lots described on Certificate of Title Volume 1037 Folio 625.**
- 2. make an application to the Minister for Lands requesting the dedication described in part 1 above and indemnifies the Minister against any claim for compensation that may arise from that dedication.**
- 3. provide the Minister for Lands with a statutory declaration in relation with the subject land being free of contamination and that no leases exist over the land (should this information be requested).**

BACKGROUND

Both No. 14 Parry Street, including the adjoining property at 12 Parry Street were left with areas set aside for future road widening. Investigations into the City's archive files indicated that the parcels of land were not dedicated as public road reserve at the time of the Parry Street Extension project (1983-1985). The decision to leave the areas may have resulted from the considerable public support in relation to the preservation of heritage areas north-west of Holdsworth Street.



The City maintained a sympathetic approach to planning and the conservation of heritage buildings in relation to the Parry Street Extension. At the time, planning for the area included maintaining the historic street scapes (retaining narrower streets) and to keep traffic speeds low. This view may explain why the dedication of the setback portions of land did not occur leaving the footpath as part of the legal area of both 12 and 14 Parry Street, Fremantle.

The St John Ambulance service had leased the Parry Street premises from 1936 to August 2019 when they vacated and moved into their new building and premises located in O'Connor on 11 October 2019.

Current Land Description

14 Parry Street, Fremantle is owned in freehold title (Certificate of Title Volume 1037 Folio 625) by the City with conditions associated with Crown Grant in Trust Volume 304 Folio 22 for the purpose - *"to be used and held solely for the purposes of Corporation Yards"*.

Title description

No. 14 Parry Street, Fremantle is described as Certificate of Title Volume 1037 Folio 625 being portions of Fremantle Town Lot 1508 as shown on Plan 222444 and Lot 50 on Diagram 1418 (see attachment 2).

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The dedication of private land as road reserve is pursuant of Section 56 of the *Land Administration Act 1997 (LAA)*. In this instance the City is the owner of the land and subject to Council approval may proceed with the proposed dedication of setback land. Section 56 (1)(a) of the LAA notes the following;

"Section 56. Dedication of land as road

(1) If in the district of a local government –

- a) *Land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or"*

CONSULTATION

Public consultation is not required.



OFFICER COMMENT

The proposed dedication of the footpath area fronting 14 Parry Street, Fremantle will prepare the property (owned by the City with Crown Grant Conditions) for future uses including disposal. This action will re-align the property boundary line with Fremantle Park and remove the setback area (footpath) from the current Certificate of Title Volume 1067 Folio 625 ('Title') being part of Lot 1508.

In addition, the Title contains a second small parcel of truncated land located at the intersection of Quarry Street and Parry Street, Fremantle. The proposed dedication of both parcels of land will effectively protect the footpath areas and place it under the care, control and management of the City as part of the public road reserve.

The proposal has the support from Infrastructure Services (Engineering) and Economic Development.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL2203-10 **(Officer's recommendation)**

Moved: Mayor, Hannah Fitzhardinge Seconded: Cr Frank Mofflin

Council, in accordance with sections 56 (1) and 56 (4) of the Land Administration Act 1997:

1. endorse the dedication (as public road reserve) of approximately 155.3 m² portion of Lot 1508 as shown on Plan 222444 including the whole of Lot 50 as shown on Diagram 1418 with both Lots described on Certificate of Title Volume 1067 Folio 625.
2. make an application to the Minister for Lands requesting the dedication described in part 1 above and indemnifies the Minister against any claim for compensation that may arise from that dedication.
3. provide the Minister for Lands with a statutory declaration in relation with the subject land being free of contamination and that no leases exist over the land (should this information be requested).



AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Jenny Archibald

To add a part 4, to read as follows:

- 4. The Chief Executive Officer investigate the legal status of the remaining portions of the Parry Street carriageway and footpath in front of Nos 10 and 12 Parry Street and provide a briefing to a future Informal Elected Members meeting that looks to safeguard those areas as part of the public realm of Parry Street.**

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

COUNCIL DECISION ITEM FPOL2203-10

Moved: Mayor, Hannah Fitzhardinge

Seconded: Cr Frank Mofflin

Council, in accordance with sections 56 (1) and 56 (4) of the Land Administration Act 1997:

- 1. endorse the dedication (as public road reserve) of approximately 155.3 m² portion of Lot 1508 as shown on Plan 222444 including the whole of Lot 50 as shown on Diagram 1418 with both Lots described on Certificate of Title Volume 1067 Folio 625.**
- 2. make an application to the Minister for Lands requesting the dedication described in part 1 above and indemnifies the Minister against any claim for compensation that may arise from that dedication.**
- 3. provide the Minister for Lands with a statutory declaration in relation with the subject land being free of contamination and that no leases exist over the land (should this information be requested).**
- 4. *The Chief Executive Officer investigate the legal status of the remaining portions of the Parry Street carriageway and footpath in front of Nos 10 and 12 Parry Street and provide a briefing to a future Informal Elected Members meeting that looks to safeguard those areas as part of the public realm of Parry Street.***

Carried: 11/0

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**



12. Reports and recommendations from officers

Cr Bryn Jones left the meeting at 8.47pm.

Cr Bryn Jones returned to the meeting at 8.48 pm.

Cr Rachel Pemberton left the meeting at 8.56 pm.

Cr Rachel Pemberton returned to the meeting at 8.57 pm.

Cr Jenny Archibald left the meeting at 8.57 pm.

Cr Jenny Archibald returned to the meeting at 8.58 pm.

C2203-1 ACCEPTANCE OF MINUTES AND CONSIDERATION OF MOTIONS FROM THE SPECIAL MEETING OF ELECTORS HELD MONDAY 14 MARCH 2022

Meeting date:	23 March 2022
Responsible officer:	Acting CEO
Decision making authority:	Council
Attachments:	1. Minutes of the Special Meeting of Electors, held 14 March 2022
Additional information:	Nil

SUMMARY

The purpose of this report is to receive the minutes of the Special Meeting of Electors held on Monday 14 March 2022 and consider the motion by electors at the meeting.

BACKGROUND

The City of Fremantle received a request dated 16 February 2022, by more than 100 electors, to hold a Special Meeting of Electors to discuss the effects of mandatory vaccination and called for the following matters to be discussed:

1. The effect of mandatory vaccination on electors, ratepayers, residents and business in the district
2. The effect of mandatory vaccination on the local government's affairs and the performance of the local government's functions; and
3. Motions to be voted on for an advocacy position against mandatory vaccination for the Council to consider adopting to provide leadership and guidance to the community in the district.

The request received was signed by approximately 570 people and a large number of the signatories were not electors of the City.



In anticipation of a large attendance, the Special Meeting of Electors was held at Ken Allen Field in Beaconsfield. This setting was selected to ensure the meeting was conducted in a suitable Covid safe environment that enabled social distancing and would accommodate a maximum capacity of 500, as required under the level 2 public health measures.

FINANCIAL IMPLICATIONS

Hire of PA equipment, staff resources.

LEGAL IMPLICATIONS

Section 5.28 of the *Local Government Act 1995* requires the City to hold a Special Meeting of Electors after a request from 100 or more electors or 5% of the number of electors (whichever is the lesser). The request is to specify the matters to be discussed, in the prescribed form, and is to be sent to the Mayor. The meeting is to be held no more than 35 days after the request is received.

CONSULTATION

The Special Meeting of Electors was published in the Fremantle Herald, on the City's public notice boards and on the City's official website for 2 weeks preceding the meeting.

OFFICER COMMENT

There were 83 people in attendance at the meeting and the following motion was provided in writing by a Beaconsfield resident prior to the meeting and a response to each motion has been provided by the City below.

MOTION 1

We request that the City of Fremantle Council adopts an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' with the content:

- Part 1. That no person shall or should be:
- a) prevented from performing work or receiving income on the basis of vaccination status
 - b) discriminated against on the basis of vaccination status
 - c) coerced or manipulated into the need for vaccination for any reason
 - d) deprived of any Statutory and Regulatory benefits on the basis of vaccination status
 - e) restricted access to premises on the basis of vaccination status
 - f) restricted in any form of community participation on the basis of vaccination status



- g) required to provide evidence for any reason of vaccination status; and / or,
- h) subject to anything under written law that a person who differs in vaccination status is not.

Response to Part 1.

The City is not in support of this part of the motion for the following reasons:

The City relies on the public health advice provided by the State Government and Chief Medical Officer and is unable to support this part of the motion as it is outside of the jurisdiction of local government.

Part 2. That the Local Government shall:

- a) not restrict any function, property, or service of the Local Government based on vaccination status; and,
- b) as far as practicable redeploy or reinstate employees of the Local Government that risk termination or have been terminated on the basis of vaccination status
- c) honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and,
- d) establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccination status.

Response to Part 2.

The City is not in support of this part of the motion for the following reasons:

The City is required to follow public health guidelines and restrictions and is not in support of this part of the motion as it directly goes against the health advice provided by State Government.

Part 3. That the Local Government actively advocate for:

- a) the removal the COVID-19 mandatory vaccination policy and any associated directions made under the Public Health Act 2016 (WA); and
- b) the repeal of any mandate or written law, or anything done under any mandate or written law that conflicts with this position statement.

Response to Part 3.

The City is not in support of this part of the motion for the following reasons:



The City supports the requirement for vaccination as a necessary measure to reduce the risk of serious illness within our community, based on public health advice provided by the State Government and Chief Medical Officer.

- Part 4. The Local Government in performing an advocacy role will seek the cooperation of:
- a) other Local Governments across the State
 - b) western Australian Local Government Association (WALGA)
 - c) Local Government Professionals WA; and
 - d) other professional bodies, associations, and business entities.

Response to Part 4.

As this is a state government issue the City would recommend writing to the Premier to advise that the Council has received a request from electors in relation to mandatory vaccinations and provide the motion for their information.

- Part 5. That Fremantle Council respectfully requests the Minister for Emergency Services, the Minister for Health, the Minister for the Police, the Police Commissioner, the Chief Health Officer and the Premier to provide the adequate scientific, medical and legal evidence for the justification for our State of Emergency, as this is the legal basis of the mandatory vaccination policy.

Response to Part 5.

The City is not in support this part of the motion, as per the reasons stated above.

- Part 6. The Council respectfully requests the Minister for Health to revoke the Public Health State of Emergency Declaration as outlined in the Public Health Act 2016 section 171, the legal basis of the mandatory vaccination policy.

Response to Part 6.

The City is not in not support this part of the motion, as per the reasons stated above.



Speakers to the motion

Of the 83 people in attendance at the meeting, the following 18 electors spoke in favour of the motion presented:

Dominique Mimmagh
Dr Sally Price
Nicola Sapsford
Stacey Motyer
May-Ring Chen
Christine Farrell
Sofia Surace
Steve Gorman
Daniel Mimmagh
Louise Leecy
Luke Matutinovich
Marija Vujcic
Jenny Rossen
Roslyn Drayton
Simon Naber
Cathy Gavranich
Francesca Posney
Nicole Peterson

Questions raised at the meeting

A summary of the questions raised during the meeting is provided below, with a response from the City.

Question from Stacey Motyer:

Can the City provide the data sheets that prove the safety of vaccinations?

Response:

It is outside the remit of the local government to provide this information.

Question from Steve Gorman:

Why aren't we in the council chamber or in the town hall?

Response:

This location was selected to provide a suitable Covid safe environment that enabled social distancing and could accommodate a maximum capacity of 500, as required under the level 2 public health measures.



Question from Louise Leecy:

Why are we continuing with the mandates when 95% of people in WA are double vaccinated and the omicron strain is not proving to be catastrophic to the WA health system, but is proving to be catastrophic to local business?

Response:

It is outside the remit of the local government to provide this information.

Questions from Roslyn Drayton:

1. Are you aware that loyal City of Fremantle employees have been terminated this way?
2. How is making choices about my health be serious misconduct.
3. Why are employers like the City of Fremantle choosing to terminate long serving employees?

Response:

1. Officers cannot provide a response on behalf of the Council.
2. This is considered a rhetorical question.
3. The City will not discuss personal employment details of any officer in the public domain.

Question from Simon Naber:

Can you provide evidence of why the state of emergency continues?

Response:

It is outside the remit of the local government to provide this information. Please contact State Government or the office of the Chief Health Officer to provide this information.

Outcome of the motion

As shown in the minutes provided in Attachment 1, the motion was moved by Dominique Mimmagh, seconded by Dr Sally Price, and each part was carried unanimously by the electors present at the meeting.



Officer's response to the motion presented by electors

Whilst the City are sympathetic and acknowledges the comments made by electors in relation to the mandatory vaccination requirement, the City support this requirement as a necessary measure to reduce the risk of serious illness within our community based on public health advice provided by the State Government and Chief Medical Officer. As there is a high rate of vaccination in our community, this would indicate that a greater majority of members within the community accept the need to vaccinate.

It is anticipated that the State Government will in time remove the mandatory vaccination requirement, as seen in other states, and until such time as this has occurred, the City will continue to rely on the public health advice provided by the State Government and Chief Medical Officer.

For the reasons outlined in this report, officers recommend that Council:

- Receive the minutes of the Special Meeting of Electors
- Acknowledge the motion passed by the electors;
- And in the interest of the electors who have submitted this request, write to the Premier to advise that the Council has received a request from electors in relation to mandatory vaccinations and provide a copy of this report and the motion carried by electors, for information.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Hannah Fitzharding Seconded: Cr Frank Mofflin

Council

1. Receive the minutes of the Special Meeting of Electors held on 14 March 2022, provided in Attachment 1.
2. Acknowledge the 6 part motion carried at the Special Meeting of Electors held on 14 March 2022, as shown in Attachment 1.
3. Write to the Premier providing a copy this report and the motion carried by electors at the Special Meeting of Electors held on 14 March 2022, for information.



AMENDMENT

Moved: Cr Andrew Sullivan

Seconded: Cr Ben Lawver

To amend part 3 of the recommendation as follows

3. Write to the Premier;
 - a. providing a copy this report and the motion carried by electors at the Special Meeting of Electors held on 14 March 2022, for information, and
 - b. Requesting the State Government and Chief Medical Officer review the mandatory vaccination qualifications required to gain an exemption from vaccination for individuals with physical and mental health conditions that would reasonably preclude them from being vaccinated, and to optimise the capacity of exempt people to constructively participate in both the workplace and the community.

Amendment lost: 4/7

For

Cr Marija Vujcic, Cr Andrew Sullivan, Cr Ben Lawver, Cr Fedele Camarda

Against

Mayor Hannah Fitzhardinge, Cr Jenny Archibald,

Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Rachel Pemberton, Cr Adin Lang

At 9.20pm the meeting was adjourned for 5 minutes to allow the members to take a break. The meeting was recommenced at 9.25pm.



COUNCIL DECISION ITEM C2203-1
(Officer recommendation)

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council

- 1. Receive the minutes of the Special Meeting of Electors held on 14 March 2022, provided in Attachment 1.**
- 2. Acknowledge the 6 part motion carried at the Special Meeting of Electors held on 14 March 2022, as shown in Attachment 1.**
- 3. Write to the Premier providing a copy this report and the motion carried by electors at the Special Meeting of Electors held on 14 March 2022, for information.**

Carried: 10/1

For

**Mayor Hannah Fitzharding, Cr Jenny Archibald,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Ben Lawver,



Cr Marija Vujcic left the meeting at 9.42 pm.

Cr Marija Vujcic returned to the meeting at 9.43 pm.

C2203-2 ELECTRONIC, MEETINGS AND ATTENDANCE AT COUNCIL MEETINGS

Meeting date: 23 March 2022
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: 1. <<Attachment title>>
Additional information: 1. <<Additional information document title>>

SUMMARY

In response to the Global Covid 19 pandemic the State Government has made changes to legislation which now allow local governments to determine to hold meetings of council and/or allow elected members to attend council meetings by electronic means during periods of declaration of a state of emergency.

The purpose of this report is for Council to consider approving elected member attendance at meetings by electronic means and the holding of electronic meetings in accordance with these legislative requirements.

BACKGROUND

The COVID-19 pandemic has resulted in changes to the way council meetings can be conducted and attended. Amendments to the *Local Government (Administration) Regulations 1996* were passed by Parliament and came into effect in 2020. The amendments mean local governments can hold electronic council and committee meetings and can authorise attendance via electronic means of its members during a public health emergency.

Given the current presence and increased incidence of Covid-19 in the Western Australian community and the possibility that multiple Elected Members and critical staff may be unable to attend meetings in person due to isolation or other health directive, it is recommended that Council implement provisions to allow meetings of council or committee to be held via electronic means.



FINANCIAL IMPLICATIONS

It is proposed the initial implementation will be under current operating systems using the Microsoft Teams software which will have no financial impact.

The City is currently reviewing the implementation of electronic meetings systems and equipment to ensure the function of electronic meetings is of a suitable standard. This will involve an upgrade to the systems and equipment provided within the council chamber.

LEGAL IMPLICATIONS

The Local Government (Administration) Regulations 1996 provide the following provisions;

Reg 14C. Attendance by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))

- (1) *In this regulation —*
meeting means —
 - (a) *an ordinary meeting of the council; or*
 - (b) *a special meeting of the council; or*
 - (c) *a meeting of a committee of the council; or*
 - (d) *a meeting of an audit committee of a local government.*
- (2) *A member of a council or committee may attend a meeting by electronic means if —*
 - (a) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
 - (b) *because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present in person at a meeting; and*
 - (c) *the member is authorised to attend the meeting by electronic means by —*
 - (i) *the mayor; or*
 - (ii) *the president; or*
 - (iii) *the council.*
- (3) *A person who attends a meeting by electronic means is taken to be present at the meeting.*

14.D Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))



- (1) *In this regulation –*
meeting means –
- (a) *an ordinary meeting of the council; or*
 - (b) *a special meeting of the council; or*
 - (c) *a meeting of a committee of the council; or*
 - (d) *a meeting of an audit committee of a local government.*
- (2) *A meeting may be held by electronic means –*
- (a) *if –*
 - (i) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
 - (ii) *because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means;*
 - or*
 - (b) *if –*
 - (i) *a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
 - (ii) *the mayor, president or council authorises the meeting to be held by electronic means.*
- (3) *The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by –*
- (a) *the mayor; or*
 - (b) *the president; or*
 - (c) *the council.*
- (4) *The CEO must be consulted before a determination is made under subregulation (3).*



14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))

- (1) *In this regulation —*
electronic meeting means a meeting held by electronic means under regulation 14D.
- (2) *If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.*
- (3) *If a council or a committee holds an electronic meeting —*
 - (a) *a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and*
 - (b) *the meeting is open to the members of the public under section 5.23(1) if —*
 - (i) *the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection under regulation 13; or*
 - (ii) *the council or committee publicly broadcasts the meeting on a website; or*
 - (iii) *the meeting or a broadcast of the meeting is otherwise accessible to the public.*
- (4) *If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —*
 - (a) *the council or committee provides a means to submit a question prior to the meeting; and*
 - (b) *the council or committee determines at the meeting —*
 - (i) *to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or*
 - (ii) *that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.*
- (5) *If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —*
 - (a) *tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and*



- (b) *made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.*

Holding meetings by electronic means (entire meeting)

Under Regulation 14D of the *Local Government (Administration) Regulations 1996* Council or the Mayor can approve the following meetings of council to be held by electronic means, if considered appropriate, in a public health emergency or state of emergency:

- an ordinary council meeting
- a special council meeting
- a committee meeting
- an audit committee meeting

The regulations prescribe that:

1. *The Mayor (in writing) or Council (by resolution) must determine the electronic meeting method, in consultation with the CEO, and*
2. *Electronic meetings will be considered as being open to the public if:*
 - *The meeting is instantaneously publicly broadcast on a website; OR*
 - *The meeting or a broadcast of the meeting is otherwise instantaneously accessible to the public; OR*
 - *The unconfirmed minutes are made publicly available in accordance with Admin. Regulation 13:*
 - *Ordinary Council Meetings = within 14 days*
 - *Committee Meetings = within 7 days*

Attendance by electronic means (individual attendance)

Under Regulation 14C of the *Local Government (Administration) Regulations 1996* Council or the Mayor can authorise an elected member to attend meetings of council by electronic means in a public health emergency or state of emergency.

Public participation

A meeting at which one or more members are attending via electronic means will otherwise be held in the usual way in which a meeting that is open to the public is held.

The proposed method for holding and attending electronic meetings is through the Microsoft Teams platform. However, it is suggested that the final method will be determined by the Mayor, in consultation with the Chief Executive Officer, to allow the



method to be changed at short notice if issues arise or if a preferred platform becomes available.

CONSULTATION

Nil.

OFFICER COMMENT

Given the current presence and increased incidence of Covid-19 in the Western Australian community and the possibility that multiple Elected Members and critical staff may be unable to attend meetings in person due to isolation or other health directive, it is recommended that Council implement provisions to allow meetings of council or committee to be held via electronic means in accordance with the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

It is considered appropriate to undertake council and committee meetings for the months of March and April, 2022, whilst the current Western Australian spread is at its peak and then review again after this time.

Provision will need to be made to ensure that electronic meetings and attendance is as simple as possible for attendees and observers to follow, particularly so for the Presiding Member and meeting support officers.

The method used to hold electronic meetings should ensure that it provides the Presiding Member and CEO with oversight of who is/is not connected at all times to the electronic meeting to enable the effective management of identifying if a council member is disconnected during the meeting and closing the meeting to the public.

In addition, a brief guide containing some common rules for meeting attendees (for both electronic meetings and electronic attendance) has been drafted and is recommended for adoption to assist in managing the proceedings of meetings for both clarity and minuting purposes.

It may also be appropriate to implement a process that attendance practises may also be introduced in order to support continuing representation of all wards with only one ward member from each ward being present in person at a meeting.

The City is currently undertaking a review of the Meeting Procedures Policy. This will be brought to council within the next couple of months. The draft review will include provisions for council meetings to be held via electronic means.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2203-2

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council

- 1. Approve elected member attendance at meetings of council via electronic means by a method determined by the Mayor (in consultation with the Chief Executive Officer).**
- 2. Approve the holding of meetings via electronic means as considered necessary by the Mayor (in consultation with the Chief Executive Officer).**
- 3. Adopt the attached 'electronic meeting guide' for temporary implementation, *with the following amendment:***
 - *a. Under "1. Format for electronic meetings", delete "on the City's website" from point c.***
- 4. Request that the 'electronic meeting guide' be included in the upcoming Meeting Procedures Policy review for further consideration.**

Carried: 10/1

For

**Mayor Hannah Fitzharding, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic



C2203-4 BUDGET REVIEW 2021-2022

Meeting date:	9 March 2022
Responsible officer:	Manager Finance
Decision making authority:	Council
Attachments:	1. Rate Setting Statement – By Nature and Type 2. Net Current Assets Report 3. List of Budget Amendments for Budget Review
Additional information:	Nil

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* a review of the 2021-2022 annual budget has been completed and the resulting budget review report is presented to Council for consideration and adoption.

A review has been undertaken for each Directorate by analysing the financial performance of all operating activities, operating projects and capital projects and the overall financial position as at 31 December 2021.

This report recommends that Council:

- 1. Adopt the budget review for the period ending 31 December 2021 and financial reports provided in Attachment 1 and 2.**
- 2. Approve the required budget amendments to the adopted budget for 2021-2022 mid-year budget review as provided in Attachment 3.**
- 3. Note that a copy of this report will be sent to the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**

BACKGROUND

The *Local Government (Financial Management) Regulations 1996*, regulation 33A requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and the determination is to be provided to the Department of Local Government and Communities within 30 days of the adoption of the review.

The City has undertaken the review within this period based on the year-to-date revenue and expenditure position as at 31 December 2021. Reviews of the budget performance has been undertaken for each service unit with the responsible Manager. The entire draft budget review has also been considered by the City's Executive.



In addition to this annual budget review the City reviews it's actual versus budget position on an ongoing basis and proposed budget amendments to the adopted budget are submitted to Council on a monthly basis in accordance with the Budget Management Policy.

FINANCIAL IMPLICATIONS

After considering variances and adjustments, the mid-year Budget Review has provided an estimated overall surplus to the adopted budget.

The following is the summary of the budget amendments by directorate:

Directorate	Category	Budget Amendment	Manager Comments
Opening Surplus		15,061,399	Balance of opening surplus from 2020-2021 financial year to be allocated
Business Unit Review Total	Net Deficit	(150,522)	
Office of the Mayor and Councillors	Net Savings	35,000	Budget saving of \$35,000
Office of the Chief Executive	Net Deficit	(14,000)	Additional Budget requested of \$14,000
City Business	Net Savings	77,988	Budget saving of \$77,988
Community Development	Net Deficit	(335,138)	Additional Budget requested of \$335,138
Strategic Planning and Projects	Net Savings	8,000	Budget saving of \$8,000
Infrastructure and Projects	Net Savings	77,628	Budget saving \$77,628
Staff Establishment	Net Savings	291,128	
Staff Establishment	Net Savings	1.616.007	Net staff establishment savings
Agency Labour	Net Deficit	(1,157,250)	Additional budget of \$1,157,250 requested for agency labour, funded from salary savings.
Workers Compensation Premium Adjustment	Net Deficit	(167,629)	Premium adjustment prior years
Grand Total		15,202,005	



The amendments to budget account numbers to the adopted budget for 2021-2022 are submitted to Council for approval as outlined at Attachment 3 List of Budget Amendments for Budget Review.

LEGAL IMPLICATIONS

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires a review of the annual budget to be carried out between 1 January and 31 March in each financial year.

The review is to be submitted to Council within 30 days and must:

- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) *consider the local government's financial position as at the date of the review; and*
- (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

Council is to consider the review and determine whether to adopt the review, any parts of the review or any recommendations made in the review.

Within 30 days after Council has made a determination a copy of the review and determination is to be provided to the Department.

CONSULTATION

Nil

OFFICER COMMENT

The revised forecast of the City's budget operating result for 2021-22 is a surplus of \$140,406. This result increases our expected net surplus from \$15,061,399 (being the opening position based on the draft financial statements as at 30 June 2021) to \$15,202,005. This represents a relatively positive financial outlook for the City amid a challenging economic environment.

This expected operating result is primarily the result of savings in staff establishment costs due to vacancies associated with the challenging labour market. While these vacancies resulted in an increase in agency labour costs, the savings offset these costs as well as an increase in workers' compensation insurance premiums, and a net increase in expected operating costs.

The budget review has considered amendments to budget allocations based on end of year forecasts, taking in to account the predicted impact of Covid restrictions. The formal



restrictions directly limit the City's ability to host revenue-generating events, which is compounded by the 'shadow lockdown' impact of reduced visitor numbers impacting the City's discretionary revenue areas such as parking and leisure centre fees.

Discretionary Revenue Adjustments

The City has experienced a decline in revenue in some business units over the past two months. This is directly related to the decline in visitor numbers from Covid isolations, State Government restrictions and general customer uncertainty and cautiousness. However, the decline has not been consistent from week to week which makes it difficult to use this data for future forecasting. Revenue in future months has therefore been determined based on the average decline in each area over the past two months, together with assumptions stemming from State Government predictions on the nature and time periods of ongoing Covid restrictions.

Given the uncertainty around Covid – with regards to the imposition of restrictions and the behavioural reaction of the market – this report is the outcome of several iterations that considered various scenarios. Initially a very conservative approach was taken in the adoption of assumptions that would see dramatic negative impacts as predicted by media outlets earlier in the year. However, with the benefit of hindsight over the last two months, Officers have determined that the impact may be less severe than originally anticipated. Somewhat more optimistic assumptions were initially modelled, assuming the original anticipated impact was halved. As more data came to light, the curtailment of revenue predictions was further softened to reflect a more confident view of coming months.

Adjustments have been applied to the below areas for a period of three months as part of this review:

Parking: Forecast parking revenue has been reduced by 10% on adopted budget for the three months from March to May, on the basis of the average for the past two months and an assumption of continued lower numbers of visitors as a result of Covid impacts in line with current State Government case load predictions.



Arts Centre: Covid restrictions imposed by the State Government on the number of patrons permitted to attend events have prevented some programs from going ahead. Concurrently, lower numbers of visitors are expected at events that will still be held due to 'shadow lockdown' implications. However, the anticipated revenue loss has been offset by new revenue initiatives and budget amendments, resulting in no net financial impact.

Leisure Centre: The Leisure Centre has also been impacted by Covid-related restrictions and the more subtle impacts of 'shadow lockdowns' from isolations and visitor reticence. This decline in revenue has compounded the loss incurred during a seven-week period late last year while the damaged pool roof was removed. The net result is approximately \$430k negative adjustment to the revenue forecast for the Leisure Centre.

This report recommends adjustments to the budget based on these anticipated impacts.

Mid-Year Review

A detailed rate setting statement for the period ending 31 December 2021, incorporating adopted budget amendments to date for this financial year is presented for council to consider in the attached.

The report recommends amendment to budget line items where a material variance between the current budget and the expected outcome at end of financial year is anticipated as these variances will have an impact upon the expected end of year surplus or deficit.

The following table provides a summary of the budget review results by Nature and Type. Unfavourable variances are shown in red parentheses (xxx). The full Rate Setting Statement which provides a summary of proposed budget amendments with current budget and year to date actual is attached.



Description	Budget Amendment
	\$
Net current assets at start of financial year - surplus/(deficit)	15,061,399
Revenue from operating activities (excluding rates)	
Operating Grants, Subsidies and Contributions	43,982
Fees and Charges	(535,580)
Reimbursement Income	97,000
Other Revenue	23,500
	(371,098)
Expenditure from operating activities	
Employee Costs	1,530,378
Employee costs - Agency Labour	(1,157,250)
Materials and Contracts	196,116
Utility Charges (gas, electricity, water)	25,000
Other Expenditure	5,454
	1,343,888
Amount attributable to operating activities	599,698
Investing Activities	
Capital Revenue	
Capital Grants and Subsidies/ Contributions for the development of Assets	304,932
Proceeds from Disposal of Assets	6,750
	311,682
Capital Expense	
Purchase Investment Land and Buildings	7,552
Purchase Community Land and Buildings	(30,000)
Purchase Infrastructure - Roads	(30,778)
Purchase Infrastructure - Parks	(265,983)
Purchase Infrastructure - Paths	(85,000)
Purchase Infrastructure - Other	452,033
Purchase Plant and Equipment	2,500
	50,324
Amount attributable to investing activities	362,006



Reserve Transfers		
Transfer from Reserves (Restricted) – Capital		(450,000)
Transfer to/from reserves		(450,000)
Amount attributable to financing activities		(450,000)
Budgeted deficiency before general rates		-
General rates estimated to be raised		-
Closing Funding Surplus (Deficit)		15,202,005

A snapshot highlight of the major variances included in the budget review (excluding staff establishment and agency labour) by Directorate are as follows:

Office of the Mayor and Councillors

The net result from the Office of the Mayor and Councillors is an overall saving in the budget of \$35,000, from a reduction in conference and travel expenditure, and in sponsorships. The net variance by team is as follows:

Team	Amount
Mayor and Councillor Leadership	-
Mayor and Councillor Team	35,000
Grand Total	35,000

Summary of significant adjustments within this budget review for Office of the Mayor and Councillors: NIL

Office of the Chief Executive Directorate (CEO)

The net result from the CEO directorate is an overall additional budget request of \$14,000, being higher costs relating to WAEC elections than budgeted. The net variance by team is as follows:

Team	Amount
Governance Team	(14,000)
Communications Team	-
Grand Total	(14,000)

Summary of significant adjustments within this budget review for the CEO Directorate: NIL



City Business Directorate

The net result from City Business directorate is an overall budget saving of \$77,988. The net variance by team is as follows, followed by a list of the significant adjustments that contributed to this result:

Team	Amount
Economic Development Management	4,500
Economic Development Team	(25,000)
Place Marketing Team	26,000
Commercial Parking Team	59,590
Commercial Property Team	(102,500)
Financial Services Team	32,898
Field Services Team	38,500
Information Technology Team	44,000
Grand Total	77,988

A summary of significant adjustments within this budget review for City Business are:

Team	Account Details	Amount	Reason
Commercial Parking Team	Parking Fee Inc.	(93,000)	Anticipate general reduction in parking revenue to June by 10% due to expected reaction to border re-opening.
Commercial Parking Team	Property Lease Exp	169,540	Reduction in lease fee due to reduction in parking revenue
Commercial Property Team	Contract Exp – General & Hire Exp	37,500	Additional lease income in relation to the lease with Fremantle Golf Course operator.
		(140,000)	Additional budget requested in relation to the lease with Fremantle Golf Course operator.
Financial Services Team	Sponsorship Contributions Donation Inc	(76,302)	Scheme credits in relation to insurance significantly lower than had been anticipated.



Community Development Directorate

The net result from Community Development directorate is an overall additional budget request of \$335,138. The net variance by team is as follows:

Team	Amount
Community Development Leadership	53,000
Arts and Culture Team	(61,682)
Community Development Team	(322,456)
Customer Experience and Learning	(4,000)
Grand Total	(335,138)

A summary of significant adjustments within this budget review for Community Development are:

Team	Account Details	Amount	Reason
Arts and Culture Team	Operating Revenue	5,580	Major revenue movements: South Lawn Events (154k) Perth Writers Festival \$80k – Fully Funded Revealed Aboriginal Artist 2022 \$70k Re-structure of Arts & Events to Arts Centre Special Events - transfer of budget
	Operating Expenditure	(150,000)	Major expenditure movements: Perth Writers Festival (\$80k) – Fully Funded Revealed Aboriginal Artist 2022 (\$70k – Fully Funded)



			Re-structure of Arts & Events to Arts Centre Special Events - transfer of budget
	Operate Fremantle Arts Centre	100,000	Reduced number of events resulting in less trading stock required.
Community Development Team	Operate Fremantle Leisure Centre	(410,000)	Reduction in Admission and Memberships due to centre closure and anticipated impact COVID-19 restrictions and shadow lockdown: <ol style="list-style-type: none"> 1. Health Club (\$74k) 2. Swim School (\$211k) 3. Aquatics (\$125k)

Strategic Planning Directorate

The net result from Strategic Planning directorate is overall saving in the budget of \$8,000. The net variance by team is as follows:

Team	Amount
Strategic Planning and Projects Leadership	2,000
Strategic Planning Team	6,000
City Business Design Team	-
Grand Total	8,000

A summary of significant adjustments within this budget review for Strategic Planning are: NIL



Infrastructure & Projects Directorate

The net result from Infrastructure & Projects directorate is an overall saving in the budget of \$77,628. The net variance by team is as follows:

Team	Amount
Infrastructure and Strategic Projects Leadership	20,000
Asset Management Team	(97,448)
Infrastructure Engineering Team	3,679
Parks and Landscapes Team	(210,733)
Facilities and Environment Team	355,380
Waste & Fleet Team	6,750
Grand Total	77,628

A summary of significant adjustments within this budget review for Infrastructure & Projects are:

Team	Account Details	Amount	Reason
Project Management Team	Contract Exp - Consultants	(60,000)	Additional costs for planning in relation to future works at the Arts Centre and new projects at the Naval Stores and Netball Club (\$60k).
Construction and Maintenance Teams	Contract Exp - General	(50,000)	Increased maintenance costs due to poor condition of city owned Bobcat and the need to outsource/hire a replacement for footpath maintenance.
	Non-Operating Grant - Other Org.	80,000	Scope of project increased as a result of receiving additional funding from RAC. P-12048
	Capital WIP- Contract Labour and Materials	(80,000)	Design and construct - Paddy Troy Mall -Streetscape Improvement
	Transfers from Reserves - Capital	450,000	Project on hold and will be re-considered following finalisation of the City's parking strategy.
	Capital WIP - Contract Labour & Materials	(450,000)	



Team	Account Details	Amount	Reason
Mechanical Services Teams	Material Exp - General	(50,000)	Reduced maintenance costs. Hire of replacement vehicles due to poor condition of city owned vehicles and capacity to complete the required works.
Parks and Landscapes Team	Contract Exp - General	(56,378)	Additional works required to repair damage from erosion at Port Beach and South Beach stairs caused by winter storms.
	Non-Operating Grant - Main Roads	60,000	New landscaping and maintenance project along the new North Fremantle Principal Shared Path (PSP) fully funded by Main Roads WA.
	Capital WIP	(60,000)	
	Non-Operating Grant - Other Org.	150,000	New flood lighting project at Frank Gibson Reserve fully funded by the Fremantle Netball Club.
	Capital WIP	(150,000)	
Facilities Management	Contract Exp - General	(53,000)	Necessary maintenance works of Heritage Building (Roundhouse cottages Arthur Head 9-12a Captains Lane) identified during 2021-22
	Contract Exp - General	(60,000)	Budget is being transferred from Maintain Civic Administration Buildings project \$(40k) for the remaining for works required at Walyalup Civic Centre.
Waste Collection Team	Disposal - Waste	80,500	Budget allocation for collection and disposal of commercial waste higher than required therefore budget has been reduced.
	Disposal - Waste	(53,000)	Budget allocation for collection and disposal of general waste lower than required therefore budget has been increased.



Team	Account Details	Amount	Reason
	Disposal – Waste	276,000	Resource Recovery Group realised increased revenue due to undertaking additional services for Cleanaway following a fire at their Material Recovery Facility. Profits shared amongst member councils. Savings achieved on collection and disposal of domestic FOGO.
	Disposal – Waste	150,000	
	Waste Collection Fee	60,000	Reduced budget included forecasting COVID-19 impact however, anticipated no impact realised
Resource Recovery Team	Equipment Hire Exp	64,000	Budget transferred to Operate Depot for two hired demountable units utilised depot wide.

People and Culture Directorate

The net result from People and Culture directorate is nil overall impact on the budget. The net variance by team is as follows:

Team	Amount
People and Culture Management Team	-
Grand Total	-

Employee Cost and Agency Labour

The forecast for employee cost is an estimated \$1,616,007 in savings from salaries and wages. This is mostly due to vacancies throughout the year. Of this \$1,157,250 is required to offset the increase expenditure required for agency staff and consultancy due to the use of temporary staff. In addition, prior year adjustments relating to workers compensation premiums require and additional \$167k. The net result from the staff establishment and agency labour is a saving of \$291k.



The staff establishment and agency labour summary by Directorate is as below:

Directorate	Budget Amendments			Grand Total (+Budget Savings)
	Staff Establishment Savings	Agency Labour/Consultancy	New Positions	
CEO	14,395			14,395
City Business	718,683	(173,000)		545,683
Community Development	(129,813)			(129,813)
Strategic Planning and Projects	95,013	(47,000)		48,013
Infrastructure and Projects	969,790	(937,250)		32,540
People and Culture	(52,061)			(52,061)
Sub Total	1,616,007	(1,157,250)	-	458,757
Workers Compensation Premium adjustment	-	-	-	(167,629)
Balance				291,128

New Projects – Included

It is proposed as part of this budget review to fund the following new projects:

Team	Account Details	Net Amount	Reason
Asset Management Team	P-NEW Design and construct – Leisure Centre Kiosk	(40,000)	NEW PROJECT Upgrades required to enable new tenants to take possession.
	P-NEW Demolish 112 Beach Street	(40,000)	NEW PROJECT Additional funding required to demolish 112 Beach Street
Economic Development Team	P-NEW Fit Out Visitor Centre	(30,000)	NEW PROJECT Visitor Centre fit out costs not included in budget
	P-NEW Design and construct	(60,000)	FULLY FUNDED



Team	Account Details	Net Amount	Reason
Parks and Landscapes Team	North Fremantle PSP Landscaping	60,000	New landscaping and maintenance project along the new North Fremantle Principal Shared Path (PSP) fully funded by Main Roads WA.
	P-12065 Design and construct Frank Gibson Lighting	(150,000)	FULLY FUNDED
		150,000	New flood lighting at Frank Gibson Reserve fully funded by the Fremantle Netball Club.
Grand Total		(110,000)	

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM C2203-4 **(Officer recommendation)**

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council:

- 1. Adopt the budget review for the period ending 31 December 2021 and financial reports provided in Attachment 1 and 2.**
- 2. Approve the required budget amendments to the adopted budget for 2021-2022 mid-year budget review as provided in Attachment 3.**
- 3. Note that a copy of this report will be sent to the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**

Carried: 10/1
For

**Mayor Hannah Fitzharding, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against
Cr Marija Vujcic



C2203-5 MONTHLY FINANCIAL REPORT - FEBRUARY 2022

Meeting date: 23 March 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 28 February 2022
Additional information: Nil

SUMMARY

The monthly financial report for the period ending 28 February 2022 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

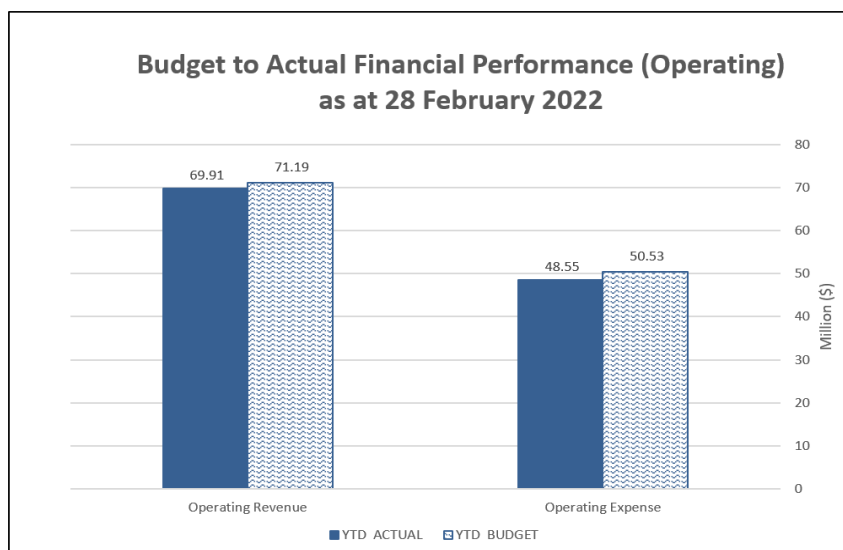
This report provides an analysis of financial performance for February 2022 based on the following statements:

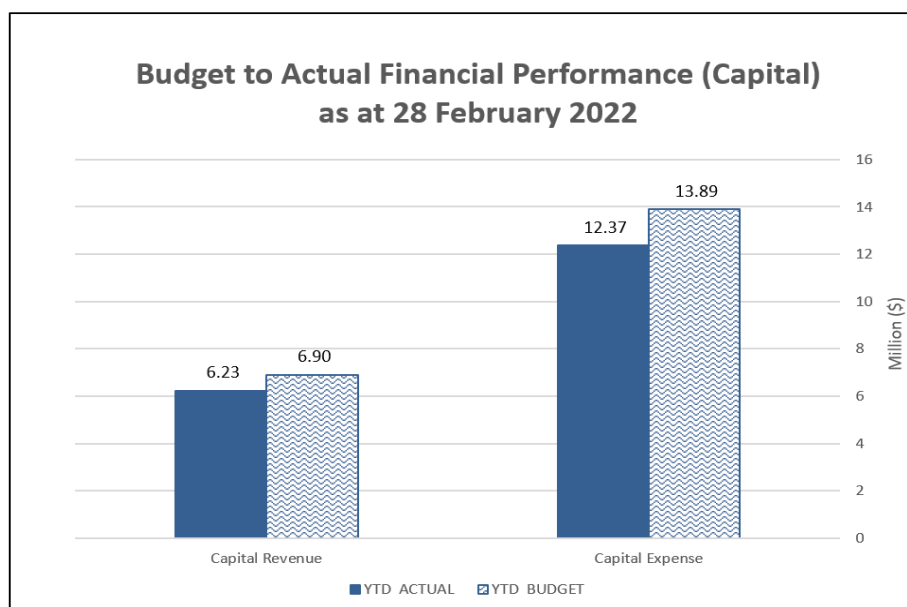
- Statement of Comprehensive Income by Nature & Type and by Program;
- Rate Setting Statement by Nature & Type and by Directorate; and
- Statement of Financial Position with Net Current Assets.

The budget figures in this report represent the Amended Budget. Further, this financial report for the period ending 28 February 2022 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums.

BACKGROUND

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 28 February 2022.





RATE SETTING STATEMENT BY NATURE AND TYPE - FOR THE PERIOD ENDED 28 FEBRUARY 2022

Description	Amended YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance %
Opening Surplus	3.72	15.06	11.34	304.43%
OPERATING				
Rate Revenue	50.24	50.16	(0.08)	(0.16%)
Revenue	20.95	19.75	(1.20)	(5.73%)
Expenses	(50.53)	(48.55)	1.98	3.92%
Non-Cash Adj.	6.40	6.49	0.09	1.41%
	27.06	27.85	0.79	2.92%
INVESTING				
Capital Revenue	6.90	6.23	(0.67)	(9.62%)
Capital Expenses	(13.89)	(12.37)	1.52	10.96%
FINANCING				
Repayment Loans & Leases	(1.77)	(1.54)	0.23	12.72%
Reserve Transfers	9.90	8.74	(1.16)	(11.77%)
Total of Investing and Financing activities	1.14	1.06	(0.08)	(7.02%)
Closing Surplus	31.92	43.97	12.05	37.73%



STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE - FOR THE PERIOD ENDED 28 FEBRUARY 2022

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Amended Budget as follows:

Income	YTD Amended Budget \$M	YTD Actual \$	Variance \$	Variance %
Revenue				
Rates (including Annual Levy)	50,418,591	50,339,480	(79,111)	(0.16%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	3,728,914	2,490,275	(1,238,639)	(33.22%)
Fees and Charges	15,487,249	15,324,810	(162,439)	(1.05%)
Interest Earnings	578,177	526,746	(51,431)	(8.90%)
Reimbursement Income	694,255	753,598	59,343	8.55%
Other Income	279,024	469,279	190,255	68.19%
Total Operating Income	71,193,402	69,912,991	(1,280,411)	(1.80%)
Expenses	YTD Amended Budget \$	YTD Actual \$	Variance \$	Variance %
Expenses				
Employee Costs	(25,595,165)	(24,096,063)	1,499,102	5.86%
Employee costs - Agency Labour	(225,730)	(1,018,651)	(792,920)	(351.27%)
Materials and Contracts	(14,828,186)	(13,939,097)	889,089	6.00%
Depreciation on Non-Current Assets	(6,397,182)	(6,411,744)	(14,562)	(0.23%)
Interest Expenses	(295,787)	(176,119)	119,668	40.46%
Utility Charges (gas, electricity, water)	(1,168,047)	(1,102,968)	65,079	5.57%
Insurance Expenses	(744,680)	(601,624)	143,056	19.21%
Other Expenditure	(1,275,720)	(1,205,491)	70,229	5.51%
Total Operating Expenses	(50,530,497)	(48,551,757)	1,978,740	3.92%



Further explanation of material variances, excluding rates income and employee variances, is included under officers' comments.

FINANCIAL IMPLICATIONS

This report is provided to enable Council to assess how revenue and expenditure are tracked against the budget. It is also provided to identify any budget issues which the Council should be informed of.

LEGAL IMPLICATIONS

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with an explanation of any material variances to be prepared and presented to an ordinary meeting of the council.

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 28 February 2022 resulted in an additional \$12,048,019 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

Increase in anticipated year to date position

- Increased carry forward funds from FY20/21 of \$11,337,279. This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end of year closing journals, accruals etc. A final opening position figure for FY21/22 will be determined upon completion of the City's external audit and reported in the mid-year budget review report to Council;
- Reduced operating expenditure of \$1.98m to YTD budget;
- Reduced capital expenditure of \$1.5m to YTD budget;

Partially offset by:

Reduction in anticipated year to date position

- Reduction in Operating Grants, Subsidies and Contributions of \$1.2m to YTD budget;
- Reduction in transfer from Reserves (Capital) of \$988k to YTD budget;



Explanation of Material Variances

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in statements of financial activity in FY2021/22 for reporting material variances as 10% or \$100,000, whichever is greater (Item C2106-1 refers Council meeting on 23 June 2021).

The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year to date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Rate Setting Statement by Nature and Type.




The below comments are to be read in conjunction with the Rate Setting Statement in the attached Financial Report:

Description	Variance Amount	Comment
Net current assets at the start of the financial year	11,337,279	▲ 304.43%
Major Variances:		
Fees and Charges	2,154,662	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Art centre memberships & commissions +\$516k ▪ Car park fees +\$369k ▪ Fremantle Leisure Centre +\$600k ▪ Health licences +\$164k ▪ Property leases +\$712k ▪ Statutory planning fees +\$141k
Other Revenue	5,712,143	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Recovery of Pindan bonds +\$3.67m ▪ Share of profit from investment in an associate entity which is Southern Metropolitan Regional Council (SMRC) +\$1.64m.
Expenditure from Operating Activities	974,620	Favourable variance - primarily attributed to: <ul style="list-style-type: none"> ▪ Employee cost savings and offset by higher depreciation.







Description	Variance Amount	Comment
Capital Grants and Subsidies/Contributions for the development of Assets	(1,736,560)	<p>Accounting variance - grant funds are recorded in accordance with accounting standard AASB 15 Revenue from Contracts with Customers. Under this standard, income is only recognised when contract performance obligations are fulfilled.</p> <p>The reduction in capital grants shown here is offset by reduced capital expenditure on grant-funded projects.</p>
Proceeds from Disposal of Assets	(4,964,010)	<p>Variance - due to disposal of Quarry Street not realised in FY 20/21 (\$5m).</p> <p>Variance to budget impacted favourably by:</p> <ul style="list-style-type: none"> ▪ Proceeds on disposal of Road Sweeper variance to budget \$20k (\$80k budget v. \$100k actual). ▪ Proceeds on disposal of Iveco Compactor variance to budget \$4k(\$20k budget v. \$16k actual).
Capital Expenditure	5,674,236	<p>Variance - attributed primarily to the following projects:</p> <ul style="list-style-type: none"> ▪ Underspend on Walyalup Koort capital works due to builder liquidation & project delays (\$2.8m); ▪ Fremantle Golf Course project timing variance (\$3.8m); ▪ Port Beach Coastal Adaptation (\$2.99m);
Reserve Transfers To - Capital	4,984,321	<p>Variance - attributed primarily to:</p> <p>Disposal of Quarry street was not realised in FY20/21 and therefore no transfer of funds to reserve as originally budgeted.</p>





Description	Variance Amount	Comment
Reserve Transfers From - Capital	(2,902,303)	Variance - primarily attributed to an underspend on Walyalup Koort capital works in FY20/21 due to builder liquidation & project delays. Funding of the project from the Investment Reserve did not occur to the level originally budgeted.
General Rates Income	1,186,799	Favourable variance - variance related to FY20/21 Interim rate income budget \$200k v. \$1.4m actual.
Operating Grants, Subsidies and Contributions	(1,238,639)	 (33.22%)
Major Variances:		
P-12066 Design and construct - Naval Store	(920,000)	Timing variance – The project is being delayed. The terms and conditions of this project are still under discussion with the prospective tenant.
Coordinate arts centre exhibitions	(160,775)	Timing variance – Grant revenue is being received in March.
P-12031 Program - Reveal Aboriginal Artist 2022	(150,000)	Timing variance – Expecting the grant to be received in the following months.
Other Revenue	190,255	 68.19%
Major Variances:		
Miscellaneous Revenue – Monitor financial accounting processes	141,329	Recoup of Verge bonds that have been held in the trust fund for more than 10 years have now been transferred to the municipal fund.
Interest Expenses	119,668	 40.46%
Major Variances:		
Interest Payment – Loan 307 Civic & Library Building	135,605	This is mainly due to an accounting error that will be rectified in March 2022.



Description	Variance Amount	Comment
Insurance Expenses	143,056	 19.21%
Major Variances:		
Monitor city insurances (excluding workers' compensation)	40,840	Variance is mainly due to insurance expense being recognised on an accrual basis whereas the budget was prepared on a cash basis.
Capital Expense Purchase – Infrastructure Roads	160,699	 16.07%
Major Variances:		
P-12002 Resurface - MRRG - Hampton Rd (SB)	80,418	Timing variance – The project was held up due to delays in the tender process, the project is expected to be commenced in March 2022.
P-12001 Resurface - MRRG - Hampton Rd (NB)	74,378	Timing variance – The project was held up due to delays in the tender process, the project is expected to be commenced in March 2022.
Capital Expense Purchase – Infrastructure Parks	135,848	 10.03%
Major Variances:		
P-11912 Design and construct - Coral Park Irrigation Upgrade	55,040	Timing variance - project delayed due to contractor unavailability and material shortages, it is expected budget to be utilised in full in the financial year.
P-11911 Design and construct - Leighton Beach - Shelters	53,147	Accounting variance – An incorrect allocation of the grant. This will be rectified in March 2022.
P-11819 Design and construct - Dick Lawrence - Playspace	30,541	Timing variance – delay in project work. Budget to be utilised in full in the financial year.
Capital Expense Purchase – Infrastructure - Other	179,001	 31.31%
Major Variances:		



Description	Variance Amount	Comment
P-12028 Program - Coastal Monitoring (South)	46,320	Timing variance – The project was awarded to CoF in February 2022 and work is expected to be commenced in this financial year.
P-11823 Design and construct-Port Beach coastal adaptation	44,985	Timing variance – delay in receiving invoices. Works have been commenced as planned. Budget to be utilised in full in the financial year.
P-12024 Design and construct - Bathers South Beach - Structu	29,250	Timing variance – Budget to be utilised in full in the financial year.
P-12032 Purchase - FOGO bins - Multi unit dwellings	28,000	Timing variance – Bins are expected to be purchased in the following months.
Repayment of Operating Lease	224,495	 54.04%
Payment of Operating Leases Instalments	224,495	Timing variance – Budget to be re-phased to reflect actual expenses.
Reserve Transfers	(1,165,718)	 (11.77%)
Transfer from Reserve (Restricted) - Capital	(988,433)	Variance - primarily attributed to an underspend on capital works due to various reasons as mentioned above.
Transfer from Reserve (Restricted) - Operating	(148,926)	Variance - primarily attributed to an underspend on operating works funded by Reserves.

Overall Comments - Progress on some capital works projects has begun to slow as the City begins to experience supply chain delays in relation to materials as a consequence of COVID-19. Officers continue to monitor for any issues that may result in delayed delivery and for any potential carry forwards to 2022-23. Capital revenue has been largely unaffected however it is anticipated that Reserve transfers to fund the projects' expenditures may not occur in 2021-22 as had been budgeted. Transfers will continue to be processed as costs are realised.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COUNCIL DECISION ITEM C2203-5
(Officer recommendation)

Moved: Mayor, Hannah Fitzharding

Seconded: Cr Frank Mofflin

Council receives the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 28 February 2022.

Carried: 10/1
For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Ben Lawver,
Cr Fedele Camarda, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against
Cr Marija Vujcic

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

Nil

17. Closure

The Presiding Member declared the meeting closed at 9.50.