



Minutes

Ordinary Meeting of Council

Wednesday, 27 January 2021, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held in the North Fremantle Community Hall
on **Wednesday, 27 January 2021** at 6.00 pm.

1 Official opening, welcome and acknowledgment

The Presiding Member declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

2 Attendance, apologies and leave of absence

2.1 Attendance

Dr Brad Pettitt	Mayor
Cr Andrew Sullivan	Deputy Mayor/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 Su Groome	East Ward
Cr Geoff Graham	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Cr Sam Wainwright	Hilton Ward
Cr Frank Mofflin	Hilton Ward
Mr Philip St John	Chief Executive Officer
Mr Glen Dougall	Director City Business
Mr Graham Tattersall	Director Infrastructure
Mr Paul Dunlop	Acting Director Community Development
Ms Charlie Clarke	Manager Governance
Mr David Janssens	Manager Infrastructure Engineering
Mr Mark Donnelly	Manager Field Services
Ms Antonia Dodig	Acting Manager Communications and Events
Mr Luke McGuirk	Engineering Team Leader
Ms Maryam Berenji	Urban Designer
Ms Melody Foster	Meeting Support Officer

There were approximately 20 members of the public and 1 member of the press in attendance.

2.2 Apologies

Nil

2.3 Leave of absence

Nil

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Bryn Jones

Cr Geoff Graham request for a leave of absence from 1 February 2021 to 8 February 2021 (inclusive) is approved.

Carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, 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 Andrew Sullivan declared an impartiality interest in item number FPOL2101-16 and C2101-6 as he rents out office space to one of the organisers (Jesse Noakes) who is involved with the Freo Street Kitchen and camp. Cr Sullivan advised that he will remain in the chamber and participate in both items.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 9 December 2020:

The following members of the public asked questions in relation to item C2012-2 Community and Economic Support Financial Assistance Policy – Adoption of Guiding Principles, a summary of these questions and response is included below:

Question – Andrew Luobikis

On the front page of the Herald dated 3 December 2020 in relation to the community grants and street parties the Mayor's previous electoral donor to Mr Brad Pettitt, Roy Lewisson was promoting this initiative.

- a. In the lead up to state elections that the Mayor is a candidate and council elections next year, is this just a way to covert campaign through the political precinct groups using Ratepayers funds?

Response

Decisions regarding funding via community grants and street parties are made by City officers under delegated authority. Elected Members are not involved. The Community and Economic Support Financial Assistance Policy will assist to guide decision making in relation to a range of community funding and sponsorship activities.

This policy, guiding principles for which were adopted at the 9 December meeting, will ensure a consolidated approach to the management of the community and economic financial assistance and non-financial and in-kind support opportunities across the City.

- b. Would it not be better to put a provision making sure these grants are not eligible through the precincts and available for 3 months prior to elections to ensure they are not abused such as indicated by the promotion by related parties to candidates such as described above for the Mayor's campaign?

Response

Each funding category has a specific set of eligibility criteria outlined in their individual guidelines and internal administrative processes. General exclusions and ineligibility include political parties or lobby groups.

- c. Should these grants only be accessible by incorporated community groups, not just individuals?

Response

These grants can be accessed by Local Groups or individuals representing a local group. These may include:

- not for profit organisations
 - community groups
 - educational bodies
 - charitable event organisers
- d. How are these funds now available when I was told the council did not have enough funds to plant a street tree in the April program?

Response

Council allocates funding through the annual budget process across a range of services and activities, delivered via separate budgeted programs.

Question – Elisabeth Megroz

- a. Will street activation events as per street activation policy be funded through the Covid19 Neighbourhood Quick Response Grant?

Response

No. Street activation events are funded via the City's events sponsorship budget, which is a different line item in the Council budget.

- b. From which budget item were \$50, 000 reallocated to fund Quick Response Grants? Please indicate document and page no. where this is listed in the budget?

Response

Budget from the City's One Day event was reallocated to fund Neighbourhood Quick Response Grants which were established to aid community reconnection during COVID.

- c. The budget allocation (2020/21 for Grant Funding (Community and Arts) has increased (\$76 180 - 110 000). Please explain the reason for and how it was possible to increase the grants funding?

Response

The 2020–21 Community Grant has an allocation of \$60,000 which has not changed. The September 2020 round allocated \$25,000 for Community Grants, and \$25,000 for Arts Grants.

- d. Please clarify where the waiver of hire fees for South Beach and Wilson Park by Sunset Markets (\$104 800, (p 11 Minutes, 28 October 2020) are recorded as they are not documented in the table?

Response

The item refers to the extension of a license agreement as opposed to an event hire agreement. As such an event hire waiver does not apply in this circumstance.

- e. What is the total amount of grant funding to individual artists?

Response

Five individual artists were allocated \$5,000 in the 2020 September Grant round.

- f. Is there any evidence to suggest an economic benefit to ratepayers for funding grants to artists?

Response

The City's Community Arts Grants are structured to support artists to present exhibitions, events and arts projects in Fremantle. The grants contribute to Fremantle's reputation as a cultural hub and a city for the arts, drawing visitors to the many independent galleries, artisan shops and independent music venues. This has a direct economic benefit to the City businesses and its ratepayers.

- g. What is the total amount allocated for the Hidden Treasures programme?

Response

The 2020–21 Hidden Treasures allocation was \$44,960.

- h. Is the Event Sponsorship Policy SCG22, adopted 2009 the same as the Events Sponsorship Policy SG59, adopted 2014?

Response

No, the Event Sponsorship Policy SG22 objective is to provide financial assistance and support to locally based not for profit and or charitable organisations and/or associations and individuals (Youth Sports Grants and Arts Development Fund) to support community development and arts related activities that contribute to community wellbeing and a vibrant, diverse community culture.

The Event Sponsorship Policy SG59 objective is to:

1. Assist the City of Fremantle to achieve the vision and goals articulated within its strategic plan and related or supporting documents.
2. Ensure that all forms of sponsorship provided by the City of Fremantle provides an adequate return on investment for the Fremantle community and/or the organisation.
3. Provide clear guidance in relation to the consistent and transparent management of event sponsorship requests.

The following members of the public asked questions in relation to item C2012-8 Budget Amendments – November 2020, a summary of these questions and response is included below:

Question – Andrew Luobikis

Why has \$40,000 of Ratepayers funds been budgeted to purchase generators for a private business to run the South Beach Market?

Response

Consideration was being made at this time around the purchase of generators due to lack of suitable infrastructure in the area however no decisions have been made to progress this.

Question – Elisabeth Megroz

- a. Could you please explain the benefit of spending \$40 000 on generators to be placed on South Beach that is well activated and patronised every day without the addition of generators?

Response

Consideration was being made at this time around the purchase of generators due to lack of suitable infrastructure in the area however no decisions have been made to progress this.

- b. How does this expenditure on South Beach support the sustainability principles of the One Planet Framework?

Response

In this instance, no expenditure has been made. However, where practical and possible the City endeavours to consider, adhere and align to all strategic documents and policies relevant to any given expenditure decision.

The following members of the public asked questions in relation to item C2012-11 Schedule of Payments November 2020, a summary of these questions and response is included below:

Question – Andrew Luobikis

Why is the council paying for security of a band San Cisco to the tune of \$7649.09? Did the Mayor or councillors have any input in this?

Response

In line with City of Fremantle Fees and Charges, hirers pay a fee for use of Fremantle Arts Centre front garden. A condition of the venue hire is Fremantle Arts Centre provides security, first aid, toilets, event staff, food and beverage and some production services. The venue was hired for four San Cisco concerts in 2020 (Oct 30 & 31, Nov 6 & 7). The security fee was for guards at all four concerts.

Question – Mark Woodcock

- a. In relation to the payment in the listing for a BBQ at Booyeembara Park, there is a BBQ out of order. Is the payment for the replacement for this BBQ or does Booyeembara Park have another BBQ area?

Response

This payment refers to the maintenance of an existing BBQ.

- b. In relation to the payment in the listing for bee removal, is this for relocation or extermination?
- c. Does the council use one of the free apiarist groups that do bee relocations or swarm captures?

Response

The City works to proactively relocate bees in swarming season and engages with apiarist groups where possible. On occasions, relocation is not possible due to a range of factors, and in that scenario, extermination is sometimes considered.

- d. How can councillors vote to approve the accounts listed in the payment register that don't have any reason for payment listed?
- e. Do councillors accept this level of missing detail or are they provided with the information to explain these accounts that the community can't see?

Response

Elected members and members of the community are able to seek further clarification from officers on information presented in agenda documents at any time.

Question – Elisabeth Megroz

- a. Are Elected Members having their meals and drinks paid for by the City? If yes, what protocols are in place for paying Elected Members for food and drinks?

Response

Yes, Elected Members are entitled to refreshments when called on to attend meetings that are held outside of normal business hours. The City has a Catering Administration Policy in place that guides the provision of catering for Elected Members and employees.

- b. What is the total amount budgeted for each Elected Member?

Response

There is no individual budget for each Elected Member. Council sets a budget for catering to incorporate all catering costs that support the meeting processes of Council.

The following members of the public asked questions in relation to C2012-13 – Sale of 7-15 Quarry Street, Fremantle, a summary of these questions and response is included below:

Question – Andrew Luobikis

- a. What was the valuation provided for this property?

Response

Due to the sales process on this property remaining active and being commercial in nature, a valuation on the property has not been disclosed in order to achieve a maximised return on investment for ratepayers.

- b. What is the rush to dispose of this property?

Response

Timelines associated with the sales process for this property are commensurate with standard industry practices and recommended in order to maintain the significant interest in the property which was generated by the recent marketing campaign and auction process.

Question – Elisabeth Megroz

- a. What is the reason for the urgency of seeking to approve the disposal of 7 - 15 Quarry Street, at this time?

Response

Timelines associated with the sales process for this property are commensurate with standard industry practices and recommended in order to maintain the significant interest in the property which was generated by the recent marketing campaign and auction process.

- b. Could you please advise what the figure for the property valuation 7 -15 Quarry Street is?

Response

Due to the sales process on this property remaining active and being commercial in nature, a valuation on the property has not been disclosed in order to achieve a maximised return on investment for ratepayers.

- c. Could you please explain why a business from out of Fremantle was employed and paid to provide a valuation for the property 7 -15 Quarry Street, were there no property valuers in Fremantle available?

Response

The City sought quotes from three valuers and selected the appropriate supplier in line with its procurement policy as is standard practice.

- d. How is this compatible with the sustainability principles of the One Planet Strategy to which ratepayers subscribe through financial contribution?

Response

Where practical and possible the City endeavours to consider, adhere and align to all strategic documents and policies relevant to the disposal process.

Question – Mark Woodcock

- a. After Quarry street was passed in (at auction), what is the rush to sell this valuable asset. Can council please provide the professional advice that has recommended this course of action?

Response

Timelines associated with the sales process for this property are commensurate with standard industry practices and recommended in order to maintain the significant interest in the property which was generated by the recent marketing campaign and auction process.

- b. Can council provide a list of all the City owned properties?

Response

Yes, upon request to the administration.

The following members of the public asked a question in relation to matters not on the agenda, a summary of these questions and response is included below:

Question – Andrew Luobikis

Why, when Containers for Change was announced by the WA Government Minister that the cost for this initiative would be funded by industry and the State Government that the City of Fremantle has set aside \$300,000 of ratepayers funds in the budget?

Response

The City has established an expenditure budget of \$322,000 the City does receive a revenue income from the scheme to offset the expenditure.

Question – John Dowson

The Fremantle Society asks that Council urgently intervene in the works being carried out at Arthur Head, as they appear to be damaging the heritage values of the place. The Fremantle Society seeks an urgent response from the Council as work has begun on the cliff face.

Response

As is usual with this type of conservation works, at the beginning of the Arthur Head limestone wall repairs project the contractor prepared several sample panels of masonry pointing for the City to agree the final colour and pointing style before the commencement of work. Once a sample has been accepted the other test samples are removed.

In this case, the sample referred to by the Fremantle Society was not acceptable to the City. Out of three other samples which used different combinations of sands to achieve a colour that more closely matches remnants of early pointing in the area where the repairs are being undertaken, one sample has been chosen for use. The City has authorised the contractor to commence works using the chosen mortar mix to repoint the limestone wall facing to the natural cliff face. The mortar type for repointing the limestone balustrade wall built on top of the cliff edge, which is a slightly different construction and colour, has not yet been confirmed.

The pointing style will be based on existing physical evidence, knowledge of traditional building techniques and documentary evidence from historic photographs. Documentary photographs show that the walls originally had flush pointed joints which was standard practice in Fremantle at the time as it improved the longevity of the wall by shedding rainwater off the wall face. For this reason, the new repointing will be nearly flush with the stone faces but with a very slight recess to the joints to expose more stone while still maintaining run off and minimising the risk of future erosion. This is in accordance with City and State Heritage officers' advice.

Where stones are badly eroded new stones will be pieced in. Elsewhere some patching to stone faces will be required to reduce future deterioration of the wall and make its structurally sound but the intention is to minimise this as much as possible.

City officers are monitoring the work of the contractors on site.

Question – Elisabeth Megroz

- a. Please indicate the page no. in the attachments of the Special Council meeting documents where the Artists Exemptions that have been budgeted and approved are recorded.
- b. Who in the City has currently the authority to:
 - i. engage artists directly
 - ii. approve artists
 - iii. formally engage artists?
- c. What is the current engagement and approval process for artists by the City/Council?
- d. What part - other than funding - do ratepayers in this engagement and approval process of artists have?
- e. What measures are currently in place to make this direct engagement and approval process of artists a transparent and equitable process?

Response

Artist exemptions are reported quarterly at each Audit and Risk Management Committee and are then reported at the following Ordinary Meeting of Council.

Engagement of artists is conducted by officers in line with the City's purchasing policy and artist commissioning procedure. The artist commissioning procedure outlines each program that engages artists and outlines targets, links to the Strategic Community Plan, selection process, and who can approve the commission (whether it be a panel or Director).

Question – Elisabeth Megroz

Please indicate the rule that specifies that questions by the public are to be summarised and recorded outside the context?

Response

We produce our Minutes in accordance with

- The City's Meeting Procedures Policy, and
- *Local Government (Administration) Regulations 1996*.

Regulation 11(e) of the *Local Government (Administration) Regulations 1996*, states the following:

"11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (e) a summary of each question raised by members of the public at the meeting"*

Question – Elisabeth Megroz

Re "It's all about the Money" (Herald (30/10/20) by Councillor Mofflin:

- a. Could you please specify what the ageing assets in Fremantle are that have significant costs to just maintain them in a safe state?
- b. Could you specify what services Fremantle needs to deliver as the 'second city of Western Australia that neighbours don't need to deliver'

Response

The views and opinions expressed by individual elected members in the media are those of that individual and should be clarified directly with them.

6. Public question time

The following member/s of the public spoke in relation to item FPOL2101-8.

Paul Mephram

Matthew Ngui

Mark Woodcock provided the following questions in relation to item FPOL2101-16, to be taken on notice:

1. Can the Council please explain to the impacted community, who gave permission for use of Pioneer reserve on the 26th of December 2020?
2. Can the council please explain to the impacted business community, under what authority was given permission given to use pioneer reserve on the 26 of December?
3. Can the council explain how the councils risk management policy was applied to the allowed use of pioneer reserve on the 26th of December?
4. Can council explain to the electors how the council allowed its no camping policy to be violated on the 26/27 and of December 2020 onwards into Jan in pioneer reserve till the state government took over its management? Did any councillors have prior knowledge of this and did they inform the COF professional staff of any concerns?
5. Can the council confirm or deny that the police were told to allow campers in pioneer reserve by Councillors of Fremantle City Council?
6. Can council explain how its events policy was adhered to by council in regards to the event at pioneer reserve?
7. Can the council please inform the rate payers and residents of the cost of the pioneer reserve debacle over December 2020 and January 2021 to the COF?
8. Can council please inform the community of the legal costs to the COF, associated with the pioneer reserve event?
9. Can the COF inform the rate payer of the liability issues to the City, as it's been clearly linked by State Government, only worsen by the states take over due to the reserves mismanagement, with the long list of violent assaults that police have linked to Pioneer Park, from the 26th of Dec till its closure in January 2021?
10. Is the City confident that councillors have put the cities best interest 1st, over the clearly political agenda that has been run in the exploitation of our cities most vulnerable. If so, what investigation has the city take to ensure it has a true understanding of the event that led to the pioneer reserve debacle.
11. What independent investigation will be run by the City to ensure this sort of incident can't happen again?
12. How will the City handle this issue as a Mayor steps back and a Deputy Mayor has already declared a conflict of interest?
13. How will the City reassure the electors that it actually has control of the City after the State Government removed authority of part of the CBD?
14. How can the electors have any faith in a council that is clearly not trusted by the State Government to manage such a small area as pioneer reserve?
15. Can the City explain why councillors are dealing with groups that are listed as anarchist and professional protestors, that have clearly been reported as exploiting the vulnerable, by attracting them away from recognise and trained professional organisations that provide outreach services, to a place that advertises on-line for enforcers for security at a make shift camp?

16. Can the City explain to the electors, how the none of the electoral commission guidelines have been breached in regards to the activities at Pioneer reserve from December 2020 to its closure in Jan 2021?
17. Can the City confirm, non if its code of conducts have been beached by councillors in regards to the Pioneer reserve incident and how it has ascertain this?
18. Can the City explain how its cancelling of Australia Day celebrations benefits Fremantle businesses when other cities are attracting huge crowds for their events, while Fremantle has lost this attraction since it cancelled the 26th of January events? How is this in the best interest of rate payer and businesses in Fremantle?

Note: The questions above were taken on notice and a response will be provided in accordance with the City's [Meeting Procedures Policy](#).

Helen Cox provided the following questions to be taken on notice, on behalf of The Greater Fremantle Community & Business Association Inc. (GFCBA), in relation to item FPOL2101-16:

1. In light of the recent resumption of Pioneer Park by the State Government our members are asking as to how the City of Fremantle in the first instance enabled the know activist Jesse Noakes to engage and be allowed to set up the unregistered, unlicensed Street Kitchen, without any of the correct health or park usage permits? Why were they not directed to the endorsed and City funded charity St Patrick's?
2. When it was first identified that the activist were setting up tents why did the City Community Compliance team not put an end to it under the current bi-laws and policies?
3. Given the risks to the local businesses, public safety, health and well being of the inhabitants, Ratepayers, the cost to the City and the clear operation of the kitchen outside of City policy, why did the Mayor and council not convene an emergency meeting several weeks ago to prevent the subsequent complaints to Police, serious charges and rape of two teenage girls?

Note: The questions above were taken on notice and a response will be provided in accordance with the City's [Meeting Procedures Policy](#).

The following member/s of the public spoke in relation to items not on the agenda.

Kerry Love spoke in relation to the Samson Street medium strip and noted the City have advised that the garden and bench that was installed by the community at this location, needs to be removed, as it is obstructing a thoroughfare in accordance with the City's local laws. In response to this, Ms Love asked the following questions: What regulations are they in breach of, that warrant its removal and is there anything they can do to make it compliant and keep it in place? What is the purpose of the median strip and perhaps the City could come up with a better use of this space?

Mayor, Brad Pettitt advised that these questions will be taken on notice in accordance with the City's Meeting Procedures Policy.

7. Petitions

Nil

8. Deputations

8.1 Special deputations

Presentation made by the Mayors for Peace activation team, Adrian Glamorgan and Elizabeth Po, on the work they are doing in relation to the Treaty on the Prohibition of Nuclear Weapons and requested that the City consider the following:

- Explicitly mention "Building a Culture of Peace" as an active part of the next iteration of the Fremantle Council strategic plan
- Use the Mayors for Peace to actively promote global affiliations and identify local opportunities
- Facilitate zooms featuring global cities developing a culture of peace, to stimulate innovations, conversations and connections
- Connect Community Arts and Peace
- Integrate peace calendar of activities (annual International Day of Peace Sept 21, NAIDOC, Refugee Day, etc)
- Peace and Nuclear Heritage Plan (connect with community arts)
- Emergency planning and prevention
- Attend global meetings of Mayors for Peace, contribute to their planning

8.2 Presentations

Nil

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council confirm the minutes of the Ordinary Meeting of Council dated 9 December 2020.

Carried: 12/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic

Mayor Pettitt asked Cr Vujcic to advise if she has identified any specific errors or inaccuracies in the minutes, to enable the necessary corrections to be approved by council.

Cr Vujcic advised that she did not identify any specific errors or inaccuracies and was exercising her right to vote against the motion.

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council confirm the minutes of the CEO Performance Review Committee dated 6 January 2021, as provided in the confidential agenda attachments.

Carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, 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 Jenny Archibald – spoke in relation to the Pioneer Park matter and noted that the CEO has advised that he will be preparing a comprehensive debriefing report, based on the process that was undertaken, and that this will be brought back to Council for consideration through the normal council meeting process. Cr Archibald also noted that this report will be made available to the public.

Chief Executive Officer, Philip St John – responded to Cr Archibald's comments and confirmed that this will take place. He advised that the report is intended to address various queries that have been raised by Councillors and the community in relation to this matter. He noted the importance of transparency on this matter and that the report will provide clarity on the process that took place.

Cr Andrew Sullivan – noted that the Mayor is going on leave for several weeks at the end of the week and made comment on the Mayor's time in office and that he is Fremantle's third longest serving Mayor. He noted this may or may not be the Mayor's last Council meeting and that there may be another opportunity to do this, however, as Deputy Mayor, he wished to take the opportunity to thank the Mayor for all his hard work over the years and for everything he has done for Fremantle and its community.

Mayor, Brad Pettitt – responded to the comments made by Cr Sullivan and thanked him and his fellow Councillors for their support over the years. He also thanked the staff of the City of Fremantle for their support.

11. Reports and recommendations from committees

11.1 Planning Committee 13 January 2021

Nil

11.2 Finance, Policy, Operations and Legislation Committee 20 January 2021

FPOL2101-16 PIONEER PARK FREMANTLE CAMP OUT

Meeting date: 20 January 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

A camp for homeless and disadvantaged people has been operating at Pioneer Park, Fremantle, since Boxing Day without approval.

The City has been working with care agencies, the State Government and other key stakeholders on finding long-term solutions to camp inhabitants' ongoing care and accommodation needs. The City's position is that, despite the best intentions of camp volunteers and donations from the broader community, the camp is not delivering the long-term assistance and care that its inhabitants need and is undermining the work of professional service providers.

There are also increasing concerns about public safety, both for the inhabitants of the camp, and for the broader community who are impacted by its ongoing presence in Pioneer Park. The City is working with care agencies, the State Government and WA Police to provide a compassionate and welfare-focused approach to resolving the camp and returning the park to the broader public.

OFFICER'S COMMENT

The City was approached on 21 December 2020 by a group under the banner Freo Street Kitchen with a plan to deliver a short-term food service for people in need over Boxing Day.

At the time it was purported to be a 24-hour food service but without any approvals from Council, this has become a campsite and a focal point for people from around Perth and country WA, with an estimated 80 people sleeping at the park. At the time, no indication was given of the intent to camp at the site and the City has received no indication that the occupants are prepared to leave.

The camp has been supported by volunteers who have donated food and other supplies.

Notwithstanding that the camp is not approved, the City's primary focus has been to try to safeguard the wellbeing of people within the camp and the broader community. While the camp has provided short-term support for vulnerable people, a temporary set-up in a public park is not a viable long-term safe solution, or an appropriate use of the park.

The City has taken action in relation to the operation of the camp to protect the health of occupants. This action includes daily emptying of bins and toilet cleaning. The City has also continued to provide electricity and security services including daily visits to the camp by Community Safety officers and ongoing CCTV surveillance.

An internal working group has been formed with service providers including St Patrick's Community Support Centre, Uniting, RUAH, the Department of Communities, WA Police and Wungening Aboriginal Corporation to discuss how this situation can be resolved.

Discussion at the working group is ongoing and continues to focus on how to wind up the activities at the park in a manner that is as compassionate as possible and provides maximum support to the vulnerable people congregating there.

St Patrick's outreach staff attending Pioneer Park have undertaken assessments using the VI-SPDAT (vulnerability indicator) to assess the individual needs and vulnerabilities of those staying at the camp.

The assessment indicates:

- 23% identify as being at risk of being attacked or beaten
- 42% have legal issues
- 88% have AOD indicators, with 58% having tried treatment before but returned to using
- 58% have mental health indicators (this appears low and will be reviewed), with 27% having been hospitalised for this against their will. Of those that indicated they had mental health issues, almost third had not seen a mental health professional in the past 6 months
- 66% indicate some form of disability most of these are serious head trauma or brain injury.
- Total number of people 70 tents about 100 people
- Estimated that the people in the park are 50% local and 50% from Perth and surrounds.

Inhabitants of the camp include a cohort of elderly people aged over 55 years, and approximately 20 single women. At least two families with young children presented at the camp and have since been engaged with support services for alternative accommodation as a matter of priority. The Department of Communities facilitated one family's return to country.

WA Police have reported increasing instances of violence within the camp, including assaults with weapons. Camp organisers have made it clear they would prefer to manage security issues inhouse, although Police and Community Safety officers have continued to be an ongoing visible presence at the camp.

The City has received several complaints from nearby businesses about noise and unsocial behaviour emanating from the camp. There have also been increasing complaints from residents and community members regarding the camp, the ongoing presence of the camp in the park and the perceived growth of the camp.

The City remains concerned about the impact the use of homeless and disadvantaged people to make a political point may ultimately have on the welfare and wellbeing of the inhabitants of the camp.

The City aims to bring the camp to compliance and to return the park to its normal use. The occupants of the camp are not there lawfully, and the park is unable to be used for its intended purpose while the camp continues. Clearly this is a sensitive and complex issue involving many people who are in need of sustained support and housing solutions. Any solution will have to give consideration to this sensitivity.

FINANCIAL IMPLICATIONS

The cost to the City of providing basic hygiene services (waste collection and toilet cleaning) is approximately \$986.80 per fortnight for waste collection and \$1,136 per fortnight for toilet cleaning).

The City is also doing pressure washing and hosing around the area at a fortnightly cost of \$1,210.

A further \$8,910 has been spent to date on additional Community Safety patrols in and around the camp.

LEGAL IMPLICATIONS

The two relevant pieces of legislation that control camping are the Caravan Parks and Camping Grounds Act (1997) and City of Fremantle Local Government Property Local Law (2002).

Under the City's Local Government Property Law, a person shall not without a permit "camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property", or "erect any tent, camp, hut or similar structure".

Under the Caravan Parks and Camping Grounds Act, a person cannot camp on land other than in a caravan park or camping ground without written approval.

CONSULTATION

The City is in daily contact with service providers, WA Police and care agencies regarding the welfare of people within the camp and options for immediate short-term and ongoing support. The City has also met regularly with the Department of Communities and other state agencies. City staff have had regular contact with camp organisers, and made it clear the camp is not authorised and that it is not considered a viable solution to the very real issues of homelessness and disadvantage in Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council adopt the following position in relation to the camp at Pioneer Park:

1. The camp has not been approved by the City of Fremantle and the City does not support the camp remaining at the park.
2. The camp is occupied by a number of vulnerable and disadvantaged people. Council is greatly concerned for their welfare and does not consider that remaining in the camp is in their long-term best interests. Council believes the needs of the occupants can best be addressed through engagement with the professional support agencies who have the skills, knowledge and experience to tailor appropriate solutions to each individual situation.
3. Council is greatly concerned by the largely uncontrolled nature of the camp and is also concerned about the impacts of the camp on nearby businesses and other users of Pioneer Park.
4. Council is seeking the closure of the camp and return of Pioneer Park to its intended purpose and will work constructively and collaboratively with the State Government and service agencies to seek a closure that prioritises the welfare needs of the occupants. A timeframe and process for this will be developed in collaboration with other key stakeholders. The target timeframe for this will be within two weeks of this resolution.
5. Council acknowledges the work of volunteers at the camp and recognises their community spirit. Council now calls on the camp organisers and supporters to work with the City to return the site to its intended use and to channel their efforts into supporting existing service agencies.
6. Council will:
 - (a) Continue to provide waste collection and toilet cleaning services in the interests of maintaining basic hygiene at the camp, however it recognises there will be a time when these services are discontinued as part of the camp closure process; and
 - (b) Support and provide full cooperation with WA Police in their efforts to ensure community safety and legal compliance at the camp.

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Doug Thompson

Amend the recommendation to annotate points 1-6 as part A, and add an additional part B, to read as follows:

B) Council reiterates its support for the Housing First model at the centre of All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030 and as applied in successful projects like 20 Homes 20 Lives and sees expanding this approach as central to ending homelessness in Fremantle and beyond. Further it reaffirms as a matter of urgency the following points that were adopted at the October 2020 FPOL meeting that Council:

- 1. Support a Common Ground in Fremantle, which delivers a housing first approach and wrap around services to support tenants with complex needs by providing a permanent home.***
- 2. Authorise the CEO to explore opportunities for discussion on other or shared models, in consultation with the State Government and the affordable housing sector.***
- 3. Acknowledge the chronic homelessness in Fremantle, noting the significant increase of people sleeping rough in the past 6 months.***
- 4. Advocate for well-resourced and funded service provision to address housing and homelessness issues in Fremantle.***
- 5. Notes the net decrease in public housing, which has reduced the number of affordable housing options in Fremantle.***

Amendment carried: 6/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

AMENDMENT 2

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Amend part 4 of the recommendation, to include the words shown in green italics, to read as follows:

- 4. Council is seeking the closure of the camp and return of Pioneer Park to its intended purpose and will work constructively and collaboratively with the State Government and service agencies to seek a closure that prioritises the welfare needs of the occupants. A timeframe and process for this will be developed in collaboration with other key stakeholders. The target timeframe *for development of this process* will be within two weeks of this resolution *being adopted by the full Council*.**

Amendment carried: 6/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

AMENDMENT 3

Moved: Cr Doug Thompson

Seconded: Mayor, Brad Pettitt

Amend part 4 of the recommendation, to include the words shown in green italics and remove the words in red strikethrough, to read as follows:

4. Council ~~is seeking~~ *seeks* the closure of the camp and return of Pioneer Park to its intended purpose and will *continue to* work constructively and collaboratively with the State Government and service agencies to seek a closure that prioritises the welfare needs of the occupants. A timeframe will be developed in collaboration with other key stakeholders. The target timeframe *for development of this process* will be within two weeks of this resolution *being adopted by the full Council*.

Amendment carried: 6/0

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright

Cr Hannah Fitzhardinge moved part A) and part B) of the amended recommendation separately, as follows:

COMMITTEE RECOMMENDATION ITEM FPOL2101-16

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

A) Council adopt the following position in relation to the camp at Pioneer Park:

1. The camp has not been approved by the City of Fremantle and the City does not support the camp remaining at the park.
2. The camp is occupied by a number of vulnerable and disadvantaged people. Council is greatly concerned for their welfare and does not consider that remaining in the camp is in their long-term best interests. Council believes the needs of the occupants can best be addressed through engagement with the professional support agencies who have the skills, knowledge and experience to tailor appropriate solutions to each individual situation.
3. Council is greatly concerned by the largely uncontrolled nature of the camp and is also concerned about the impacts of the camp on nearby businesses and other users of Pioneer Park.
4. Council *seeks* the closure of the camp and return of Pioneer Park to its intended purpose and *will continue to* work constructively and collaboratively with the State Government and service agencies to seek a closure that prioritises the welfare needs of the occupants. A timeframe will be developed in collaboration with other key

stakeholders. The target timeframe *for development of this process* will be within two weeks of this resolution *being adopted by the full Council*.

5. Council acknowledges the work of volunteers at the camp and recognises their community spirit. Council now calls on the camp organisers and supporters to work with the City to return the site to its intended use and to channel their efforts into supporting existing service agencies.
6. Council will:
 - (a) Continue to provide waste collection and toilet cleaning services in the interests of maintaining basic hygiene at the camp, however it recognises there will be a time when these services are discontinued as part of the camp closure process; and
 - (b) Support and provide full cooperation with WA Police in their efforts to ensure community safety and legal compliance at the camp.

Carried: 5/1

For

Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang

Against

Cr Sam Wainwright

COMMITTEE RECOMMENDATION ITEM FPOL2101-16

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

B) Council reiterates its support for the Housing First model at the centre of All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030 and as applied in successful projects like 20 Homes 20 Lives and sees expanding this approach as central to ending homelessness in Fremantle and beyond. Further it reaffirms as a matter of urgency the following points that were adopted at the October 2020 FPOL meeting that Council:

- 1. Support a Common Ground in Fremantle, which delivers a housing first approach and wrap around services to support tenants with complex needs by providing a permanent home.***
- 2. Authorise the CEO to explore opportunities for discussion on other or shared models, in consultation with the State Government and the affordable housing sector.***
- 3. Acknowledge the chronic homelessness in Fremantle, noting the significant increase of people sleeping rough in the past 6 months.***
- 4. Advocate for well-resourced and funded service provision to address housing and homelessness issues in Fremantle.***
- 5. Notes the net decrease in public housing, which has reduced the number of affordable housing options in Fremantle.***

Carried: 6/0

**Mayor Brad Pettitt, Cr Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Doug Thompson, Cr Adin Lang, Cr Sam Wainwright**

COMMITTEE RECOMMENDATION ITEM FPOL2101-16

Moved: Mayor, Brad Pettitt

Seconded: Cr Doug Thompson

A) Council adopt the following position in relation to the camp at Pioneer Park:

1. The camp has not been approved by the City of Fremantle and the City does not support the camp remaining at the park.
2. The camp is occupied by a number of vulnerable and disadvantaged people. Council is greatly concerned for their welfare and does not consider that remaining in the camp is in their long-term best interests. Council believes the needs of the occupants can best be addressed through engagement with the professional support agencies who have the skills, knowledge and experience to tailor appropriate solutions to each individual situation.
3. Council is greatly concerned by the largely uncontrolled nature of the camp and is also concerned about the impacts of the camp on nearby businesses and other users of Pioneer Park.
4. Council *seeks* the closure of the camp and return of Pioneer Park to its intended purpose and *will continue to* work constructively and collaboratively with the State Government and service agencies to seek a closure that prioritises the welfare needs of the occupants. A timeframe will be developed in collaboration with other key stakeholders. The target timeframe *for development of this process* will be within two weeks of this resolution *being adopted by the full Council*.
5. Council acknowledges the work of volunteers at the camp and recognises their community spirit. Council now calls on the camp organisers and supporters to work with the City to return the site to its intended use and to channel their efforts into supporting existing service agencies.
6. Council will:
 - (a) Continue to provide waste collection and toilet cleaning services in the interests of maintaining basic hygiene at the camp, however it recognises there will be a time when these services are discontinued as part of the camp closure process; and
 - (b) Support and provide full cooperation with WA Police in their efforts to ensure community safety and legal compliance at the camp.

B) Council reiterates its support for the Housing First model at the centre of All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030 and as applied in successful projects like 20 Homes 20 Lives and sees expanding this approach as central to ending homelessness in Fremantle and

beyond. Further it reaffirms as a matter of urgency the following points that were adopted at the October 2020 FPOL meeting that Council:

1. Support a Common Ground in Fremantle, which delivers a housing first approach and wrap around services to support tenants with complex needs by providing a permanent home.
2. Authorise the CEO to explore opportunities for discussion on other or shared models, in consultation with the State Government and the affordable housing sector.
3. Acknowledge the chronic homelessness in Fremantle, noting the significant increase of people sleeping rough in the past 6 months.
4. Advocate for well-resourced and funded service provision to address housing and homelessness issues in Fremantle.
5. Notes the net decrease in public housing, which has reduced the number of affordable housing options in Fremantle.

AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Cr Hannah Fitzhardinge

Amend the Committee Recommendation part A and include an additional part C, as follows:

- A. Council **confirms** ~~adopt~~ the following position in relation to the camp at Pioneer Park **acknowledging that the plan developed by the State Government agencies and Council was implemented on Saturday 24th January 2021 and prior to this motion:**
1. The camp **was not** ~~has not been~~ approved by the City of Fremantle and the City **does** ~~did~~ not support the camp remaining at the park.
 2. The camp **was is** occupied by a number of vulnerable and disadvantaged people. Council **was and remains is** greatly concerned for their welfare and **does** ~~did~~ not consider that remaining in the camp **was is** in their long-term best interests. Council believes the needs of the occupants can best be addressed through engagement with the professional support agencies who have the skills, knowledge and experience to tailor appropriate solutions to each individual situation.
 3. Council **was is** greatly concerned by the largely uncontrolled nature of the camp and **was is** also concerned about the impacts of the camp on nearby businesses and other users of Pioneer Park.
 4. Council **sought** ~~seeks~~ the closure of the camp and return of Pioneer Park to its intended purpose and **continued** ~~will continue~~ to work constructively and collaboratively with the State Government and service agencies to **achieve** ~~seek~~ a closure that prioritises the welfare needs of the occupants. A timeframe will be developed in collaboration with other key stakeholders. ~~The target timeframe for development of this process will be within two weeks of this resolution being adopted by the full Council.~~

5. Council acknowledges the work of volunteers at the camp and recognises their community spirit. Council **called on** ~~now calls on~~ the camp organisers and supporters to work with the City to return the site to its intended use and to channel their efforts into supporting existing service agencies.
 6. Council **will**:
 - a. Continued to provide waste collection and toilet cleaning services in the interests of maintaining basic hygiene at the camp, ~~however it recognises there will be a time when these services are discontinued as part of the camp closure process~~; and
 - b. Supported and provided full cooperation with WA Police in their efforts to ensure community safety and legal compliance at the camp.
- B.** Council reiterates its support for the Housing First model at the centre of All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030 and as applied in successful projects like 20 Homes 20 Lives and sees expanding this approach as central to ending homelessness in Fremantle and beyond. Further it reaffirms as a matter of urgency the following points that were adopted at the October 2020 FPOL meeting that Council:
1. Support a Common Ground in Fremantle, which delivers a housing first approach and wrap around services to support tenants with complex needs by providing a permanent home.
 2. Authorise the CEO to explore opportunities for discussion on other or shared models, in consultation with the State Government and the affordable housing sector.
 3. Acknowledge the chronic homelessness in Fremantle, noting the significant increase of people sleeping rough in the past 6 months.
 4. Advocate for well-resourced and funded service provision to address housing and homelessness issues in Fremantle.
 5. Notes the net decrease in public housing, which has reduced the number of affordable housing options in Fremantle.
- C.** *Council acknowledges the outstanding way in which its CEO and staff, working in line with the views of this Council, liaised with relevant external agencies to resolve this complex issue over the period since the camp's occupation at Pioneer Park. Council sincerely extends its thanks to all involved.*
- D.**

Amendment carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Frank Mofflin, Cr Doug Thompson, Cr Sam Wainwright
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang,

Against

Cr Marija Vujcic

Reason for change:

Given the events of Saturday 24 January 2021, in which the decision to disband the camp at Pioneer Park was made and acted on prior to the Council decision to be taken at its Ordinary Council Meeting on January 27 2021, it is appropriate to update the motion from the FPOL meeting of 16 January 2021 to reflect these events.

Mayor, Brad Pettitt moved each part of the committee recommendation, as amended, in separate parts as follows:

COUNCIL DECISION ITEM FPOL2101-16

(Committee recommendation part A, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Doug Thompson

A. Council confirms the following position in relation to the camp at Pioneer Park acknowledging that the plan developed by the State Government agencies and Council was implemented on Saturday 24th January 2021 and prior to this motion:

- 1. The camp was not approved by the City of Fremantle and the City did not support the camp remaining at the park.**
- 2. The camp was occupied by a number of vulnerable and disadvantaged people. Council was and remains greatly concerned for their welfare and did not consider that remaining in the camp was in their long-term best interests. Council believes the needs of the occupants can best be addressed through engagement with the professional support agencies who have the skills, knowledge and experience to tailor appropriate solutions to each individual situation.**
- 3. Council was greatly concerned by the largely uncontrolled nature of the camp and was also concerned about the impacts of the camp on nearby businesses and other users of Pioneer Park.**
- 4. Council sought the closure of the camp and return of Pioneer Park to its intended purpose and continued to work constructively and collaboratively with the State Government and service agencies to achieve a closure that prioritises the welfare needs of the occupants. A timeframe will be developed in collaboration with other key stakeholders.**
- 5. Council acknowledges the work of volunteers at the camp and recognises their community spirit. Council called on the camp organisers and supporters to work with the City to return the site to its intended use and to channel their efforts into supporting existing service agencies.**
- 6. Council:**
 - a. Continued to provide waste collection and toilet cleaning services in the interests of maintaining basic hygiene at the camp; and**
 - b. Supported and provided full cooperation with WA Police in their efforts to ensure community safety and legal compliance at the camp.**

Carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Frank Mofflin, Cr Doug Thompson, Cr Marija Vujcic
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang,

Against

Cr Sam Wainwright

COUNCIL DECISION ITEM FPOL2101-16

(Committee recommendation part B, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Doug Thompson

B. Council reiterates its support for the Housing First model at the centre of All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020–2030 and as applied in successful projects like 20 Homes 20 Lives and sees expanding this approach as central to ending homelessness in Fremantle and beyond. Further it reaffirms as a matter of urgency the following points that were adopted at the October 2020 FPOL meeting that Council:

- 1. Support a Common Ground in Fremantle, which delivers a housing first approach and wrap around services to support tenants with complex needs by providing a permanent home.**
- 2. Authorise the CEO to explore opportunities for discussion on other or shared models, in consultation with the State Government and the affordable housing sector.**
- 3. Acknowledge the chronic homelessness in Fremantle, noting the significant increase of people sleeping rough in the past 6 months.**
- 4. Advocate for well-resourced and funded service provision to address housing and homelessness issues in Fremantle.**
- 5. Notes the net decrease in public housing, which has reduced the number of affordable housing options in Fremantle.**

Carried: 11/2

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Sam Wainwright
Cr Hannah Fitzhardinge, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Geoff Graham, Cr Marija Vujcic

COUNCIL DECISION ITEM FPOL2101-16
(Committee recommendation part C, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Doug Thompson

- C. Council acknowledges the outstanding way in which its CEO and staff, working in line with the views of this Council, liaised with relevant external agencies to resolve this complex issue over the period since the camp's occupation at Pioneer Park. Council sincerely extends its thanks to all involved.**

Carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**C2101-6 ELECTED MEMBER MOTION – ISSUES RELATING TO PIONEER PARK
– COUNCILLOR MARIJA VUJCIC**

Elected Member Motion:

Meeting date: 27 January 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Agenda attachments: Nil.

ELECTED MEMBER SUMMARY

The systematic failures of the Council's own procedures and governance in the incident known as Pioneer Park Tent City has seriously impacted the local business community, the ratepayers and residents and the reputation of the City of Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER COMMENT

As this Notice is being presented to Council in the first instance the section of City's Meeting Procedures that apply are as follows:

4.3 Notices of motions

- (7) A motion presented in the first instance to an ordinary meeting of council, is to be referred to the appropriate committee for consideration before final determination by council.
- (a) The presiding member may determine that the notice of motion may be presented directly to council if they consider the subject of the motion to be time sensitive.

MOTION

1. An immediate independent investigation to be undertaken by the city to examine the root causes that resulted in the pioneer park tent city incident, and
 - b. that a full report with recommendations is presented for consideration at the next ordinary council meeting in February for further urgent action.
 - c. that the city allocates sufficient resources to ensure that the recommendations of that report are immediately implemented to support the principles of continuous improvement and good governance.

Mayor, Brad Pettitt noted that the Motion by Cr Marija Vujcic will be referred to the next Finance, Policy, Operations and Legislation Committee meeting for consideration, in accordance with the City's Meeting Procedures Policy.

FPOL2101-8 FREMANTLE PARK CARPARK

Meeting date: 20 January 2021
Responsible officer: Manager Infrastructure Engineering
Decision making authority: Council
Attachments: **Attachment 1:** Original at-grade carpark (Drawing Reference 401-C-10865-20-001)
Attachment 2: Additional at-grade laneway carparking (Drawing Reference 401-C-10865-20-003)
Attachment 3: Location Map of full car parking proposal (Drawing Number 401-C-10865-20-004)
Additional information: Nil

SUMMARY

As part of the Fremantle Park Sport and Community Centre (Clubs) project, there was a budget allocation for the provision of a new public carpark.

At Finance, Policy, Operations and Legislation (FPOL) Committee dated 9 October 2019, officers were requested to investigate further options for increased parking capacity to the site.

At FPOL Committee dated 11 November 2020, options for additional parking capacity were presented and a preferred option recommended, however, the item was deferred to the next appropriate FPOL Committee meeting to allow further consultation with the Clubs.

Subsequent to this City officers met with the Clubs on 6 January 2020 and further consulted with them on the car parking location options to Fremantle Park. The clubs also highlighted their increased requirements for parking passes due to their increased membership.

This report recommends that Council progress with the construction of the original design of at-grade carpark. It also recommends that Council approve an additional budget from the parking reserve to progress with the construction of both an additional at-grade carpark to the laneway and also a temporary surface treatment to the Fremantle Park area currently licenced to the Clubs for informal parking.

Subject to approval, officers propose to work collaboratively with the Clubs on the timing of the construction works to minimise disruption. It is currently estimated that the start date for construction would be mid to late April 2021.

BACKGROUND

On 24 May 2017, Council endorsed the concept design for the Fremantle Park Sport and Community Centre (Club), this included provision of an at-grade carpark.

The works contract was awarded to McCorkell Constructions (WA) Pty Ltd on 22 March 2019 and the carpark aspect of the project was separated (to be delivered as a separate project) at the request of the Clubs.

Council subsequently adopted a budget of \$350 0000 for the provision of a carpark at Fremantle Park during the 2019/20 financial year.

During the design process of an at-grade carpark, officers requested Council approve the transfer of \$75 000 from the parking reserve to increase the Fremantle Park carpark budget to \$425 000, to allow the carpark to be delivered in accordance with best practice sustainable One Planet Living principles.

Council approved of this budget increase and requested officers investigate further options for increased parking capacity to the site of the proposed at-grade carpark on Parry Street, including the possibility of multi-story car parking options.

At FPOL Committee dated 11 November 2020, options for additional parking capacity were presented and continuation of a grade solutions recommended by officers. Following debate, the item was deferred to allow further consultation with the Clubs. For full details on options investigated, please refer to FPOL Committee item FPOL2011-7.

FINANCIAL IMPLICATIONS

Total adopted carry forward budget allocation for the proposed carpark for this financial year is \$425,000.

Increased provision of car parking capacity will require an increase to the adopted budget.

LEGAL IMPLICATIONS

The City have previously been advised by The Department of Planning Lands and Heritage (DPLH) that Lot 1826 is held in freehold title by the City of Fremantle to be used and held in trust for the purpose of Park, Recreation and Community Centre. DPLH also advised that the construction of a carpark for patrons and the general public is consistent and ancillary to the purposes of park, recreation and the community centre.

Once a preferred option is determined and agreed, Officers will seek formal confirmation of this position prior to project commencement.

CONSULTATION

The carpark project has been developed in consultation and with active participation of the Clubs who have provided input on the carpark concepts.

Following the deferred FPOL Committee item (FPOL2011-7) dated 11 November 2020, officers subsequently met with Clubs on 6 January 2020 and further consulted with them on both car parking locations to Fremantle Park and the Clubs increased requirements for parking passes due to their increased membership.

OFFICER COMMENT

The original carpark design was an at-grade solution and contained 101 car parking bays with two additional ACROD bays (See Attachment 1 for drawing number 401-C-10865-20-001). The cost estimate to construct the original carpark design was \$425 000.

Following further consultation with the Clubs, Officers can confirm that the Clubs are collectively supportive of the original carpark design and location (See Attachment 1), although they did request officers investigate the possibility of relocating it to the corner of Parry Street and Ellen Street. Following investigation, officers confirm that this is a possibility, but do not recommend it for the following reasons;

- Reduced width of existing corner plot, resulting in a net loss of approximately 21 of the overall 103 parking bays.
- Reduced line of sight along Parry Street from existing on-street parking negatively impacting road safety and resulting in a potential reduction of existing on-street parking bays to Parry Street.
- Greater visual impact to residents as opposed to the original location.

The clubs have been informed of this outcome.

The Clubs are also collectively supportive of the concept design option and location for additional car parking to the Fremantle Park laneway (parallel to the existing soccer pitch), which is an at grade solution, containing 44 car parking bays (See Attachment 2) with a cost estimate to construct of \$361 000. Officers can confirm that the laneway carpark park can be constructed whilst maintaining the minimum soccer pitch dimensions in accordance with FIFA Specifications.

The Clubs have requested that officers consider the laneway carpark proposal be designed with both pedestrian and vehicle safety in mind. Officers have already allowed a provision for lighting the laneway carpark in the budget request and if approved, will also consider low cost options for keeping vehicle speeds on the laneway to a minimum.

The Clubs have also requested that the surface of the area currently licenced to them for informal parking be improved due to its current poor condition. Officers propose that the vegetation and topsoil could be easily removed and replaced with a recycled road material to create a hardstand for the informal use of parking (See Attachment 3). The cost estimate to complete these improvements is \$20 500.

Below is a summary of the costs for the full proposal as supported by the Clubs;

Summary Table of Proposed Costs

Option	Number of bays	Estimated Cost	Treatment inclusions
Original	103 (formal)	\$425,000	Drainage, asphalt surface treatment, line marking, solar lighting and soft landscaping.
Laneway	44 (formal)	\$361,000	Drainage, asphalt surface treatment, line marking, solar lighting and retaining wall.
Licensed Area	Approx. 45 (informal)	\$20,500	Temporary surface treatment (hardstand from recycled road material) only.

Car Parking Provision (for the Clubs)

In respect to previous agreements with the Clubs, Council have approved parking allocations of:

- 5 (dedicated) free Club car parking bays
- 35 Club free car parking permits for weekdays
- 45 Club free car parking permits for weekends
- A license for the corner of the block (end of the laneway) – currently used as short-term parking (hold approx. 30-40 cars depending on positioning).

Following further consultation with the Clubs, the Clubs have confirmed that their membership numbers have subsequently grown and have requested additional parking permits.

Officers propose that the matter of increased Club parking passes be the subject of a further report to Council.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Approve the construction of the original Fremantle Park at-grade public carpark design as shown in Attachment 1 (drawing number 401-C-10865-20-001).
2. Approve the construction of the additional Fremantle Park at-grade public carpark to the laneway as detailed in Attachment 2 (drawing number 401-C-10865-20-003).
3. Approve the construction of a temporary surface treatment to Fremantle Park area currently licenced to the Fremantle Park Sport and Community Centre for informal parking.
4. Include the following budget re-allocation to progress the works.

Account	Account Details	Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
Increase budget for P-10865 Construct Fremantle Park carpark by an additional \$381,500 for provision of increased parking capacity to the site of the proposed at-grade carpark on Parry Street, being funded from the Parking Reserve Fund.					
300115.3923	P-10865 Construct- Fremantle Park carpark - Parking Reserve	(425, 000)		(381, 500)	806,500
300115.1606	P-10865 Construct- Fremantle Park carpark - Capital Expenditure	425, 000		381,500	806,500

PROCEDURAL MOTION

The following procedural motion was moved:

COMMITTEE DECISION ITEM FPOL2101-8

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

That the motion be deferred to the Ordinary Meeting of Council on 27 January 2021, to enable further consideration.

Carried: 7/0

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

PROCEDURAL MOTION

The following procedural motion was moved:

COUNCIL DECISION ITEM FPOL2101-8

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council defer a decision on progressing the construction of an 'at-grade' car park at Fremantle Park to the next appropriate FPOL Committee to allow time for a meeting to be held between the City and relevant stakeholder Clubs to discuss and consider appropriate parking requirements and land use issues for the stakeholder Clubs.

Carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

ITEMS APPROVED “EN BLOC”

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

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

The following items be adopted en bloc as recommended:

FPOL2101-7	ADOPTION OF THE CITY OF FREMANTLE LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2021
FPOL2101-11	APPOINTING THE WESTERN AUSTRALIAN ELECTORAL COMMISSION / METHOD OF CONDUCTING ELECTIONS 2021 - 2023
FPOL2101-12	APPOINT A COUNCILLOR TO ACT AS REPRESENTATIVE FOR MAYORS FOR PEACE
FPOL2101-13	SUBMISSION TO THE SALARIES AND ALLOWANCES TRIBUNAL – DEPUTY MAYORAL ALLOWANCE INCREASE
FPOL2101-14	ELECTED MEMBER MOTION – INCREASING CANOPY COVER AND BIODIVERSITY IN THE CITY OF FREMANTLE – COUNCILLOR ADIN LANG

Carried en bloc: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

**FPOL2101-7 ADOPTION OF THE CITY OF FREMANTLE LOCAL GOVERNMENT
PROPERTY AMENDMENT LOCAL LAW 2021**

Meeting Date: 20 January 2021
Responsible Officer: Manager Governance
Decision Making Authority: Council
Attachments: 1. City of Fremantle Local Government Property
Amendment Local Law 2021
2. Consolidated Local Government Property Local Law
with changes indicated
Additional information: Nil

SUMMARY

For council to consider the adoption of the City of Fremantle *Local Government Property Amendment Local Law 2021*.

This report recommends that Council consider the submissions received during the public consultation period and adopt the City of Fremantle *Local Government Property Amendment Local Law 2021*.

The purpose and effect of the City of Fremantle Property Amendment Local Law 2021 are as follows:

Purpose: To provide for the regulation, control and management of activities and facilities on all local government property within the district.
Effect: To establish the requirements with which any person using or being on all local government property within the district, must comply.

BACKGROUND

The City of Fremantle's Local Government Property Local Law was originally gazetted in 2002.

At the Ordinary Council Meeting held on 14 October 2020, Council resolved to give notice of its intention to make a City of Fremantle Local Government Property Amendment Local Law 2020 (since renumbered to 2021) and to consider the submissions received.

Public notice of the proposed Local Government Property Amendment Local Law was advertised as prescribed and, in accordance with s13.2(3b) of the Act, a copy of the local law was provided to the Minister for Local Government.

At the closing date for receipt of public submissions Wednesday 9 December 2020, one public submission on the proposed local law had been received.

The Department of Local Government, Sport and Cultural Industries suggested that the City change the year in the title from 2020 to 2021 as final adoption was more likely to happen in 2021.

The Department also provided feedback on other minor typographical and preferred styles of the amendment local law, which has no effect on the application of the local law and has been included as recommended.

FINANCIAL IMPLICATIONS

Financial implications may include the cost of City officers responding to complaints and potentially issuing penalties under the additional penalties included in the amendment local law.

LEGAL IMPLICATIONS

If Council resolves to amend the local law (by adopting the recommended amendment local law) the procedure is the same as the procedure for making a local law and is set out in Section 3.12 of the *Local Government Act 1995*.

CONSULTATION

Notice and invitation to make a submission on the proposed amendment local law was given as follows:

Fremantle herald on 24 October
My Say Freo 23 October – 9 December
City notice boards from 23 October – 9 December
Sent to the Minister for Local Government.

One submission was received during the public consultation period as follows:

Local Government Property Amendment Local Law 2019		
Submissions received for submission period ending 9 December 2020		
No.	Date	Submission
1.	20/11/20	<p>I could not Download the document from the email you sent. I would like provisions made for smokers too (with ashtrays). As in done in many European cities worldwide. They can smoke in convenient locations without impacting on other people.</p> <p>I would prefer the Council to take more interest in control the impact of Alcohol. A far more dangerous drug to the community yet overlooked by governments as Having a beer is considered True Blue!!</p> <p>Also, noise within residential settings in Fremantle. With smaller block sizes noise transference is a real issue for people who struggle with noise neighbours, loud music and screaming from drunk neighbours. Takes up lots of police time too!!!</p> <p>Smoking seems to be focused on whilst these other way more significant issues are overlooked.....!!!!</p>

OFFICER COMMENT

In reviewing the City of Fremantle Leisure centre operations in line with the Department of Health and Royal Life Saving Society's codes of practice and guidelines for safe pool operations, and uncertainty relating to lost and abandoned property on Fremantle local government property it is considered that the City's Property Local Law contains some provisions that are outdated and do not align with best practice provisions specifically for the operation of swimming pool management but also in some other areas of the local law.

In addition to updating some provisions in the local law it is considered desirable to adopt a new provision to enable the City to make a determination controlling smoking in specific areas of local government property. With the ongoing development in the City and the existing preference for the City's property to be available to be used for social activities for all, it is considered desirable to be able to restrict certain areas of local government property as smoke free areas. It is anticipated that smoke free areas will improve the amenity in Fremantle by reducing litter from cigarette butts and to eliminate exposure to cigarette smoke by users of local government property.

The proposed changes are detailed in the below table and the City of Fremantle Local Government Property Local Law 2002 (consolidated) is attached to this report, with green text highlighting the proposed additions and red, struck through text highlighting the proposed removals.

As a point of clarification, this report is not recommending that smoking be banned on all local government property, but that the City be able to make a determination to restrict smoking, at a later date, in specific areas, where it is believed that smoking is causing significant adverse environmental impacts due to cigarette butts or it is in the interest of better community health and amenity.

Council Report explanatory table		
	Amendment	Justification
1.2 (1) Amended definition	<p>"local government property" means anything except a thoroughfare –</p> <p>(a) which belongs to or is leased or licensed by the local government;</p> <p>(b) of which the local government is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;</p>	This amendment is intended to allow the provisions of this local law to apply to all property under the control or management of the City of Fremantle.
2.8 (k) New subclause	<p>(k) smoking in contravention of a sign which prohibits the act of smoking.</p>	This amendment is intended to allow the City to make a determination to prohibit smoking in specific areas of the City as sign posted.
3.2 (5) Amend clause	<p>(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.</p>	This amendment is intended to clarify the expectations relating to the responsibility of permit applicants to comply with all provisions as required by the City.

3.3 (4) new clause	(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect 30 days after written notice of it is given to the permit holder.	This amendment is intended to allow the City to amend permit conditions when necessary.
3.9 (2) Amend clause	(2) The provisions of this Part shall apply to an application for the renewal of a permit mutatis mutandis as though it was a new application for a permit.	This amendment is intended to promote 'plain English' principles.
4.1 (1)(c) New subclause	(1) A person shall not in or on any local government property behave in a manner which – (a) is likely to interfere with the enjoyment of a person who might use the property; or (b) interferes with the enjoyment of a person using the property. (c) places the public at risk or interferes with the safety of others.	This amendment is intended to expand restrictions on behaviour on local government property that places the public at risk or interferes with the safety of others.
4.3 Amend Title	4.3 Taking, or injuring or damaging any fauna or flora	This amendment is intended to include flora within the clause to allow the local government to issue a penalty for the damage/removing flora or fauna from local government property.
4.3 (3) & (4) New clauses	(3) A person must not remove or damage or attempt to remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the local government. (4) In this clause "flora" means all vascular plants.	This amendment is intended to include flora within the clause to allow the local government to better protect both flora and fauna on local government property and to issue a penalty for the damage/removal of flora or fauna from local government property.
Delete Part 5, Division 1	Division 1 – Swimming pool areas 5.1 When entry must be refused (1) A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who – (a) in her or his opinion is – (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years; (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or (iii) under the influence of liquor or a prohibited drug; or (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.	Aquatic Facilities are governed by the following legislation and Code. Where a local law is inconsistent with the legislation, or legislated code, by default, it is invalid. The provisions in the City's local law are inconsistent with the prevailing legislation and are considered redundant. <ul style="list-style-type: none"> Health (Miscellaneous Provisions) Act 1911 Health (Aquatic Facilities) Regulations 2007 <p>"Code means the "Code of practice for the design, construction,</p>

	<p>5.2—Consumption of food or drink may be prohibited</p> <p>(1)—A person shall not consume any food or drink in an area where consumption is prohibited by a sign.</p>	<p>operation, management and maintenance of aquatic facilities”, published by the Chief Health Officer under the Act on 1 June 2007 as amended by the Chief Health Officer from time to time, and any code of practice under the Act that replaces the Code;</p> <p>6. Adoption of Code and relationship to these regulations</p> <p>(1) The Code is adopted to the extent to which it is applied by these regulations.</p> <p>(2) These regulations prevail over the provisions of the Code to the extent to which the provisions of the Code are inconsistent with these regulations.”</p> <ul style="list-style-type: none"> Department of Health – Code of Practice for the design, Construction, Operation, Management & Maintenance of Aquatic Facilities
Update title	Division 2 Division 1 - Beaches	Amending a title.
Renumber clauses	Renumber existing clauses 5.3 – 5.6 AS 5.1 – 5.4 respectively	Renumbering
Delete Part 5, Division 4	<p>Division 4 – Toilet blocks and change rooms</p> <p>5.7—Only specified gender to use entry of toilet block or change room</p> <p>(1)—Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—</p> <p>(a)—females, then a person of the male gender shall not use that entry of the toilet block or change room; or</p> <p>(b)—males, then a person of the female gender shall not use that entry of the toilet block or change room.</p>	This local law allows the City to erect signage if conditions of use are necessary. Therefore, this provision is considered unnecessary.
Update Title	Division 5 Division 4 - Golf course	Amending a title.
Renumber clauses	Renumber existing clauses 5.8 and 5.9 AS 5.5 and 5.6 respectively	Renumbering
9.2 (1)	(1)—An authorised person may direct a person to leave local government	This amendment is intended clarify the conditions by which

Replace clause	<p>property where she or he reasonably suspects that the person has contravened a provision of any written law.</p> <p>(1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –</p> <p>(a) refuse to allow that person to enter local government property; and</p> <p>(b) if the person is on local government property, direct the person to leave the local government property.</p> <p>(2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.</p> <p>(3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.</p>	the City may address any potential anti-social activity by enabling authorised officers to restrict access of individuals to local government
9.3 (1) Replace clause	<p>(1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.</p> <p>(1) An article left on any local government property, and not claimed within a period of 1 month, may be disposed of by the CEO or an authorised person –</p> <p>(a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the local government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;</p> <p>(b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner they think fit; or</p> <p>(c) in any other case, by donation to a not for profit body incorporated under the Associations Incorporations Act 1987.</p>	This amendment is intended to clarify the way in which any unclaimed property left on local government property may be disposed of.
New penalties	<p>8 4.3(1) - Taking or injuring any fauna -125</p> <p>9 4.3(3) - Removing or damaging any flora - 125</p>	Introduction of 2 new penalties relating to the taking or injuring of flora or fauna from local government property.
Renumber Penalties	Renumber existing penalties 8 - 27 AS 10 - 29 respectively	Renumbering

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM FPOL2101-7

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council, in accordance with the provisions and processes of the *Local Government Act 1995*; adopt the proposed City of Fremantle Local Government Property Amendment Local Law 2021 (attachment 1), which incorporates the changes suggested by the Department of Local Government, Sport and Cultural Industries and considers the submissions received through the community consultation period - the purpose and effect of which is as follows:

Purpose: To provide for the regulation, control and management of activities and facilities on all local government property within the district.

Effect: To establish the requirements with which any person using or being on all local government property within the district, must comply.

Carried en bloc: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

FPOL2101-11 APPOINTING THE WESTERN AUSTRALIAN ELECTORAL COMMISSION / METHOD OF CONDUCTING ELECTIONS 2021 - 2023

Meeting date: 20 January 2021
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

For Council to consider the appointment of the Western Australian Electoral Commission (WAEC) and the preferred method for conducting all future local government elections to the end of 2023.

BACKGROUND

The Western Australian Electoral Commissioner, Robert Kennedy, has written to the City offering to undertake the 2021 election as a full postal election. In order to accept the Commissioner's offer, the Council is required to adopt a resolution, by absolute majority, declaring the Electoral Commissioner responsible for the conduct of the election by a postal ballot.

The recommendation in this report provides for the Western Australian Electoral Commission to be responsible for the 2021 ordinary election and for any other election or poll that may arise prior to the 2023 ordinary election, this means that if any extraordinary vacancies should arise, the approvals are in place to proceed with an extraordinary election in the same format.

It is common practice by many local governments to conduct an election in this manner as the resources involved to conduct an election in-house can be more costly and have a greater impact on the City's resources and core business.

In a postal voting election, election packages are posted to all eligible electors on the City of Fremantle Electoral Roll approximately three weeks before Election Day. Electors vote and then return the completed ballot papers and elector certificates by post to the Returning Officer by 6:00pm on Election Day.

At an in-person election, electors vote at polling places within their district on polling day; Votes can also be posted or delivered in accordance with regulations.

Local governments or, by request, the Electoral Commissioner can conduct voting in-person elections, however, the Electoral Commissioner has previously declined to conduct voting in-person elections.

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commissioner has estimated the cost for the 2021 election, if conducted as a postal ballot, as \$118,000 including GST.

The estimate has been based on the following assumptions:

- 24,250 electors
- response rate of approximately 50%
- 7 vacancies
- the count to be conducted at the offices of the City of Fremantle
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of election packages.

This does not include the following costs:

- additional non-statutory advertising;
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- one local government staff member to work in a polling place on election day; and
- any additional postage rate increase by Australia Post.
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

Under the *Local Government Act 1995*, the Commission is required to conduct local government elections on a full cost recovery and recent experience has demonstrated that the final costs have been within the Commission's estimate.

Provision will be made during the 2020/2021 budget preparations.

LEGAL IMPLICATIONS

Section 4.61 of the *Local Government Act 1995* allows local governments to choose their preferred method of voting.

The election can be conducted as a:

- Postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
- Voting in-person election which is an election at which the principal method of casting votes is by voting in-person on election day but at which votes can also be cast in-person before election day, or posted or delivered, in accordance with regulations.

Section 4.20(1) of the *Local Government Act 1995* provides that by default the Chief Executive Officer is the returning officer of a local government for each election. The default method for conducting an election is by in-person voting.

Section 4.20(4) of the *Local Government Act 1995* states that a local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the Returning Officer of the local government for the election or elections. An absolute majority is required.

Section 4.61(2) of the *Local Government Act 1995* states that the local government may decide to conduct an election as a postal election. An absolute majority is required.

Section 4.61(4) of the *Local Government Act 1995* states that a decision under subsection (2) has no effect unless it is made after the declaration under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

CONSULTATION

Nil

OFFICER COMMENT

Council has previously appointed WAEC to conduct the City's elections via postal election. In 2017 and 2019 Council declared the Western Australian Electoral Commission responsible for all elections in the City, and for the method of voting to be postal.

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Although the City is responsible for the coordination of the postal election, the process is less demanding on the City's resources than an in-person election.

One of the benefits of the Electoral Commission conducting the City's elections is that the process and the Returning Officer are largely independent of the City. This separation may improve the community's perception and confidence in the election process. In addition, postal voting is more convenient for electors and typically achieves a higher rate of voter participation.

Conducting elections as voting in-person elections presents a number of challenges, particularly on account of the role of the CEO who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer in taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period, that dual role can lead to an unwelcome perception of conflict of interest and bias from the community.

It is the prerogative of Council to decide, as a matter of policy, to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the Electoral Commission.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM FPOL2101-11
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council determines that:

- 1. In accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner is declared responsible for the conduct of all elections, polls or referendums, including extraordinary elections, for the City of Fremantle until the end of 2023, subject to acceptance by the Western Australian Electoral Commission.**
- 2. In accordance with section 4.61(2) of the Local Government Act 1995, the City of Fremantle's elections, polls or referendums including extraordinary elections, will be conducted as postal elections.**

Carried en bloc: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2101-12 APPOINT A COUNCILLOR TO ACT AS REPRESENTATIVE FOR MAYORS FOR PEACE

Meeting date: 20 January 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to appoint a councillor to act as Mayors for Peace representative for the City of Fremantle, during Mayor Brad Pettitt's upcoming leave of absence and through the possible Mayoral vacancy, when the Deputy Mayor is unable to perform those functions.

BACKGROUND

Mayors for Peace is a global movement formed in 1982 by the Mayor of Hiroshima to raise awareness and push for the abolition of nuclear weapons. The City of Fremantle is the lead city for Mayors for Peace in Australia and has been a member of Mayors for Peace for many years. Mayor Pettitt himself, has been a committed member since his election to Mayor for the City of Fremantle more than 10 years ago.

"The purposes of the "Mayors for Peace" are to contribute to the attainment of lasting world peace by arousing concern among citizens of the world for the total abolition of nuclear weapons through close solidarity among member cities as well as by striving to solve vital problems for the human race such as starvation and poverty, the plight of refugees, human rights abuses, and environmental degradation."
Mayorsforpeace.org

On 24th October 2020 the International Campaign to Abolish Nuclear Weapons (ICAN), celebrated the landmark occasion of the 50th signatory to the Treaty on the Prohibition of Nuclear Weapons, which means that the Treaty will become International Law on 22 January 2021.

"On the 24th of October 2020 the world received the news that Honduras formally ratified the Treaty on the Prohibition of Nuclear Weapons, a day after Jamaica and Nauru submitted their ratifications. Honduras became the 50th state party, triggering the entry into force of the treaty 90 days later on 22 January 2021."
icanw.org.au

"Mayors for Peace wholeheartedly welcomes the momentous occasion of the number of states ratifying the Treaty on the Prohibition of Nuclear Weapons (TPNW) reaching fifty, ensuring its entry into force in ninety days. We would like to rejoice at this moment from the bottom of our hearts with our member cities, their citizens, our partner peace NGOs, and most importantly, with the hibakusha, who long more than anyone else for a world without nuclear weapons."
Mayorsforpeace.org

In recognition of this important milestone there is likely to be several important events arranged with Mayors for Peace in the coming months, for which representation of the City of Fremantle will be important.

As it is important for the City to continue its strong representation without interruption at this exciting time and in the coming year, it is suggested that Council appoint an elected member to act as representative during the period in which the Deputy Mayor is undertaking the functions of the Mayor's role, to act as representative when the Deputy Mayor is unable to.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

Nil

OFFICER COMMENT

The Mayor currently attends a number of events and occasions throughout the year as the City's representative for Mayors for Peace working closely with Elizabeth Po and Adrian Glamorgan who work tirelessly to activate and support Mayors for Peace initiatives and membership in Australia.

Following is a small taste of some of the events which have been or are planned to be, supported by Mayor Pettitt and Mayors for Peace:

- Online hibakusha testimony session 'Every Second Counts for the Survivors!' in conjunction with the Peace Boat
- Peace Park Opening Ceremony on International Day of Peace
- Video message from the Mayor Pettitt commemorating the 75th anniversary of the atomic bombings.
- The planting of the now-six-year-old Gingko biloba saplings grown from second generation a-bombed Hiroshima seeds.
- Short video recording by Mayor Pettitt supporting Mayors for peace cities appeal

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM FPOL2101-12
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council appoint Councillor Jenny Archibald to act as the City of Fremantle representative for Mayors for Peace, as required, during the absence of the Mayor.

Carried en bloc: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**FPOL2101-13 SUBMISSION TO THE SALARIES AND ALLOWANCES TRIBUNAL
– DEPUTY MAYORAL ALLOWANCE INCREASE**

Meeting date: 20 January 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to seek Council approval to make a submission to the Salaries and Allowances Tribunal (the Tribunal) requesting that the Tribunal consider increasing the allowance paid to the Deputy Mayor in the event that they undertake the duties of the Mayoral role should the position remains vacant for an extended period of time.

BACKGROUND

Mayor Brad Pettitt has announced his decision to run for State Election in March 2021. If the Mayor is elected to State, his position as Mayor for the City of Fremantle will become vacant. In that event, it is likely that the City will request that the Electoral Commissioner allow the position of Mayor to remain vacant until the Ordinary Local Government Election due to be held in October 2021 as the cost to hold an additional election (Mayoral) has not been included in the City's 2020-21 budget and the estimated cost to hold an additional election would be around \$74,000.

If the Electoral Commissioner allows the position of Mayor to remain vacant until the Ordinary Election, the Deputy Mayor will be expected to undertake the duties of the Mayor during the extended period of the vacancy. It is estimated that the Deputy Mayor will be expected to fulfil Mayoral duties, full-time, for approximately seven months.

While it is acknowledged that the Deputy Mayor is ordinarily paid an allowance to fulfil the duties of the Mayors role when the Mayor is unavailable, this allowance (25% of the Mayoral Allowance) does not appear to anticipate occasions where the Deputy Mayor is called on to undertake the duties of the Mayors role for several months.

Given that the Deputy Mayor will be expected to commit to a considerable increase in their availability, to attend to Mayoral functions while the Mayoral role is vacant, it is considered appropriate that the City attempt to arrange appropriate remuneration during this time.

The Salaries and Allowances Tribunal is responsible for inquiring into and setting the remuneration for Local Government Elected Members.

"Pursuant to section 5.98(5) of the Local Government Act 1995 (LGA), the mayor of a local government is entitled to be paid an annual allowance

Pursuant to section 5.98A(1) of the LGA, a local government may decide, by an absolute majority, to pay the deputy mayor of the local government, an allowance of up to the percentage that is determined by the Tribunal of the annual allowance

to which the mayor is entitled under section 5.98(5) of the LG Act. That percentage is determined as 25%.”

A preliminary approach has been made to the Tribunal who have stated that they essentially agree to consider the question of increasing the allowance to be paid to the Deputy Mayor, but that they would need to be convinced of the rationale to alter their current determination.

The Tribunal have also indicated that their preference would be that the question of increasing the allowance be considered by full council, including the current Mayor.

Rationale

The rationale for requesting an increase to the allowance permitted to be paid to the Deputy Mayor, for the period that they are undertaking the duties of the role of Mayor, is as follows:

1. There is an expectation that the level of service and availability of the Mayor of the City of Fremantle, a 'Band 1' and arguably Perth's 'second capital City', will remain unchanged. Therefore, the Deputy Mayor will be required to fulfil the duties of the Mayor on a full-time and long-term basis.

The Deputy Mayor will be expected to:

- provide an increased availability and commitment to the role;
- familiarise themselves with all current affairs, issues and other necessary 'knowledge' basis relevant to the role;
- perform the leadership role of the mayor;
- perform the statutory functions for which the mayor is accountable;
- undertake the ceremonial and civic duties required of the mayor, including local government business related entertainment;

FINANCIAL IMPLICATIONS

If the Tribunal approves an amendment allowing the City to pay the Deputy Mayor an increased allowance, there will be no additional expense for the City as the Mayoral and Deputy Mayoral allowances are included in the budget.

It is considered likely that Council will request that the Mayoral position remains vacant (if it becomes vacant) until the Ordinary Election 2021 in order to avoid the cost of an additional Mayoral election being held in 2021.

The Western Australian Electoral Commission have advised that the cost to hold a stand-alone Mayoral election would be approximately \$74,000 based on the following assumptions:

- 24,000 electors across 6 all wards
- 40% participation rate
- Regular Mail Delivery

LEGAL IMPLICATIONS

Under Section 5.98A of the Local Government Act 1995 A local government may decide (by absolute Majority) to pay the deputy mayor of the local government an allowance of up to the percentage, that is determined by the Salaries and Allowances Tribunal, of the annual local government allowance to which the mayor is entitled.

The determined percentage is 25 per cent.

Under Section 7B(2) of the Salaries and Allowances Act 1975 the Salaries and Allowances Tribunal must inquire into and determine the amount of:

- allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

CONSULTATION

Nil

OFFICER COMMENT

This report is being presented to council at this early stage as the Tribunal have advised that they would prefer that a request to amend their determination to increase the Deputy Mayors allowance be considered by full council including the current Mayor.

As the Mayor is planning to request a leave of absence in the lead up to the State Election and may not return in the Mayoral position if successfully elected to State Government, it was considered prudent to prepare a pre-emptive report for consideration of full council while he is available.

Should council adopt the recommendation in this report the decision will not be acted upon until and unless, following the State Election on 13 March 2021:

1. the position of Mayor becomes vacant; and
2. the position of Mayor is permitted to remain vacant, by the Electoral Commissioner, until the Ordinary Election to be held in October 2021.

At which time a request will be made to the Tribunal to consider an increase in the Deputy Mayor allowance.

No increased payment of the allowance would be made until approved by the Tribunal, and no request for increase will be made to the Tribunal unless the Mayoral position becomes vacant until the ordinary election to be held in October 2021.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION ITEM FPOL2101-13
(Committee and officer's recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council, in the event that the position of Mayor becomes vacant and is permitted to remain vacant until the ordinary election to be held in October 2021, request that the Salaries and Allowances Tribunal alter their Determination to allow the City to pay its Deputy Mayor the full Mayoral allowance, or an increased percentage of that allowance, while they are fulfilling the duties of the Mayor during the extended period of time that the position remains vacant.

Carried en bloc: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**FPOL2101-14 ELECTED MEMBER MOTION – INCREASING CANOPY COVER
AND BIODIVERSITY IN THE CITY OF FREMANTLE –
COUNCILLOR ADIN LANG**

Meeting date: 20 January 2021
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil
Additional documents: Nil

ELECTED MEMBER SUMMARY

The aims of this motion are to:

- Increase budget to support the implementation of the Green Plan and Urban Forest Plan
- Deliver more trees and biodiversity through tree planting, natural areas planting program and green corridors
- Involve community in ownership of street/public trees more.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER COMMENT

Officers are supportive of investigating the actions proposed in the Motion. The proposals will help support the implementation and reporting against targets in the Urban Forest Plan, improve greening and biodiversity across the City and further support community involvement.

Officers confirm they can provide a return report to the FPOL meeting on 14 April 2021 responding to the individual points and providing a response, or if a longer timeframe is required, a proposal as to how the recommendation can be addressed. Officers can also prepare budget submissions where required for consideration in the 2021/22 financial year or future budget processes.

MOTION

Moved: Cr Adin Lang

Seconded: Cr Andrew Sullivan

With the objective of increasing canopy cover and biodiversity, the City of Fremantle should investigate the following and return a report to FPOL on 14 April 2021:

1. Review and update the existing Street and Reserve Tree Policy.
2. Provide an update on the actual number of trees planted annually against the annual planting targets in the Urban Forest Plan.
3. Review the Local Law regarding damage to City Property in relation to damage or removal of trees.
4. Suggest new planting targets based on a review to achieve the Urban Forest Plan targets.
5. Suggest how the Green Corridors in the City can be improved.

6. Review the existing Verge Garden Scheme and suggest how the scheme can be reinstated and expanded following Covid budget reduction.
7. Suggest how 'Friends of' groups can access and utilise more financial support
8. Review the types of tree species planted, with a view to plant more endemic and local species
9. Review reporting methods for tree planting and revegetation planting to simplify data presentation. E.g., note more accurate numbers on how many trees and shrubs are planted each year.

AMENDMENT 1

Moved: Cr Adin Lang

Seconded: Mayor, Brad Pettitt

To include an additional part 10 and 11, to read as follows:

10. ***Increasing protection and support for Clontarf Hill as an important public open space, noting the City of Fremantle's previous resolution in August 2018 that the loss of A Class from the High Street reserve be offset for Main Roads land on Clontarf Hill.***
11. ***Liaise with 'Friends of' groups to identify their needs to maximise success of bush care activities.***

Amendment carried: 7/0

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

AMENDMENT 2

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

To include an additional part 12, to read as follows:

12. ***Engage with other significant landholders in Fremantle to engage them with initiatives and aspirations to increase local canopy cover and biodiversity.***

Amendment carried: 7/0

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

COUNCIL DECISION ITEM FPOL2101-14
(Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

With the objective of increasing canopy cover and biodiversity, the City of Fremantle should investigate the following and return a report to FPOL on 14 April 2021:

- 1. Review and update the existing Street and Reserve Tree Policy.**
- 2. Provide an update on the actual number of trees planted annually against the annual planting targets in the Urban Forest Plan.**
- 3. Review the Local Law regarding damage to City Property in relation to damage or removal of trees.**
- 4. Suggest new planting targets based on a review to achieve the Urban Forest Plan targets.**
- 5. Suggest how the Green Corridors in the City can be improved.**
- 6. Review the existing Verge Garden Scheme and suggest how the scheme can be reinstated and expanded following Covid budget reduction.**
- 7. Suggest how 'Friends of' groups can access and utilise more financial support**
- 8. Review the types of tree species planted, with a view to plant more endemic and local species**
- 9. Review reporting methods for tree planting and revegetation planting to simplify data presentation. E.g., note more accurate numbers on how many trees and shrubs are planted each year.**
- 10. *Increasing protection and support for Clontarf Hill as an important public open space, noting the City of Fremantle's previous resolution in August 2018 that the loss of A Class from the High Street reserve be offset for Main Roads land on Clontarf Hill.***
- 11. *Liaise with 'Friends of' groups to identify their needs to maximise success of bush care activities.***
- 12. *Engage with other significant landholders in Fremantle to engage them with initiatives and aspirations to increase local canopy cover and biodiversity.***

Carried en bloc: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

FPOL2101-3 PROPOSED CITY OF FREMANTLE PARKING LOCAL LAW 2021

Meeting date: 20 January 2021
Responsible officer: Director City Business
Decision making authority: Committee
Attachments: 1. Proposed Parking Local Law 2021
Additional information: Nil

SUMMARY

The purpose of this report is to present the Proposed Parking Local Law 2021 for consideration, prior to advertising.

This report recommends that Council give local public notice of its intention to make the City of Fremantle Parking Local Law 2021 as provided in Attachment 1, for the purpose and effect as follows:

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

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

BACKGROUND

At the Finance, Policy, Operations and Legislation Committee meeting held 11 September 2019, the Committee approved to initiate a review of the City of Fremantle Parking Local Law 2006. Following this decision, the City advertised its intent to review the Parking Local Law 2006 and invited the public to provide feedback, over a period of six weeks.

At the Ordinary Meeting of Council held 11 December 2019, the Council considered the public submissions received and determined that the Parking Local Law 2006 be amended and brought back to Council in 2020 for consideration. As outlined in this report, Officers have completed a comprehensive review of the parking local law and have recommended the adoption of a new Parking Local Law that will replace the previous local law.

FINANCIAL IMPLICATIONS

As part of the Parking Local Law 2006 review, it was identified that the modified penalty amounts have not been amended in eight years. Therefore, it is recommended that the lower level fines be increased, as listed in Schedule 1: Prescribed Penalties (p. 47). It is the City's intent to consider these changes by the time the new budget is adopted in late June 2021.

LEGAL IMPLICATIONS

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

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

CONSULTATION

As part of the local law review undertaken in 2019, the following two submissions were received in relation to the Parking Local Law 2006.

Parking Local Law Review – Public Submissions	
<u>Respondent 1</u>	
<ul style="list-style-type: none"> We need better parking laws in our city, especially for older high percentage heritage areas like, Fremantle, South Fremantle and the Beaconsfield Ridge zone. Each residence needs to have at least 1 street parking spot, battle-axe blocks to have 1 space per house. A parking regulation / system designed to give residents in these streets priority to park a car in front of their own house. The narrow streets should be marked as "Street Permit Parking Only". 	

- A visitor parking permit with the address of the residence who sponsors that permit, that gives visitors access to park on any free spot in the street.
- If a car is parking on a street marked "street permit parking only" without a permit for that street, a parking law needs to exist to allow council to impose a fine.
- We need a better parking system for space limited streets that have numerous heritage homes not designed with car parking in mind.
- A system that allows for streets to be marked as being resident parking or "Street Permit Parking Only".
- A system that has, for streets that qualify, a resident street permit and street visitor permits which display the address of the permit holder or visitor permit sponsor.
- A system that gives residents priority to park at the front of their own house (no time limit). Visitor permits for the street should have a limited time period.
- Removes the risk of anyone else parking for an extended period of time in the spot directly in front of your own home.
- Enforces the need for anyone parking on such streets to display a valid permit, hopefully reducing the number of vehicles parking on these streets which will improve street appeal and safety.

Respondent 2

- Modified Penalties for an offences under clause 54(1) should be increased from \$120 to \$300 to be in line with Local Government (Parking for People with Disabilities) Regulations 2014.
- Clause 82 should remove the text "excepting clause 54 which shall not exceed one thousand dollars (\$1,000.00)". The maximum amounts are specified under Local Government (Parking for People with Disabilities) Regulations 2014 and take priority over the City's LL.

If the proposed Parking Local Law 2021 is endorsed by Council, the City will advertise the proposed local law and invite public comment for a minimum of six weeks. Once the public submission period has closed, a report will be brought back to Council to consider the submissions received as required under section 3.12(4) of the Act.

OFFICER COMMENT

A review of the existing parking local law identified various improvements required to provide better controls and management of parking within the district, whilst also providing more flexibility for patrons.

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

Due to the complex nature of the parking local law and the changes required, officers have engaged the City's solicitors, to ensure it is lawful and meets the standards

required by the Joint Standing Committee on Delegated Legislation. In order to meet this objective, the City's solicitors have recommended that the local law be rewritten to remove repetition, update in accordance with current legislation and to include the improvements required.

The proposed Parking Local Law 2021 has been prepared by City's solicitors in consultation with officers and is intended to repeal and replace the existing Parking Local Law 2006.

A summary of the intended improvements included in the proposed local law is provided in the table below:

Proposed improvement	Clause
(1) Expansion of the definition of <i>fee paying machine</i> in clause 1.5, to allow the use of any mobile device for the payment of parking.	1.5
(2) Amendments to various definitions to ensure that a <i>parking station</i> may include all or part of a <i>pay by phone zone</i> or a <i>ticket issuing machine zone</i> .	1.5
(3) Amendments to the definition of <i>pay station</i> to be flexible enough to encompass the City's adoption of plate recognition technology.	1.5
(4) Amendment to include the definition of <i>parking app</i> , to enable the provisions relating to the use of the City's parking app, apply when using a similar process under the City's web browser.	1.5
(5) Amendment to provide general powers to regulate parking.	2.1 – 2.4
(6) Ability to establish Pay By Phone Zones where the only method of payment in that zone is "Pay By Phone". (Clauses)	3.1.c, 3.2.2.c, 4.2.d
(7) Limiting the operation of clause 3.2 to the payment of fees in a fee-paying zone that is not in a parking station. The payment of fees in a parking station is governed by clause 4.2.	3.2
(8) Amendments to the pay by phone provisions (in clause 3.2(2)(c) and in other corresponding provisions) to be consistent with the pay by phone process.	3.2(2)(c)
(9) Including the permit and facility parking permit exceptions to the time restriction provisions.	3.8(1); and 4.8(1)
(10) Amendments to the free parking provisions to prevent vehicles from obtaining free parking multiple times unless the vehicle has been removed from the area for 4 hours on each occasion.	3.11
(11) Removal of existing clause 5.7 that deals with motorcycles, to enable a motorcycle to be parked in any parking stall, provided the fee for a vehicle in that stall is paid.	Nil
(12) Inclusions of a paragraph to prohibit the parking, on a verge, of a trailer, caravan or boat that is not attached to a motor vehicle.	5.18
(13) Inclusion of a new section that deals with a 'Construction Site'.	5.8

Proposed improvement	Clause
(14) Inclusion of a new provision to allow for the use of electronic parking permits.	6.3.1.d
(15) Amendment to ensure that a permit is not transferrable.	6.8
(16) Limiting clause 7.11 to prohibitions against leaving a vehicle in a public place – with the City's removal and impounding powers to be exercised under regulation 29 of the <i>Local Government (Functions and General) Regulations 1996</i> .	7.11
(17) Amendments to the prescribed offences in Schedule 1, to increase infringement amounts.	Schedule 1
(18) Amendments to Forms 2 and 3 in Schedule 2 to be consistent with the recent amendments to the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> .	Schedule 2

It is recommended that Council endorse the proposed Parking Local Law 2021 in Attachment 1, to be advertised for public comment. On conclusion of the public submission period, a report will be brought back to Council for consideration of the public submissions received and final adoption of the local law.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2101-3 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

1. Give local public notice, in accordance with section 3.12 of the *Local Government Act 1995*, of the City's intention to make a City of Fremantle Parking Local Law 2021 as provided in Attachment 1, for the purpose and effect as follows:

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

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

Carried: 7/0

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

Mayor, Brad Pettitt requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Jenny Archibald.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Cr Frank Mofflin

To add the following part 2 to the recommendation:

- 2. Amend the penalties listed in Schedule 1 of the proposed City of Fremantle Parking Local Law 2021 prior to advertising, as follows:**
 - a. Penalties for Schedule 1 Item No's 9, 10, 30, 31, 37, 47, 54, 55, 65, 66, 67, 68 and 73 be increased to \$80.00.**
 - b. Penalties for Schedule 1 Item No's 39, 40, 51, 59, 60, 63, 64, 101, 102, 104, 105, and 111 be increased to \$150.00.**
 - c. Penalties for Schedule 1 Item No's 106, 108, 109, 110, and 112 be increased to \$250.00.**

Amendment carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Reason for change:

To increase penalties relating to matters that may be considered antisocial behaviour.

AMENDMENT 2

Moved: Cr Sam Wainwright

Seconded: Cr Rachel Pemberton

To add the following part 3 to the recommendation:

- 3. That a penalty of \$80.00 for obstructing a footpath, be listed in Schedule 1.**

Amendment carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Reason for change:

To ensure a penalty for parking and obstructing on a footpath is included in the listed penalties if it is not already listed.

COUNCIL DECISION ITEM FPOL2101-3

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council:

- 1. Give local public notice, in accordance with section 3.12 of the *Local Government Act 1995*, of the City's intention to make a City of Fremantle Parking Local Law 2021 as provided in Attachment 1, for the purpose and effect as follows:**

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

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

- 2. Amend the penalties listed in Schedule 1 of the proposed City of Fremantle Parking Local Law 2021 prior to advertising, as follows:**
 - a. Penalties for Schedule 1 Item No's 9, 10, 30, 31, 37, 47, 54, 55, 65, 66, 67, 68 and 73 be increased to \$80.00.**
 - b. Penalties for Schedule 1 Item No's 39, 40, 51, 59, 60, 63, 64, 101, 102, 104, 105, and 111 be increased to \$150.00.**
 - c. Penalties for Schedule 1 Item No's 106, 108, 109, 110, and 112 be increased to \$250.00.**
- 3. That a penalty of \$80.00 for obstructing a footpath, be listed in Schedule 1.**

Carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

FPOL2101-6 BUDGET AMENDMENTS - DECEMBER 2020

Meeting date: 20 January 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

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

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

BACKGROUND

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

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution by Absolute Majority; or

(c) is authorised in advance by the July or president in an emergency.

Where expenditure has been incurred;

(a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and

(b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

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

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	The Department of Biodiversity, Conservation and Attractions (DBCA) grant received for the continuation of the work (site environmental condition investigation) at the Northbank for the stabilisation of the foreshore. Request for muni funds to match the approved grant funding.					
	200xxx.1606	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)			(28,404)	(28,404)
	200xxx.4311	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202
	200xxx.3915	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202
1.2	Project to implement waste education and guidance to support the FOGO kerbside collections, fully funded through Better Bins Plus scheme.					
	200791.4326	P-11963 - Better Bins Plus - Go FOGO		168,825		168,825
	200791.6823	P-11963 - Better Bins Plus - Go FOGO			(168,825)	(168,825)

1.3	In August 2020, the State government announced as part of the \$5.5 billion WA Recovery Plan, it would allocate \$3.25 million to City of Fremantle for a Port Beach large-scale sand nourishment project to provide up to 10 years of protection. The purpose of sand placement is to nourish Port Beach to protect adjacent assets from the impact of coastal erosion while maintaining public beach amenity for ongoing public recreation.					
	300110.1606	P-111823 - Design and Construct - Port Beach – Coastal Adaptation			(3,250,000)	(3,250,000)
	300110.4211	P-111823 - Design and Construct - Port Beach – Coastal Adaptation		3,250,000		3,250,000

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

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

- The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount, and
- There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

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

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

3. Carried forward projects estimate budget amendments

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

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

End of financial year adjustments for 30 June 2020 are still ongoing therefore further budget amendments for carried forward projects will be presented to Council next month. Once completed the final overall effect on the end of year surplus, unspent grant funds and reserve funds movements for carried forward projects will be reported to Council through the budget amendment report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2101-6 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

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

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	The Department of Biodiversity, Conservation and Attractions (DBCA) grant received for the continuation of the work at the Northbank for the stabilisation of the foreshore. Request for muni funds to match the approved grant funding.					
	200xxx.1606	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)			(28,404)	(28,404)
	200xxx.4311	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202
	200xxx.3915	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202
1.2	Project to implement waste education and guidance to support the FOGO kerbside collections, fully funded through Better Bins Plus scheme.					
	200791.4326	P-11963 - Better Bins Plus - Go FOGO		168,825		168,825
	200791.6823	P-11963 - Better Bins Plus - Go FOGO			(168,825)	(168,825)

Carried en bloc: 7/0

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

AMENDMENT 1

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

To include an additional budget amendment, as follows:

1.3	In August 2020, the State government announced as part of the \$5.5 billion WA Recovery Plan, it would allocate \$3.25 million to City of Fremantle for a Port Beach large-scale sand nourishment project to provide up to 10 years of protection. The purpose of sand placement is to nourish Port Beach to protect adjacent assets from the impact of coastal erosion while maintaining public beach amenity for ongoing public recreation.					
	300110.1606	P-111823 - Design and Construct - Port Beach – Coastal Adaptation			(3,250,000)	(3,250,000)
	300110.4211	P-111823 - Design and Construct - Port Beach – Coastal Adaptation		3,250,000		3,250,000

Amendment carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Reason for change:

The above shown section of the budget amendment table was inadvertently omitted from the officer recommendation section of the original report to Committee and was subsequently not considered as part of the Committee's recommendation.

COUNCIL DECISION ITEM FPOL2101-6

(Committee recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

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

Item	Account #	Account Details	2020/21 Adopted Budget	Increase/ (Decrease)	(Increase)/ Decrease	2020/21 Amended Budget
				Revenue	(Expenditure)	
1.1	The Department of Biodiversity, Conservation and Attractions (DBCA) grant received for the continuation of the work at the Northbank for the stabilisation of the foreshore. Request for muni funds to match the approved grant funding.					
	200xxx.1606	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)			(28,404)	(28,404)
	200xxx.4311	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202
	200xxx.3915	P-11970 - Design and Construct – Northbank Foreshore Stabilisation Project (Stage 2)		14,202		14,202

1.2	Project to implement waste education and guidance to support the FOGO kerbside collections, fully funded through Better Bins Plus scheme.					
	200791.4326	P-11963 - Better Bins Plus - Go FOGO		168,825		168,825
	200791.6823	P-11963 - Better Bins Plus - Go FOGO			(168,825)	(168,825)
1.3	In August 2020, the State government announced as part of the \$5.5 billion WA Recovery Plan, it would allocate \$3.25 million to City of Fremantle for a Port Beach large-scale sand nourishment project to provide up to 10 years of protection. The purpose of sand placement is to nourish Port Beach to protect adjacent assets from the impact of coastal erosion while maintaining public beach amenity for ongoing public recreation.					
	300110.1606	P-111823 - Design and Construct - Port Beach – Coastal Adaptation			(3,250,000)	(3,250,000)
	300110.4211	P-111823 - Design and Construct - Port Beach – Coastal Adaptation		3,250,000		3,250,000

Carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

**FPOL2101-9 SOLE SOURCE OF SUPPLY – AUSTRALIAN PARKING AND
REVENUE CONTROL**

Meeting date: 20 January 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

This purpose of this report is to seek approval from Council to enter into a sole source of supply contract with the incumbent supplier of parking pay and display machines to the City.

This report recommends that Council authorise the Chief Executive Officer to enter in to a two year contract for the sole source of supply of technical support and hardware maintenance for pay and display machines in the City.

BACKGROUND

At the 25 March 2009 Ordinary Meeting of Council, Council approved the award of tender FCC321/08 for the supply, installation, commissioning and ongoing support of parking pay and display machines to Australian Parking and Revenue Control (APARC), for a 5-year term with extension options. The contract was entered in to on 25 August 2009 following the successful trial and testing of 15 machines.

The current contract reached its term at 1 December 2020. The supplier APARC has provided pricing options for the further extension of this contract.

FINANCIAL IMPLICATIONS

APARC has agreed to hold pricing at current levels for a further 2-year term (excluding annual CPI increases).

Expenditure with APARC for the ongoing support of the hardware and software and licensing and credit card fees in the current financial year and estimated expenditure in future years is shown in the table below:

Account	Description	Budget 20/21	YTD 20/21	Forecast* 21/22	Forecast* 22/23
IP 100099	Printing - Ticket rolls	\$15,000	\$0	\$41,200	\$44,908
IP 100736	Licencing – Hosting and Communications	\$109,400	\$50,010	\$119,246	\$129,978
IP 100566	Credit Card Payments	\$115,000	\$50,530	\$125,350	\$136,631

Note – YTD figures are for July 20 – Nov 20.
Forecasts make the following assumptions:

- The requirement for ticket rolls will return to a normal level in 21/22
- CPI 0.9% per annum added to ticket rolls, licencing and credit card payments
- Printed ticket use is likely to increase as the economy recovers from the effects of Covid 19

*note –future budgets will be required to be adopted during the annual budget process to ensure ongoing service delivery.

LEGAL IMPLICATIONS

The ability for Council to enter into sole source of supply agreements is covered under Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996, which states:

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 —

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;

As the sum of this contract is above the delegation to CEO to enter in to sole source of supply contracts, Council approval is required.

CONSULTATION

Nil

OFFICER COMMENT

The City believes APARC are a sole source supplier for the following reasons:

- i) The hardware and software supplied by APARC is proprietary to APARC as the sole distributor in Australia. The City is unable to source hardware or software from alternative sources
- ii) Consumables required to operate the parking pay and display machines is only available from APARC

As the City is not intending to replace the current parking machines at this time, then it is required to purchase upgrades, consumables and hardware from the current supplier.

By entering in to a two (2) year contract with APARC, further time is afforded to consider the future parking requirements of the City.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Adin Lang

Council authorise the Chief Executive Officer to enter into a two (2) year contract with Australian Parking and Revenue Control Pty Ltd (ABN 35 131 621 666) for the estimated contract sum of \$380,600 (excluding GST and annual CPI rises).

AMENDMENT 1

Moved: Cr Doug Thompson

Seconded: Cr Andrew Sullivan

Amendment to include the words shown in green italics, as follows:

Council authorise the Chief Executive Officer to enter into a two (2) year contract *consistent with Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996*, with Australian Parking and Revenue Control Pty Ltd (ABN 35 131 621 666) for the estimated contract sum of \$380,600 (excluding GST and annual CPI rises).

Amendment carried: 7/0

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

COUNCIL DECISION ITEM FPOL2101-9 (Committee recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Bryn Jones

Council authorise the Chief Executive Officer to enter into a two (2) year contract, *consistent with Regulation 11(2)(f) of the Local Government (Functions and General) Regulations 1996*, with Australian Parking and Revenue Control Pty Ltd (ABN 35 131 621 666) for the estimated contract sum of \$380,600 (excluding GST and annual CPI rises).

Carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

FPOL2101-10 PROPOSED DETERMINATION - INTENTION TO MAKE A DETERMINATION – PERMIT REQUIRED TO USE MOTORISED MODEL AIRPLANES, HELICOPTERS, DRONES OR OTHER SIMILAR REMOTELY PILOTED DEVICES ON MONUMENT HILL RESERVE – LOCAL GOVERNMENT PROPERTY LOCAL LAW

Meeting date: 20 January 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The City has recently given local public notice of its intention to make a determination under the Local Government Property Local Law 2002 to prohibit persons from flying motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill Reserve without a permit from the City of Fremantle and riding a skateboard, rollerblades, a sandboard or a similar device on any of the Monuments, or their surrounding bases, on Monument Hill Reserve, without a permit.

This report recommends that Council, having considered the submission received during the public notice period, continue with the determination and give local public notice of its final adoption.

BACKGROUND

At the Finance, Policy, Operations and Legislation Committee held on 14 October 2020 Council moved the following motion to begin the process of making a determination Monument Hill Reserve within the City of Fremantle.

Council gives local public notice of its intention to make a determination to prohibit persons from flying motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill Reserve without a permit from the City of Fremantle and riding a skateboard, rollerblades, a sandboard or a similar device on any of the Monuments, or their surrounding bases, on Monument Hill Reserve.

Purpose: To prohibit:

- 1. flying motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill Reserve without a permit from the City of Fremantle; and*
- 2. riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device on any of the Monuments, or their surrounding bases, on Monument Hill Reserve.*

Effect: The effect of the determination is to maintain Monument Hill Reserve as an area for remembrance and quiet solitude and to protect the Monuments from potential damage.

Monument Hill is considered the perfect place to take some time out to relax on the lawns and enjoy the view whilst reflecting the true meaning of the memorials and appreciating the meaningful architecture. However, this quiet enjoyment is sometimes disturbed and disrespected by use of motorised model airplanes, helicopters, drones or other similar remotely piloted devices

The intention of adopting this Determination is to enable the City to maintain Monument Hill Reserve as an area for remembrance and quiet solitude.

FINANCIAL IMPLICATIONS

It is estimated that 8 signposts will be needed to cover entrances to Monument Hill Reserve advising of the requirement to obtain a permit before flying motorised model airplanes, helicopters, drones or other similar remotely piloted devices

Each signpost costs approximately \$400 to manufacture and install, for a total initial installation cost of approximately \$3,200. There will also be additional ongoing maintenance costs for signage.

Additional financial implications will include the cost of City officers processing permit applications, responding to complaints and potentially issuing infringements.

LEGAL IMPLICATIONS

In accordance with the City of Fremantle Local Government Property Local Law 2002, the City may make a determination providing that a person is prohibited from pursuing specified activities on specified local government property. The local law also allows the City to specify the extent to which a person is prohibited from pursuing an activity and whether the prohibition is in relation to a specific class of people.

The intended outcome of the proposed Determination is to prohibit the use of motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill by the class of persons who do not hold a permit issued by the City of Fremantle.

Procedure for making a determination 2.2

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

CONSULTATION

In accordance with the local law, the intention to make a determination must be advertised in the local newspaper and public submissions being received for a period of twenty-one (21) days. Submissions are then considered by Council before a final decision is made and further public notice given.

Public notice of the proposed determination was given in the following way:

- Publication on the City's notice boards 23 October – 18 November 2020
- Publication through the City's 'MySay' Portal 22 October – 17 November 2020
- Advertisement in the Fremantle Herald newspaper 24 October 2020

Public notice of the proposed determination was given, including publication on the City's notice boards, publication through the City's 'MySay' Portal, and an advertisement in the Fremantle Herald newspaper.

A total of 10 submissions were received during the public notice period. Eight of the ten submissions received (shown in green) were supportive of the proposal and two of the ten (shown in orange) were not supportive of the proposal:

Determination Submissions	
(prohibiting the use of motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill Reserve, without a permit.)	
1.	Although it is already an offence to skateboard on Monument Hill without a permit (vehicle includes skateboard in definitions) it's a good move to make it clear, and to prohibit other disruptive, potentially damaging and intrusive activities.
2.	Today is Remembrance Day yet even today there are loud motorbike persons, no doubt believers but the noise is too much. Park and walk as others do. Drones, electric flying bizzos, whatever, should not be allowed. It should be an area of quiet contemplation to remember those who gave their lives and service.
3.	"This is something I already would have thought should be in place and enforced. The area should be respected as a place of reflection and not a play zone for people's hobbies. Not only should this policy be enacted it should be enforced with regular Ranger patrols and fines if applicable."
4.	I agree with the proposals to maintain the monument as a place of quiet reflection.
5.	"In 2018 the council's own permitted drone photographer ruined the ANZAC ceremony by flying over continuously. Could the council also not issue permits (including to itself) on days of remembrance? Banning flying remote vehicles doesn't stop the motorised remote cars, Segway's, parked vehicles playing loud music, picnic people having music, informal sport (kicking a ball or slack lining) etc. The monument isn't just a place of reflection. It's a daytime picnic area, sunset gathering place, a local open space for children, a foot and cycling transit thoroughfare. Banning 2 activities and not others, on every day of the year seems excessive. Signage prohibiting these activities should not detract from the monuments themselves. We live right next to Monument Hill and rarely if ever see people cycling or skateboarding on the monuments so not sure what formal evidence there is about this being an issue warranting more rules."
6.	"I agree with the proposal to make Monument Hill a place of quiet reflection. As a long-time resident of Fremantle, this historic and beautifully situated place of tranquillity has been a favourite area for picnics and wedding photos, as well as the yearly remembrances for our fallen soldiers and other wartime personnel. I believe it is totally unsuitable as a venue for rock concerts with very large crowds as well as a place for young people to use their skateboards and bikes in the monument area or on the manicured lawns. Please keep this as a sacred place for meaningful celebrations and events. Many thanks."
7.	Monument Hill needs to remain a place where quiet contemplation can occur. The space allows us to reflect on our lives and the lives lost in world conflict. Noisy pastimes can happen elsewhere.
8.	I support the proposed prohibited activities. The type of activities allowable should encourage quiet reflection, such as walking, sight viewing, yoga and prayer. However, I would also mention family gatherings and special events such as picnics and wedding photography.
9.	Don't be such a wowser.
10.	"WE need to protect the historic Monument for all the reasons cited above. This is an area popular with families and those who want a peaceful place for reflection and activities such as picnics and get togethers. The Hill was vested in the City for its management as an area for quiet reflection and passive community use. The Monument is made of vulnerable materials that are extremely costly to upkeep from inappropriate activities and usage. Let's keep it that way. There are many other areas dedicated to activities that have more robust needs. The current state of the Monument is very very poor. Chunks are taken out of the stone and render in many many places. This is exacerbated by cars and inappropriate activities such as skateboards, bikes etc. There is very little surveillance and the signage is dilapidated and virtually illegible as well as only visible from one aspect for users of the Memorial Park. This means that Memorial Park users are completely unaware of the activities that need to be discouraged. The increase in use of recreational drones is very unwelcome, irritating, noisy and dangerous. The drone users aim at the trees scaring the birds and barely are above the ground. The people and dogs that may be using the grassed area are in danger. The noise is frightening. Most of the users if these mechanised devices are novices practising and have very little control. Drones are also extremely invasive and without any value as a community activity, mostly with solo naive inexperienced pilots. There needs to be complete clarification that the Reserve is NOT a dog exercise area; it is for walking dogs on leads. Signs indicating this would help, as would information online as to where the official dog exercise areas are in Fremantle, as well as a guide to the 8 skateboard areas in Fremantle. Skateboarders are not deprived. Please keep the use of Monument Hill Memorial reserve and the Monument for discrete activity and opportunity for simple community passive activity such as picnics and observation and reflection."

OFFICER COMMENT

This determination is not intending to ban motorised model airplanes, helicopters, drones or other similar remotely piloted devices from being able to be used on or over the Monument Hill Reserve but to restrict their use to permit holders only. The use of motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill may be useful or necessary for photography or filming purposes and the City wants to be able to accommodate these uses by permitting the activity by qualified and conscientious pilots, during periods of time considered appropriate by the City.

Even when permitted by the City, motorised model airplane, helicopter, drone or other similar remotely piloted device operators will need to comply with the CASA rules in addition to any requirements set out by the City.

If Council approves the continuation and implementation of this Determination, it will come into effect when the advertisement appears in the Fremantle Herald. However, no penalties will be issued until the City has erected signage advising visitors to Monument Hill of these new restrictions.

It is anticipated that appropriate signage will be in place by the end of February.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM FPOL2101-10 **(Committee and officer's recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council, in accordance with the process outlined in the City's Property Local Law and having considered the submission received during the public notice period, give local public notice that the Determination prohibiting:

- a. flying motorised model airplanes, helicopters, drones or other similar remotely piloted devices on or over Monument Hill Reserve without a permit from the City of Fremantle; and**
- b. riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device on any of the Monuments, or their surrounding bases, on Monument Hill Reserve.**

will come into effect on the date of its publication.

Carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham, Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

**FPOL2101-15 CONSIDERATION OF REQUEST TO EXTEND THE SPICER SITE
SUBSTANTIAL COMMENCEMENT DATE (8-10 HENDERSON
STREET, FREMANTLE)**

Meeting date: 20 January 2021
Responsible officer: Director City Business
Decision making authority: Council
Attachments: 1. Paddy Troy Easement
Additional information: Nil

SUMMARY

The property development arm of Spicer Street Pty Ltd (Forrest Entity/Minderoo), Fiveight (Spicer Purchaser), have formally requested the City to consider an extension of the substantial commencement date provided in the Spicer Development Deed (SDD) between the City and Spicer Street Pty Ltd for the property at 8-10 Henderson Street Fremantle, known as the Spicer Site.

The request proposes to extend this date for a period of two years to 19 December 2022. The current date is 19 December 2020.

This report recommends that Council agree to extend the substantial commencement date in the PDD, subject to a number of conditions.

BACKGROUND

The City entered into a contractual agreement with Sirona Capital in May 2013 for the sale of the former Spicer property as part of the Kings Square Project. This contractual agreement was in the form of the Project Development Deed (PDD).

Since the PDD was first entered into, settlement dates for the other properties involved have been amended twice, each time the consequence has had a flow on effect to move the Spicer settlement as well.

In late 2018 the property settled to Sirona and was then immediately sold on to the Spicer Purchaser. The condition of approval of the sale was that the Spicer Purchaser was required to enter into a development deed on substantially the same terms as that between the City and Sirona Capital Pty Ltd. At the Ordinary meeting of Council held on 12 December 2018, the following was adopted;

“Council consent to:

- 1. the transfer of 8-10 Henderson Street, Fremantle, (known as the former Spicer Site) by Sirona Capital Management Pty Ltd (Sirona) to Spicer Street Pty Ltd (Forrest Entity);*
- 2. the assignment of the Project Development Deed (PDD) as amended and originally dated 10 May 2013, as it relates to the development of the Spicer Site to the Forrest Entity; and*
- 3. the modifications to the PDD recommended by the City’s lawyers needed to give effect to the above,*

Subject to the following conditions:

- a. the transfer of the Spicer Site by the City to Sirona takes place within a time acceptable to the Chief Executive Officer;*
- b. Sirona observes and performs all of its obligations in the PDD in relation to the development of the Spicer Site until the transfer to the Forrest Entity occurs;*
- c. the Forrest Entity agrees to assume all of Sirona's post settlement obligations in relation to the development of the Spicer Site;*
- d. the parties to the PDD and the Forrest Entity enter into documents to effect the above that are acceptable to the Chief Executive Officer upon advice from the City's lawyers and that the Mayor and Chief Executive Officer are authorised to execute such documents; and*
- e. the City is not required to pay the costs of any other party to the PDD or the Forrest Entity in relation to this matter."*

One of the conditions provided in the now Spicer Development Deed (SDD) is for the development of the property to reach substantial commencement within two years of the settlement of the property. The SDD defines the "Spicer Substantial Commencement Date" as;

- "(a) the date being 24 months from the date that Sirona Capital Management Pty Ltd as trustee for the Kings Square No. 2 Unit Trust becomes the registered proprietor of the Spicer Property; or*
- (b) such later date agreed to by the Spicer Purchaser and the City pursuant to clause 8.2.*

Substantial Commencement means in relation to the Spicer Development;

- (a) demolition of existing Buildings and Improvements;*
- (b) (if the development is to include a basement) completion of the site works, including excavation to basement level and completion of construction works to a ground floor slab level (including the pouring of a ground floor slab); and*
- (c) (if the development is not to include a basement) completion of the site works and completion of the structural works to a first floor level (including the pouring of a first floor slab), and Substantially Commence shall have a corresponding meaning."*

Since purchasing the site, various Minderoo entities have met with the City to discuss various development options which meet the SDD and Urban Design Guidelines. No formal development application has been received from Spicer Street Pty Ltd and a related entity, Fiveight, have formally requested consideration of an extension for substantial commencement.

FINANCIAL IMPLICATIONS

There is limited direct financial implication from considering this request. The immediate financial implication is any associated legal costs associated with negotiating the extension.

The SDD also contemplates options to buy the property back if substantial commencement is not achieved. The SDD requires particular steps to take place that are considered further in the legal implications of this report. The financial implication to this is the cost of re-purchasing the property.

In the event that:

- (i) the Spicer Purchaser fails to Substantially Commence the Spicer Development by the Spicer Substantial Commencement Date; and*
- (ii) this document is terminated prior to the date on which the Spicer Purchaser has Substantially Commenced the Spicer Development by:*
 - (A) either party pursuant to clause 17.6;*
 - (B) the City as a result of a Project Default pursuant to clause 18.3; or*
 - (C) the City pursuant to clause 20(c)(i)(B), then the City shall have the option to re-purchase the Spicer Property, from the Spicer Purchaser for the Re-Purchase Price, in accordance with the provisions of this clause.*

A further, albeit indirect, cost for considering such a request is the loss of rate income from the development not being commenced on time and therefore not being completed within the original considered timeframe. This issue is considered further within the body of this report.

LEGAL IMPLICATIONS

As noted above, the SDD has provision for the Spicer Purchaser to substantially commence development of the property within a determined timeframe (19 December, 2020), with one of the remedies being that the City has the right to re-purchase the property if this is not achieved.

The SDD describes the process for a re-purchase below;

- (a) The parties must use reasonable endeavours to complete the process contained in this clause 9.3 in a timely manner.*
- (b) The City must undertake a Business Plan Process.*
- (c) If the outcome of the Business Plan Process is that the City decides to proceed with the repurchase of the Spicer Property then the City must, within 28 days of making its decision to proceed, give an Exercise Notice to the Spicer Purchaser.*
- (d) If the Exercise Notice is not received by the Spicer Purchaser within 8 months of the date on which it received the Initiation Notice, then the City's option to repurchase the Spicer Property automatically and irrevocably lapses.*
- (e) The Spicer Purchaser may not dispute or object to the validity of the Exercise Notice on grounds that the City has not complied with any requirements contained in the LGA relating to the Business Plan or the Business Plan Process.*
- (f) Within 30 days of the City giving the Exercise Notice to the Spicer Purchaser;*
 - (i) each party must obtain a valuation of the Market Value as at the date of the Exercise Notice;*
 - (ii) the "parties must exchange copies of the valuations obtained under clause 9.3(f)(i); and*
 - (iii) the Spicer Purchaser must notify the City of what the Spicer Purchaser considers to be the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date.*
- (g) The parties must then, acting through the Strategic Liaison Group, meet in good faith and endeavour to agree on the Re-purchase Price.*
- (h) If the parties have not reached agreement on the Re-purchase Price within 40 days of the City giving the Exercise Notice, then;*

- (i) *either party may request that the President of the Australian Property Institute (Inc) (Western Australia Division) appoint an independent Valuer;*
- (ii) *the Valuer appointed under clause 9.3(h)(i) must use its best endeavours to determine:*
 - (A) *the Market Value; and*
 - (B) *the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date, within 20 Business Days after being appointed and give the Valuer's determination (which will be a valuation in writing outlining the reasons for it) to the parties;*
- (iii) *the Valuer must act as an expert and not as an arbitrator;*
- (iv) *the fees of the Valuer will be payable by the Spicer Purchaser and the City in equal shares;*
- (v) *clause 21.5 will apply as if the Valuer is the Expert described in that clause;*
- (vi) *the Valuer's decision on the Market Value and the value of any works undertaken on the Spicer Property by the Spicer Purchaser since the Spicer Settlement Date will be final and binding on the parties for the purpose of determining the Repurchase Price; and*
- (vii) *the Re-purchase Price shall be taken to be determined on the date of the Valuer's decision.*

The City is also required to commence this process by way of notice to the Spicer Purchaser within 90 days of the event failure. The City would need to undertake this step by 18 March 2021, if it were to proceed with this remedy rather than consider a request to extend the date.

CONSULTATION

Nil for this consideration.

OFFICER COMMENT

Officers have met with the officers of Fiveight to discuss the options that may be considered by Council when considering this request.

The City has proposed the following conditions as part of any consideration, subject to council approval and other options available to Council under the SDD. These being;

- Consideration of a one only extension for two years to 19 December 2022.
- An amendment to the SDD to allow for;
 - Milestone dates for each step in the development approval process up to substantial commencement.
 - The right for the City to commence re-purchase action for failure to achieve any milestone date.
 - A rate equivalent payment to be paid by the Spicer Purchaser in the event that a milestone date is not achieved.
 - An easement, 8 metres in width, be registered to ensure suitable access to Paddy Troy Mall from William Street between the Spicer property and the Fremantle Malls property.
 - A two stage development would be accepted as long as the first stage is:
 - at least 2,600m² of gross floor area fronting Henderson Street; and

- not less than 50% of the works the subject of the approved development.

Rate Equivalent Payment Option

The City is seeking to be financially compensated for the rates revenue that the City would have received from the Spicer Purchaser had the Spicer Purchaser achieved the milestones in the Spicer Development Deed. The City is seeking the right to attain a rate equivalent payment from the Spicer Purchaser if any of the revised milestone dates are not met. The rates equivalent payment would be payable from the date that the first of the milestone dates is not achieved until Practical Completion of the Spicer Development.

Milestone Dates

Milestone dates have been suggested by the City to ensure that the Spicer Development progresses in a clear timeline and to give the City additional rights to repurchase the Spicer Property if one or any milestones are missed. This will allow Council to consider an option to repurchase the Spicer Property prior to the varied Substantial Commencement Date rather than waiting for this date before having any right to repurchase the Spicer Property under the SDD. The following milestone dates have been proposed;

Preparation of Spicer Development Plans and Specifications	19 June 2021
Development Application to be lodged	19 September 2021
Building Permit to be obtained	19 June 2022
Spicer Substantial Commencement Date	19 December 2022

Paddy Troy Easement

Registering an Easement against the Certificate of Title for the Spicer Property will ensure that the connection between William Street and Paddy Troy Mall is agreed now and will not be re-aligned or challenged through the development application process. This is a significant improvement in the SDD and allows Council to have greater say in how the connection is provided and has been agreed in principle by the Spicer Purchaser subject to the Easement being drafted for review.

Two Stage Development

The Spicer Purchaser have advised a scenario where a two stage accommodation development may be more advantageous (for them) in the current tourism market and have requested that the City permit the Spicer Purchaser to stage the Spicer Development. This will allow them to develop the site without over-committing to tourism accommodation if the market cannot support it. The City has some support for this position, albeit that the development is to be significant enough to satisfy the City that the Spicer Purchaser has substantially commenced the Spicer Development. Therefore, the City suggests that the first stage needs to be:

- at least 2,600m² of gross floor area fronting Henderson Street; and
- not less than 50% of any approved development of the site.

Summary of Conditions

The above options will place council in a stronger position through the SDD if the request for extension is supported. Officers are of the view that a one time only support for extension could be considered based on the conditions being agreed by the Spicer Purchaser.

Re-Purchase

If council were to choose to apply the re-purchase option in place of an extension of the date, the City will need to notify SSPL of its intention and then run through the legal process of doing so. This may mean Council will need to grant SSPL an opportunity to rectify the situation, a valuation for the property will need to be obtained and further legal advice will need to be obtained. the SDD requires Council to notify SSPL of its intent to re-purchase prior to 18 March 2021. The conditions of the re-purchase under the current SDD are provided in the legal implications above.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ITEM FPOL2101-15 **(Officer's recommendation)**

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council approve a request from Spicer Street Pty Ltd for a one-off extension to the Spicer Substantial Commencement Date as defined under the Spicer Development Deed dated 19 December 2018, subject to the following conditions;

- 1. Consideration of a one only extension for two years to 19 December 2022.**
- 2. An amendment to the Spicer Development Deed dated 19 December 2018, to allow for;**
 - a. Milestone dates for each step in the development approval process up to substantial commencement as;**

Preparation Development Plans and Specifications	19 June 2021
Development Application to be lodged	19 September 2021
Building Permit to be obtained	19 June 2022
Spicer Substantial Commencement Date	19 December 2022
 - a. The right for the City to commence re-purchase action for failure to achieve any milestone date.**
 - b. A rate equivalent payment to be paid by Spicer Street Pty Ltd, if any milestone date is missed on and from the date that the milestone date should have been achieved until Practical Completion.**
 - c. an easement, 8 metres in width, be registered to ensure suitable access to Paddy Troy Mall from William Street between the Spicer property and the Fremantle Malls property.**
- 3. A two stage development would be accepted as long as the first stage is not less than 50% of the approved development from the development application to be lodged by 19 September 2021.**

Carried: 7/0

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

AMENDMENT 1

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Amend part 3 and include additional words shown in green italics, to read as follows:

- 3. A two stage development would be accepted as long as the first stage:**
 - a. the development application to be lodged by 19 September 2021,**
 - b. at least 2,600m² of gross floor area fronting Henderson Street, and***
 - c. is not less than 50% of the approved development.**

Amendment carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

Reason for change:

Part b was not included in the original officer's recommendation, therefore part 3 of the recommendation has been amended to ensure all intended first stage requirements are specified.

COUNCIL DECISION ITEM FPOL2101-15

(Committee recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

Council approve a request from Spicer Street Pty Ltd for a one-off extension to the Spicer Substantial Commencement Date as defined under the Spicer Development Deed dated 19 December 2018, subject to the following conditions;

- 1. Consideration of a one only extension for two years to 19 December 2022.**
- 2. An amendment to the Spicer Development Deed dated 19 December 2018, to allow for;**
 - a. Milestone dates for each step in the development approval process up to substantial commencement as;**

Preparation Development Plans and Specifications	19 June 2021
Development Application to be lodged	19 September 2021
Building Permit to be obtained	19 June 2022
Spicer Substantial Commencement Date	19 December 2022
 - d. The right for the City to commence re-purchase action for failure to achieve any milestone date.**
 - c. A rate equivalent payment to be paid by Spicer Street Pty Ltd, if any milestone date is missed on and from the date that the milestone date should have been achieved until Practical Completion.**

- d. an easement, 8 metres in width, be registered to ensure suitable access to Paddy Troy Mall from William Street between the Spicer property and the Fremantle Malls property.
- 3. A two stage development would be accepted as long as the first stage:
 - a. the development application to be lodged by 19 September 2021,
 - b. *at least 2,600m² of gross floor area fronting Henderson Street, and*
 - c. is not less than 50% of the approved development.

Carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

C2101-1 STAN REILLY SITE – WAPOL REDEVELOPMENT

Meeting date: 27 January 2021
Responsible officer: Manager City Design and Projects
Decision making authority: Council
Attachments: 1. Letter from Minister for Lands
Additional information: Nil

SUMMARY

This report provides the Council with an update regarding negotiations with the State Government on the relinquishment of the existing management order over crown land to enable the construction of a new Western Australian Police (WAPOL) Head Quarters.

A recent letter from Hon Ben Wyatt MLA, Minister for Lands, sets out the government's current position on these negotiations.

The report seeks Council's decision to approve in principle relinquishment of the management order, generally in alignment with the Minister's letter, and to finalise the two outstanding details:

- agreement with the State Government regarding the depreciated asset value of the infrastructure investment by the Council in the creation of the temporary public carpark;
- the size/extent of a portion of land within the current Fremantle Oval reserve, lot 1514, to be granted to the City as unconditional freehold title, to assist with future redevelopment of the oval precinct.

BACKGROUND

At its meeting 26 August 2020, the Council approved a Key Principles Diagram to guide future planning and design of the oval precinct, including the Stan Reilly site.

At its meeting 23 September 2020, the Council resolved to:

1. Advise the State Government that it would support the revocation of the existing management order on the Stan Reilly site (lots 1850, 1861, 1852), exclusively for the purpose of developing a regional police complex on the site and for no other purpose, on condition that:
 - a. Two parcels of land currently forming part of lot 1850, marked A and B on Attachment 3, are excluded from the revocation of the management orders for the purposes of:
 - (i) Parcel A: future public connectivity, vehicle access and emergency access, to the Oval and Hospital redevelopment precinct;
 - (ii) Parcel B: minor boundary adjustment to rationalise lot boundaries and provide for a future possible laneway/road, behind football club facilities;

- b. Land parcels A and B described in Part 1a above to be converted into freehold lots and transferred to the City at no cost to the City;
 - c. Agreement is reached on reasonable compensation in accordance with Section 50(3) of the Land Administration Act, 1997, associated with the City's recent capital works investment in constructing a public carpark on the site;
 - d. The State Government makes a contribution to the City, equivalent to 2 years projected revenue from the carpark on the Stan Reilly site, on the basis that it will take a minimum of 2 years to identify, build and operationalise new carparking facilities elsewhere in the City to compensate for the loss of the Stan Reilly site;
 - e. Existing conditions attached to the Crown Grant in Trust tenure on Fremantle Oval, lot 1514, are removed from the portion of the reserve as indicated on Attachment 4.
 - f. The City is prepared to enter into an agreement that if revenue is generated from any future development or sale of the land referred to in Parts 1 b and 1e above, that this be reinvested in the overall Oval Redevelopment project;
 - g. Retention of the public carpark until such time as works are ready to commence on site.
2. Authorise the Chief Executive Officer to negotiate the final details of an agreement with the Government on these matters, based on the key components set out in Part 1 above.

FINANCIAL IMPLICATIONS

There are no direct Financial Implications on the current budget by this Report. Refer to discussion in Officer Comment regarding the broader impacts associated with the proposed development of the Police Head Quarters on the Stan Reilly site.

LEGAL IMPLICATIONS

The current management order over the Stan Reilly site gives the City of Fremantle 'Care, Control and Management' of this portion of Crown Land, as prescribed under the *Land Administration Act 1997*. There are two components of the Act that are particularly relevant here:

Revocation of Management Order

The key part of the Act that applies here is Section 50, which allows the Minister for Lands to revoke an existing management order under two scenarios:

- by mutual agreement (in this instance between City and State); or
- if considered to be 'in the public interest'.

Compensation under the Act

On the matter of compensation, Clause 50(3) states:

"On the revocation of a management order ... the former management body may claim compensation under Part 10 for any improvement made on the relevant reserve in accordance with the management order ..."

Compensation associated with a management order revocation has limitations. The State has confirmed that it does not agree to a compensation claim from the City associated with potential loss of future revenue from a carpark. The City can find no part of the Act that would give clear support to a compensation claim of this nature.

However, the City believes that there is a clear case to claim for the depreciated asset value of the Stan Reilly Carpark investment – recently undertaken by the City. This claim should be progressed.

OFFICER COMMENT

Since the Council formally considered this matter in September 2020, the following provides a summary of activities:

- on-going negotiations with WAPOL regarding the importance of integrating the development within the broader plans for the precinct and the historic port city context;
- discussions with Department of Planning, Lands and Heritage to ensure that Government considers a broader view of the future precinct development in the public interest;
- multiple meetings and follow-up correspondence with relevant members of parliament to clearly explain the City's perspective;
- on-going briefings and discussions within the City's internal Advocacy Reference Group.

The City received a letter from Hon Ben Wyatt MLA, Minister for Lands on 12 January 2021 articulating the State Government's position on relinquishment. (See attachment A).

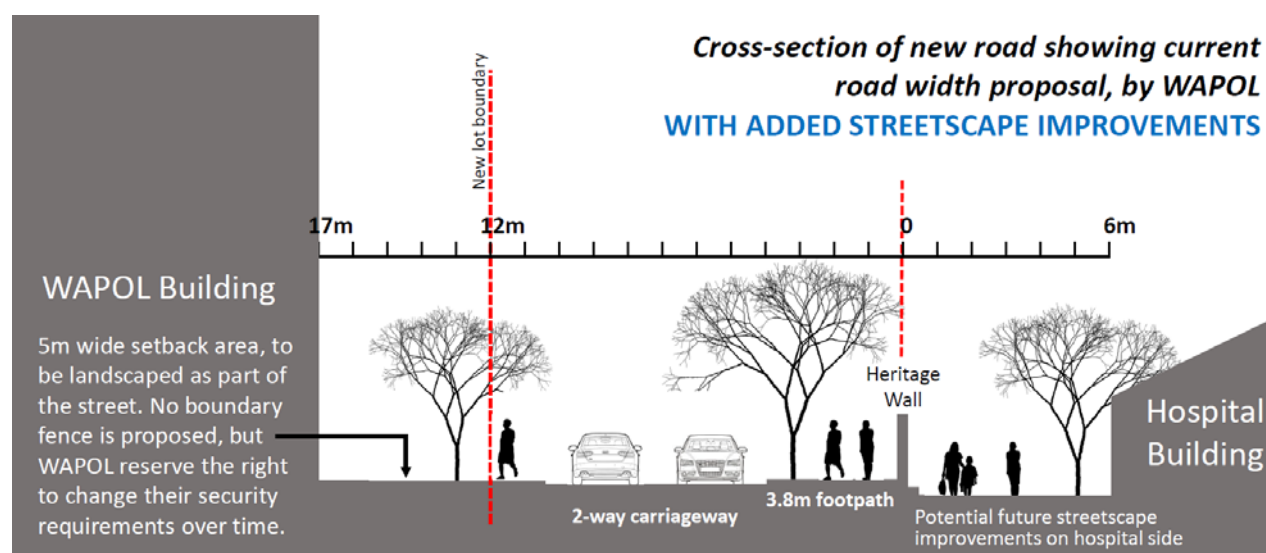
With reference back to Council's position on the matter as detailed in its resolution on 23 September 2020, the following comments are made:

1. New Public Road on the Southern Boundary

Gaining a new public road as part of the WAPOL development, from South Terrace to the rear of the former Dockers Building, is a good outcome from these negotiations. This will facilitate future redevelopment within the oval, should the Council so wish. It also enables connectivity of a potential future laneway around the rear of a redeveloped facility for the South Fremantle Football Club (SFFC). Although the Council initially called

for a road width of 18m minimum, the State's proposed width of 12m is considered acceptable considering the following matters:

- the WAPOL development proposes a further 5m setback area to the new road which will be landscaped as part of the street. (It is noted that this may need to change over time in response to security matters.)
- the current streetscape concept can be adjusted to optimise a large footpath of 3.8m wide adjacent to the heritage wall – this is wide enough for tree planting.
- In time, the hospital site may be subjected to redevelopment and the existing access road to the south of the heritage wall can be redesigned to integrate with the new public road – depending upon functional needs, assessed at the time.
- It remains uncertain whether the whole Oval and Hospital precinct will be completely redeveloped and require a major connecting road through it.



Further streetscape design work will be required to ensure that the pedestrian environment is optimised, for example, maximising the width of the footpath next to the heritage wall and planting street trees.

2. Future Laneway for SFFC

Government agreement to give back 6.5m off the eastern boundary to Stan Reilly as stated in Minister Wyatt's letter is a good result – enabling the creation of a connected service lane to a future redeveloped building for SFFC that will also assist pedestrian permeability through the precinct. Current master planning being developed for the Oval demonstrates that this 6.5m width can work in the broader interests of the precinct.

3. Compensation for Loss of Future Carpark Revenue

The City agrees that a claim for potential loss of income from carparking is highly unlikely to be supported under the compensation clauses in the Land Administration Act, 1997 and officers recommend that this should not be pursued any further by the City.

4. Claim for Depreciated Asset Value for Improvements (Building a Carpark)

The City should continue to pursue a claim to the Government for the (depreciated) value of assets it invested in the Stan Reilly site, to create the carpark. This clearly made improvements to the land and these new assets will soon no longer be owned by the

City. The carpark works are relatively recent, and accurate costs will be relatively easy to demonstrate and present to the State Government.

5. Fremantle Oval – Future Options

As part of the negotiations, the City welcomes the States agreement in principle to remove Crown Grant in Trust conditions from a portion of lot 1514 (Fremantle Oval) to assist with future options and flexibility around the oval redevelopment. In terms of priorities, the City should seek this change of land tenure for land associated with the former Dockers Building as well as land around the existing SFFC building which is currently complicated and will frustrate attempts to work with SFFC in building their new facilities and tidying up landownership matters.

6. Retaining the Existing Carpark for as Long as Possible

The City welcomes State Government support for the City to continue to operate the existing public carpark for as long as possible – noting that this matter will be subject to an agreement with the WAPOL.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

Council:

1. Approve in principle relinquishment of the management order over the former Stan Reilly site (lots 1850, 1851 and 1852), subject to the following:
 - a. retention of portions of lot 1850 as Crown land managed by the City as follows:
 - i. a 12m wide portion abutting its southern boundary for the purpose of creating a public road as part of the WAPOL development, for dedication as a public road in the long-term;
 - ii. a 6.5m wide portion abutting its eastern boundary as labelled 'existing laneway' on the plan in Attachment 1 for access purposes;
 - b. a further 5m wide unfenced landscaped area to be provided between the road referred to in (a)(i) above and the new Police building – details of final street design to be agreed with the City;
 - c. that the City agrees to no longer seek compensation for potential loss of carparking revenue from the Stan Reilly site into the future;
 - d. the City will lodge a claim for depreciated asset value associated with the recent investment the City made in creating a carpark on the Stan Reilly site;
 - e. the State to remove Crown Grant in Trust conditions from a portion of lot 1514 (Fremantle Oval), the exact size and configuration of the portion to be

agreed between the City and the Department of Planning, Lands and Heritage having regard to the area of land previously referred to in Council's resolution of 23 September 2020, to assist with options and flexibility around the future oval redevelopment, public access and connectivity;

2. Request the Chief Executive Officer reply to the letter from the Minister for Lands, dated 12 January 2021, advising of the City's agreement to relinquish the management order on the terms outlined in Part 1 above and thanking the Government for the continued negotiations that enable resolution of these broader issues.
3. Authorise the Chief Executive Officer to negotiate the final details of the relinquishment agreement with the Department of Planning, Lands and Heritage, based on the key components set out in Part 1 above, and execute the agreement.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

Amend part 1 d to include the words in green italics, to read as follows:

- d. the City will lodge a claim for depreciated asset value associated with the recent investment the City made in creating a carpark on the Stan Reilly site *and seek funding to replace the public toilets located partly on the site required by WAPOL;*

Amendment carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

AMENDMENT 2

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

Include an additional part 1 f, to read as follows:

- f. *the City to continue to liaise with the State to seek the quarantining of land located between the Stan Reilly site and the hospital building known as A-Block for use as part of a future urban gateway that provides improved visual and pedestrian links between South Terrace and any redevelopments at the southern end of the Fremantle Oval, the heritage precinct surrounding The Knowle, and in the central part of the Fremantle Hospital precinct.*

Amendment carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Frank Mofflin

AMENDMENT 3

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

Include an additional part 4 (including a-d), to read as follows:

4. *Notes the size and extent of the Stan Reilly site required by the Western Australia Police Force (WAPOL) WA and makes the following observations:*
- a. *the extent of land required by WAPOL diminishes the previously available land adjacent to the western wing of the oval being the area considered most critical in delivering a high-quality Fremantle Oval redevelopment.*
 - b. *the narrow width and irregular shape of the land left for inclusion in the oval precinct is likely to constrain redevelopment options and require more complex and expensive solutions to deliver a satisfactory football facility.*
 - c. *requires the demolition of the existing public toilets located immediately south of the South Fremantle Football Club, noting that these toilets currently service events at the oval and the general public.*
 - d. *removes the opportunity to create a high-quality urban gateway wholly contained on the Stan Reilly site on South Terrace opening up to the southern end of the oval and the redevelopment areas within the hospital, including the heritage precinct around The Knowle, but rather affords an access width that barely meets the functional requirement for vehicular access to these important redevelopment areas.*

Amendment carried: 10/3

For

Mayor Brad Pettitt, Cr Su Groome, Cr Geoff Graham, Cr Sam Wainwright,
Cr Doug Thompson, Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan,
Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Frank Mofflin, Cr Hannah Fitzhardinge, Cr Jenny Archibald

COUNCIL DECISION ITEM C2101-1

(Officer's recommendation, as amended)

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

Council:

1. Approve in principle relinquishment of the management order over the former Stan Reilly site (lots 1850, 1851 and 1852), subject to the following:
 - a. retention of portions of lot 1850 as Crown land managed by the City as follows:
 - i. a 12m wide portion abutting its southern boundary for the purpose of creating a public road as part of the WAPOL development, for dedication as a public road in the long-term;

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- b. *the narrow width and irregular shape of the land left for inclusion in the oval precinct is likely to constrain redevelopment options and require more complex and expensive solutions to deliver a satisfactory football facility.***
- c. *removes the opportunity to create a high-quality urban gateway wholly contained on the Stan Reilly site on South Terrace opening up to the southern end of the oval and the redevelopment areas within the hospital, including the heritage precinct around The Knowle, but rather affords an access width that barely meets the functional requirement for vehicular access to these important redevelopment areas.***

Carried: 13/0

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

C2101-2 APPOINTING A COUNCILLOR TO PERFORM THE FUNCTIONS OF THE MAYOR

Meeting date: 27 January 2021
Responsible officer: Manager Governance
Decision making authority: Council
Attachments: Nil.
Additional information: Nil.

SUMMARY

This report seeks to appoint a councillor to perform the functions of the Mayors role during the Mayor, Brad Pettitt's leave of absence from 1 February to 20 March 2021.

BACKGROUND

At the Ordinary Council Meeting held on 25 November 2020 Mayor Brad Pettitt was granted a leave of absence from 1 February to 20 March 2021.

"Mayor, Brad Pettitt requests a leave of absence from 1 February 2021 to 20 March 2021 (inclusive), except for his attendance at the WACOSS Conference between 22 and 24 February 2021 in order to honour his firm commitment to the event organisers."

As this is a period of approximately 7 weeks it is considered prudent to appoint a councillor to perform the functions of the Mayoral role in the event that the Deputy Mayor is unavailable or unable to perform any or all of the functions of the Mayoral role during the Mayors leave of absence.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Section 5.35 of the *Local government Act 1995* allows a councillor to be appointed by council to perform the functions of the Mayor when the Deputy Mayor is unavailable or unable to perform those functions.

CONSULTATION

Nil.

OFFICER COMMENT

In accordance with section 5.34 of the *Local Government Act 1995* if the Mayor is unavailable or unable to perform the functions of the role, or the office of Mayor is vacant, then the Deputy Mayor may perform the functions of that role.

Where both the Mayor and Deputy Mayor are unavailable or unable to perform the functions of the role, (or one or both offices are vacant) council may appoint a councillor to perform the functions of the Mayor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council appoint Councillor _____ to perform the functions of the Mayoral role, in the event that the Deputy Mayor is unavailable or unable to perform any or all of the functions of that role, during the Mayors leave of absence from 1 February to 20 March 2021.

Mayor, Brad Pettitt advised that a nomination was received prior to the meeting from Cr Frank Mofflin and called for any further nominations.

Cr Hannah Fitzhardinge advised that she would like to nominate herself.

As two nominations were received, a ballot was conducted by the Chief Executive Officer, which resulted in Cr Frank Mofflin receiving the most votes.

COUNCIL DECISION ITEM C2101-2

Moved: Mayor, Brad Pettitt

Seconded: Cr Hannah Fitzhardinge

Council appoint Councillor *Frank Mofflin* to perform the functions of the Mayoral role, in the event that the Deputy Mayor is unavailable or unable to perform any or all of the functions of that role, during the Mayors leave of absence from 1 February to 20 March 2021.

Carried: 13/0

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Marija Vujcic, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

C2101-3 MONTHLY FINANCIAL REPORT - DECEMBER 2020

Meeting date: 27 January 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Monthly Financial Report – 31 December 2020
Additional information: Nil

SUMMARY

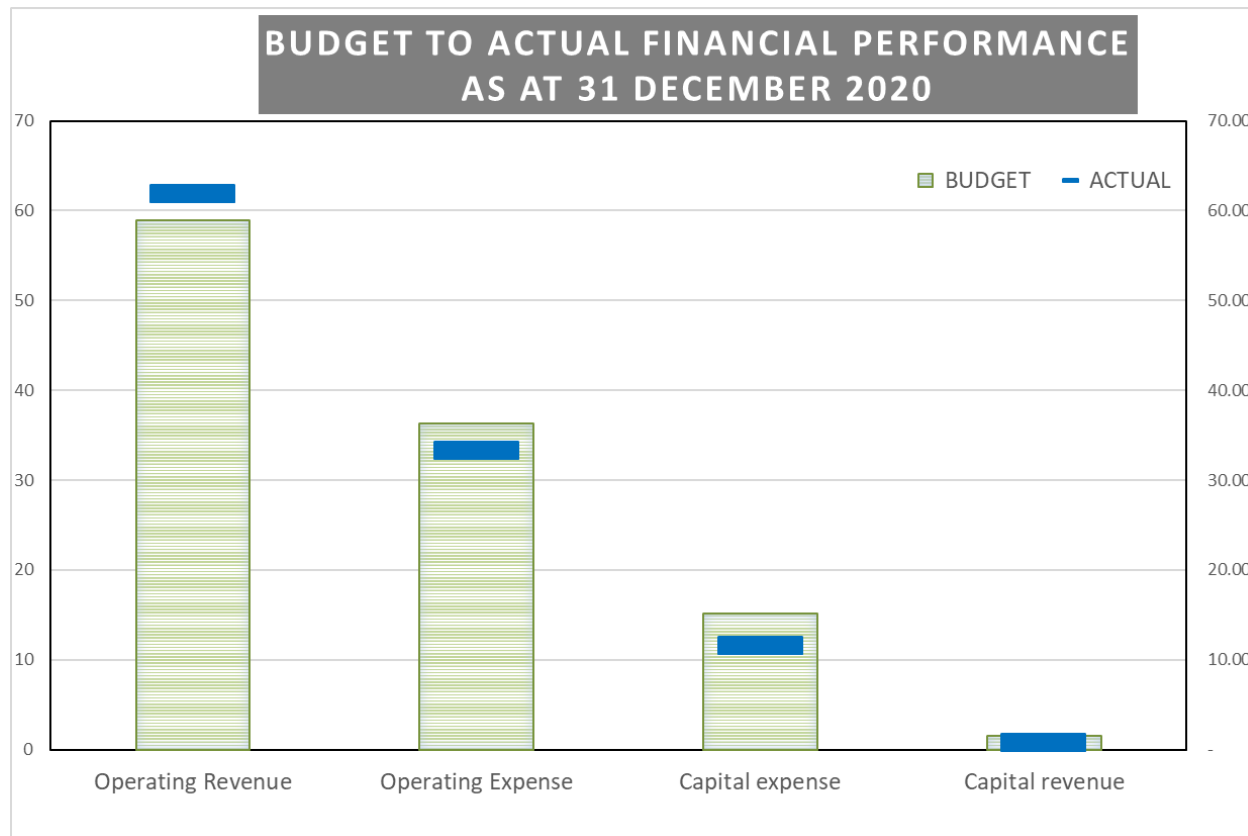
The monthly financial report for the period ending 31 December 2020 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

This report provides an analysis of financial performance for November 2020 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

BACKGROUND

The following graph and table provide a high-level summary of Council's year to date financial performance as at 31 December 2020.



Description	YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance % %	+/-
Opening Surplus	2.01	3.56	1.55	77.02%	
OPERATING					
Rate Revenue	46.95	48.08	1.13	2.41%	
Revenue	12.02	13.83	1.81	15.01%	
Expenses	(36.34)	(33.34)	3.00	8.27%	
Non-Cash Adj.	3.52	3.80	0.28		
	26.15	32.37	6.22	23.79%	
CAPITAL					
Revenue	1.52	0.83	(0.69)	(45.63%)	
Expenses	(15.14)	(11.67)	3.47	22.93%	
Financing	(1.16)	(1.21)	(0.05)	4.06%	
Reserve Transfers	12.80	9.98	(2.82)	(22.09%)	
	(1.98)	(2.07)	(0.09)	4.55%	
Closing Surplus	26.18	33.86	7.68	29.32%	

As detailed in the Statement of Comprehensive Income by Nature and Type operating income and expenses have mainly varied to the anticipated budget in the following categories:

Income	Variance	
Fees and Charges	2,178,165	
Rates (including Annual Levy)	1,140,846	
Operating Grants	(178,428)	
Reimbursement Income	(341,181)	
Other Operating Income Items	136,848	
Total Operating Income	2,936,251	
Expenses	Variance	
Employee Costs	1,470,306	
Materials and Contracts	1,466,741	
Other Expenditure	349,605	
Other Operating Expense Items	(282,271)	
Total Operating Expenses	3,004,381	

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

The overall performance for the City of Fremantle for the period ended 31 December 2020 resulted in an additional \$7,676,808 surplus being identified in the year to date position than anticipated, which is mainly as a result of: -

Reduction in anticipated year to date position

- Reduction of net transfer to/from reserve of (\$2,828,570)
- Reduction of capital revenue of (\$693,478)

Increase in anticipated year to date position


- Increased general rates income of \$1,132,425
- Increased carried forward surplus from 2019/20 of \$1,550,085
- Increased operating revenue (excluding general rates) of \$1,803,827
- Underspending of operating expenditure to date of \$3,004,381
- Underspending of capital expenditure to date of \$3,472,186

It should be noted that processing of 30 June 2020 is still occurring as part of finalising end of financial year which will change the end of year surplus for 2019-20 financial year.

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 2020-2021 for reporting material variances as 10% or \$100,000, whichever is greater (Item SC2007-2 refers Council meeting on 8 July 2020).

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

Description	Variance Amount	Comment
Fees and Charges	2,178,165	 26%
Major Variances:		
Operate on street paid parking	251,558	Budget Phasing – Budget assumed 50% to 70% of previous year level during July to September then reaching 100% from October onwards. Currently parking revenue has reached 89% of prior year's level. Total

		estimated parking revenue is expected to meet budget at year end.
Issue parking infringements	101,093	Budget Phasing - Revenue budget assumed Jul-Sep 50% of prior year's level, Oct onwards 100%. Currently at 90% of prior year's level. Total estimated infringement revenue expected to meet budget at year end.
Operate car park cappuccino strip	74,493	Budget Phasing - Revenue budget assumed Jul-Sep 70% of prior year's level, Oct onwards 100%. Currently at 122% of prior year's level. Total estimated parking revenue is expected to meet budget at year end.
Lease Union Store 41-47 High Street Fremantle - Tenant Recovery	107,622	Invoicing for rent continues to occur and is reviewed against the Commercial Tenancies (COVID-19 Response) Act 2020 for the provision of rent relief. Budget phasing assumed minimal income for these tenants resulting in a variance.
Lease Port Beach Restaurant 42 Port Beach Road North Fremantle	56,359	
Lease Evan Davies Building 13 South Terrace Fremantle - Tena	220,875	
Conduct South lawn events	52,359	Budget Phasing - South Lawns generating revenue earlier than expected.
Provide arts centre education services	173,449	Revenue from Education services currently ahead of budget. Expected to be in surplus at year end.
Operate Fremantle leisure centre health club	214,968	Budget Phasing - Revenue budget assumed Jul-Sep 25% of prior year's level, Oct onwards 100%. Current actual performance: <ul style="list-style-type: none"> Fremantle leisure centre health club at 88% of prior year's level; Swimming school at 78% of prior year's level; Fremantle leisure centre aquatics at 71% of prior year's level. Total estimated revenue is expected to meet budget at year end.
Operate Fremantle leisure centre swim school	73,918	
Operate Fremantle leisure centre aquatics	58,333	
Statutory Planning services	79,558	Revenue ahead of year to date budget due to an 25% (approx.) increase in the volume of Planning Applications received by the City (compared to July - Sept of 2019). This is due to the various Government incentives, including the Australian & WA Government Home Builder Grants.
Conduct art centre small concerts	75,000	Budget Phasing - Small concerts generating revenue earlier than expected. Surplus expected at year end.
Hire and Events - Recreation Reserves	59,006	Event/hire income higher than budgeted.
Reimbursement Income	(341,181)	(51%)
Major Variances:		
Lease Union Store 41-47 High Street Fremantle - Variable Outgoing	(35,010)	Variance due to budget phasing. It will be revised at mid-year budget review.
Administer the emergency services levy (ESL)	(80,661)	Budget Phasing - ESL reimbursement yet to be invoiced
Support service units - Containers for Change	(105,912)	The income is lower than expected. It will be monitored and reviewed at mid-year budget review if required.

Other Revenue	131,202	 235.86%
Major Variances:		
Support service units - Containers for Change	36,112	Increased Income is to offset the reduction in reimbursement income YTD. Budget to be adjusted at mid-year budget review.
Employee costs - Agency Labour	(124,775)	 (72%)
Major Variances:		
Construction and Maintenance Teams	(84,372)	Increased Agency labour cost is offset by employee vacancy savings. Budget to be adjusted at mid-year budget review.
Parks and Landscapes Team	(37,296)	
Materials and Contracts	1,466,741	 14%
Major Variances:		
Maintain Soft Landscaping - Recreation Reserves	183,237	Planned planting and mulching works in quarter 1 have been delayed to quarter 4.
Maintain Medians, Verges and Street Gardens	169,565	Some invoices yet to be processed for set service works completed in quarter 2 (verge mowing, landscape maintenance, chem free weed control).
Maintain trees - road reserves and carparks	130,641	Year to date programmed maintenance invoicing lower than phased. Budget variance to be utilised throughout the year.
Collect & dispose waste - commercial	113,262	Awaiting supplier invoices
Maintain Sports Grounds	104,451	Unable to undertake full scope of turf renovation works in spring as a result of a reduced seasonal changeover period between winter and summer sport seasons.
Manage destination marketing plan implementation	62,977	Budget phasing - Christmas campaign purchase orders raised awaiting receipt of invoices for payment
Coordinate debt recovery of rates and accounts receivable	54,281	No debt recovery costs for rates to date. Offset by reduction in reimbursement income.
Operate Fremantle library	50,250	Budget rephasing required - Equipment lease started later than budgeted.
Maintain roads	44,343	Commitments for maintenance have been raised and maintenance will increase during second quarter. Budget will be utilised by year end.
Maintain Trees - Recreation Reserves	43,081	Year to date invoicing for programmed maintenance is lower than phased to date. Budget variance will be utilised throughout the year.
P-11832 Software-IT Strategy Going Digital	40,000	Budget phasing - Expenditure will occur in June 2021.
Maintain internet cloud and other hosted technologies	37,923	Journal to be processed to correct allocation
Project management office	35,609	Variance due to delayed procurement of consultant. Project will be back on target early 2021.
Maintain Irrigation - Recreation Reserves	35,440	Year to date invoicing for programmed maintenance is lower than phased to date. Budget variance will be utilised throughout the year.

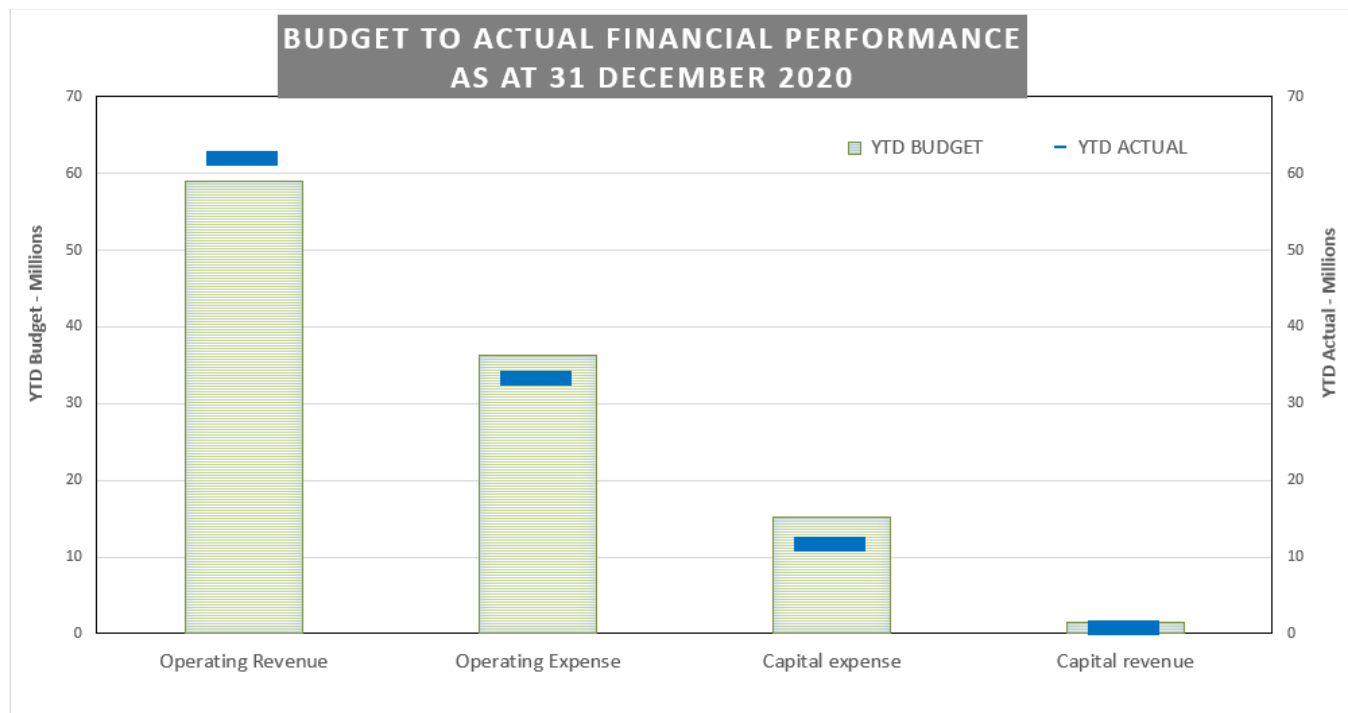
Utility Charges	133,843	 16%
Major Variances:		
Operate Fremantle Town Hall	22,916	Awaiting supplier invoices for processing and payment
Maintain Hard Landscaping	20,593	
Lease Union Store 41-47 High Street Fremantle - Variable Out	17,930	
Maintain Medians, Verges And Street Gardens	14,802	
Other Expenditure	349,605	 28%
Major Variances:		
Conduct place activation activities	225,000	Budget Phasing - No payments made to date to Fremantle Football club or SFFC
Capital Grants and Subsidies/Contributions for the development of Assets	(709,468)	 (50%)
Major Variances:		
P-11882 -Design and construct - Fremantle Golf Course	(1,040,925)	Budget Phasing – grants to be received later than budgeted, which will be revised at mid-year budget review.
Purchase Community Land and Buildings	3,277,642	 23%
Major Variances:		
P-10297 Construct-Walyalup Civic Centre and Library (KS)	2,527,191	This is due to the delay in glass mesh façade delivery and delay with Western Power Works.
P-11882 -Design and construct - Fremantle Golf Course	568,782	Project in progress – Golf Course works commenced with a month delay in invoicing, delay in design of schematic design for golf clubhouse and community centre due to stakeholder consultation.
P- 11943 - Construct - Town Hall- Fire upgrade	240,000	Works have now commenced, delayed due to approval to carry out the full scope of works in place of a fire engineered solution.
Purchase Infrastructure - Other	156,430	 58%
Major Variances:		
P-11878 -Design and construct- Kings Square - Windows to the Past	137,949	Concept to be reviewed and developed by December 2020. External funding being sought and procurement approach being established.
Transfer from Reserves (Restricted) - Capital	(2,812,226)	 (22%)
Major Variances:		
P-10297 Construct-Walyalup Civic Centre and Library (KS)	(2,527,191)	Budget phasing - Projects in progress and reserve fund transfers depends on the actual expenditure (refer to above comment on capital expenditure on project).
P- 11943 - Construct - Town Hall- Fire upgrade	(240,000)	
P-11878 -Design and construct- Kings Square - Windows to the	(137,949)	

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

Officer's additional information

The following table is provided by officers to correct the table of the high-level summary of Council's year to date financial performance as at 31 December 2020, as shown on page 77 of the Council agenda. The updated table below, includes labels on the vertical axis to make it easier to interpret and understand.



Mayor, Brad Pettitt moved the Officer's Recommendation, noting the additional information provided above.

COUNCIL DECISION ITEM C2101-3 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive 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 31 December 2020.

Carried: 12/1

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic

C2101-4 STATEMENT OF INVESTMENTS – DECEMBER 2020

Meeting date: 27 January 2021
Responsible officer: Manager Finance
Decision making authority: Council
Attachments: 1. Investment Report – 31 December 2020
Additional information: Nil

SUMMARY

This report outlines the investment of surplus funds for the month ending 31 December 2020 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 31 December 2020, as provided in Attachment 1.

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

- **Portfolio details as at December 2020;**
- **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 \$241,804 against a year to date budget of \$264,040 which represents a negative variance of \$22,236.

Investment rates and returns on term deposits are lower after the announcement of a cash rate cut in November 2020. Interest earnings will continue to be closely monitored throughout the year. The budget of interest earning was based on a higher interest rate and will be revised at the mid-year budget review if required.

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 0.67% for the month of 31 December 2020. The City's actual portfolio return in the last 12 months is 1.03%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.37% (refer report 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 oversight by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

A comprehensive Investment Report for the month ending 31 December 2020 can be viewed in Attachment 1 of this agenda item. A summary of the investment report is provided below.

1. Portfolio details as at 31 December 2020

At period end the City's investment portfolio totalled \$59.44m. The market value was \$59.56m; this value takes into account accrued interest.

The investment portfolio is made up:

Cash Investments (<= 3 months)	\$ 9.21m
Term Deposits (> 3 months)	\$50.23m
TOTAL	\$59.44m

Of which:

Unrestricted cash	\$38.87m
Restricted cash (Reserve Funds)	\$19.24m
Restricted cash (Trust Funds)	\$ 1.33m
TOTAL	\$59.44m

The current amount of \$38.87m held as unrestricted cash represents 54.56% of the total adopted budget for operating revenue (\$71.24m)

2. Portfolio counterparty credit framework (as at 31 December 2020)

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.

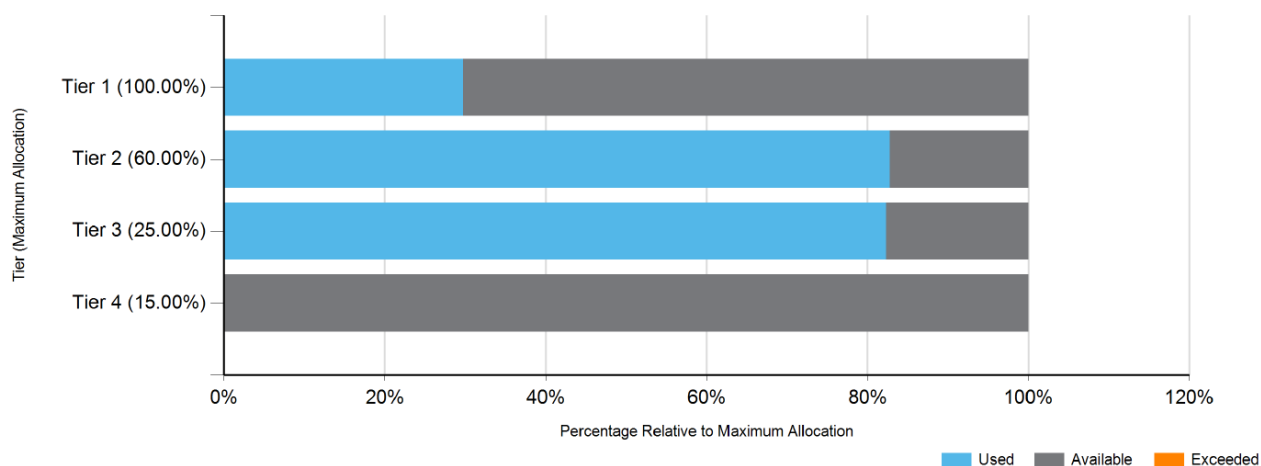
Counterparty credit framework

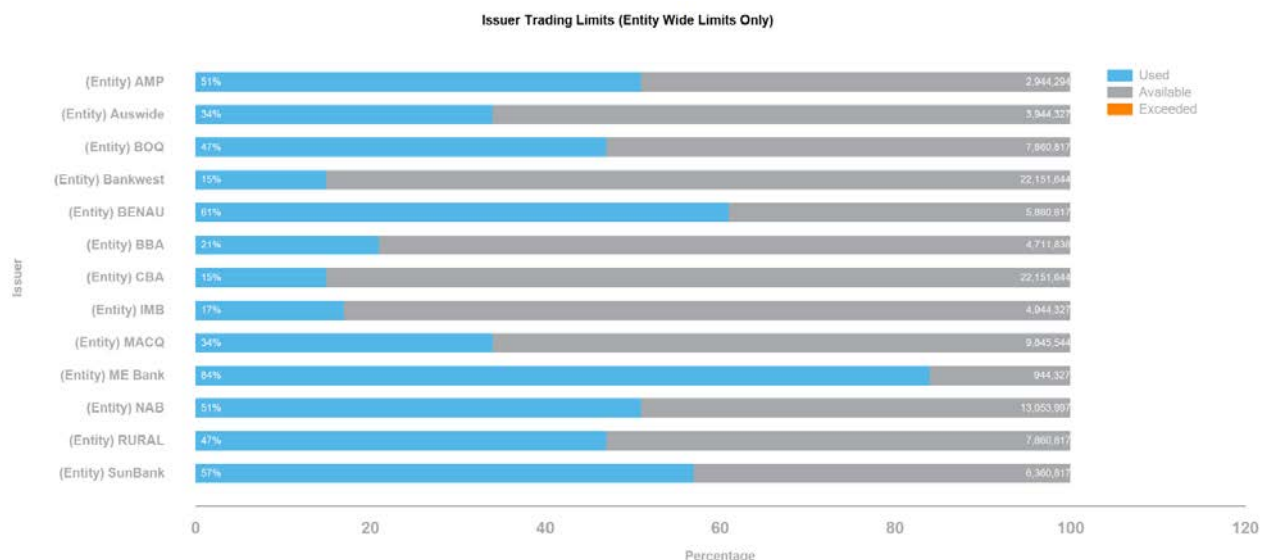
Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

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 as below:

Portfolio Credit Framework Amounts Relative to Maximum Allocations





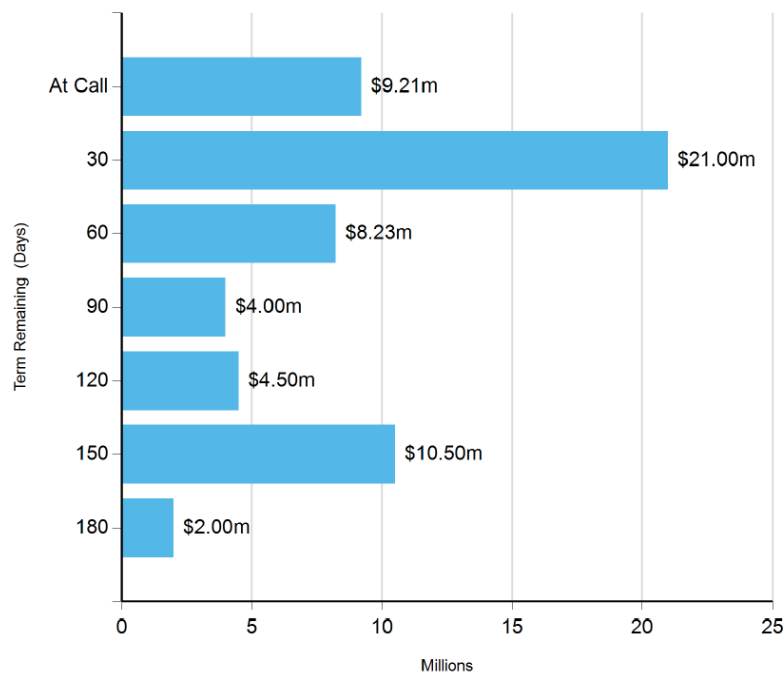
As reported in the above graph as of 31 December 2020 all investments of the portfolio were compliant.

3. Portfolio Liquidity Indicator (as at 31 December 2020)

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

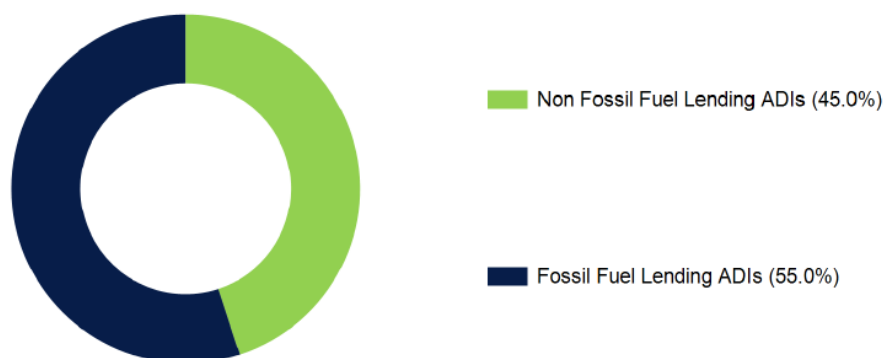


4. Portfolio Summary by Fossil Fuels Lending ADIs (As at 31 December 2020)

At the end of this month \$26.73m (45%) 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 investments have been made in accordance with the revised policy which has resulted in a slight increase in the percentage invested in “Green Investments” from 40% in November to 45% in December.

**Fossil Fuel vs
Non Fossil Fuel
Lending ADI**



5. Interest Income for Matured Investments (For 1 December 2020 to 31 December 2020)

During this month \$31,542 in interest was earned from matured investments.

6. Investing Activities (For 1 December 2020 to 31 December 2020)

During this month 3 term investments were acquired with a total value of \$8m.

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2101-4
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council receive the Investment Report for the month ending 31 December 2020, as provided in Attachment 1.

Carried: 12/1

For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against

Cr Marija Vujcic

C2101-5 SCHEDULE OF PAYMENTS DECEMBER 2020

Meeting date: 27 January 2021
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: 1. Schedule of payments and listing
 2. 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 December 2020, 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 December 2020, is provided within Attachment 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$8,276,939.05 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 December 2020 by payment type, with full details of the accounts paid contained within Attachment 1.

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit	\$6,186,995.38
Purchase card transactions	\$34,385.69
Salary / Wages / Superannuation	\$2,055,557.98
Other payments (as outlined in Attachment 1)	\$0.00
Total	\$8,276,939.05

Contained within Attachment 2 is a detailed listing of the purchase card transactions for the month ending December 2020.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2101-5 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$8,276,939.05 for the month ending December 2020, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of credit card expenditure, for the month ending December 2020, as contained within Attachment 2.**

Carried: 12/1
For

**Mayor Brad Pettitt, Cr Jenny Archibald, Cr Su Groome, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Sam Wainwright, Cr Frank Mofflin, Cr Doug Thompson,
Cr Bryn Jones, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang**

Against
Cr Marija Vujcic

11.3 Strategic Planning and Transport Committee

Nil

11.4 Audit and Risk Management Committee

Nil

12. Reports and recommendations from officers

13. Motions of which previous notice has been given

The following motion was considered earlier in the meeting.

**C2101-6 ELECTED MEMBER MOTION – ISSUES RELATING TO PIONEER PARK
– COUNCILLOR MARIJA VUJCIC**

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

Nil

17. Closure

The Presiding Member declared the meeting closed at 8.12 pm.