



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday, 8 May 2019, 6.00pm

CITY OF FREMANTLE
NOTICE OF A FINANCE, POLICY, OPERATIONS AND LEGISLATION
COMMITTEE MEETING

Elected Members

A Finance, Policy, Operations and Legislation Committee meeting of the City of Fremantle will be held on **Wednesday, 8 May 2019** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Glen Dougall', written in a cursive style.

Glen Dougall
Director City Business

3 May 2019

Table of Contents

Contents	Page
1. Official opening, welcome and acknowledgement	1
2. Attendance, apologies and leaves of absence	1
3. Disclosures of interests	1
4. Responses to previous questions taken on notice	1
5. Public question time	1
6. Petitions	1
7. Deputations	1
8. Confirmation of minutes	2
9. Elected member communication	2
10. Reports and recommendations	3
10.1 Committee delegation	3
FPOL1905-1 FPOL Information Report - May 2019	3
FPOL1905-2 Petition for Council to Ban Plastic Straws	4
FPOL1905-3 Surrender of Licence 15 Mrs Trivett Place, Arthur Head and approval of use for 10 Captains Lane and 15 Mrs Trivett Place, Arthur Head	8
FPOL1905-4 Consideration of future Licences - J Shed, Fleet Street	12
10.2 Council decision	17
FPOL1905-5 Visitor information services review 2018/19 - Final recommendation report	17
FPOL1905-6 Appointment of a Councillor as acting Mayor	30
FPOL1905-7 Adoption of Council and Committee Meeting Schedule for the period of July 2019 to June 2020	32
FPOL1905-8 Booyeembara Park Mountain Bike Trail	38
FPOL1905-9 Davies Street Pocket Park Petition	43

11. Motions of which previous notice has been given	47
12. Urgent business	47
13. Late items	47
14. Confidential business	47
FPOL1905-10 Confidential Report - Major Concert Event	47
15. Closure	47
Agenda Attachments	1
FPOL1905-5 Visitor information services review 2018/19 - Final recommendation report	2
FPOL1905-9 Davies Street Pocket Park Petition	3

CITY OF FREMANTLE

Finance, Policy, Operations and Legislation Committee

Agenda

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Whadjuk people as the custodians of the greater Walyalup area and that their cultural and heritage beliefs are still important to the living Whadjuk people today.

2. ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

Cr Doug Thompson – Leave of Absence

3. DISCLOSURES OF INTERESTS

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

4. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

There are no responses to public questions taken on notice at a previous meeting.

5. PUBLIC QUESTION TIME

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. PETITIONS

Petitions may be tabled at the meeting with the agreement of the presiding member.

7. DEPUTATIONS

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. CONFIRMATION OF MINUTES

Officer's recommendation

That the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 10 April 2019 be confirmed as a true and accurate record.

9. ELECTED MEMBER COMMUNICATION

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

10. REPORTS AND RECOMMENDATIONS

10.1 COMMITTEE DELEGATION

FPOL1905-1 FPOL INFORMATION REPORT - MAY 2019

REPLACING INTERNAL LIME RENDER AT 68 HIGH STREET

Responsible Officer: Manage Field Services
Agenda Attachments: Nil

The Proprietors of 68 High Street partially removed internal lime render from an internal wall during renovations despite the building being level 1b heritage listed. No approval was granted for removal of the render from the building.

The Planning Services Committee on the 21 May 2014 authorised the Chief Executive Officer to issue a \$500 Planning Infringement Notice and a Direction Notice on the Proprietors of 68 High Street requiring compliance with Condition 2 of planning approval DA0591/13 issued on the 30 January 2014. The Committee also granted delegated authority to allow the Chief Executive Officer to insert an appropriate timeframe to coincide with the expiration of the current lease

Subsequently the City issued an Infringement Notice and a Directions Notice to reinstate the lime render on the North and East walls to the satisfaction of the Chief Executive Officer, at expiration of the lease which was dated 30 April 2018. The infringement was paid however the rendering remains outstanding.

On 21 May 2014, the Planning Services Committee determined that the Proprietors should reinstate the render at the end of their current lease. Recently the lease was renewed and the Proprietors are of the view that given the lease has been renewed it could be interpreted that they are still operating under their current lease and are therefore not required to reinstate the render at this time. The Proprietors have agreed to undertake the works on expiry of the current lease which expires in 2022.

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation Committee receive the information report for May 2019.

FPOL1905-2 PETITION FOR COUNCIL TO BAN PLASTIC STRAWS

Meeting Date: 8 May 2019
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Committee
Agenda Attachments: Nil

SUMMARY

A Petition requesting that Council ban disposable plastic straws from retail places in the City of Fremantle was presented to the Ordinary Meeting of Council on 27 February 2019. The purpose of this report is to consider that request and provide advice to Council.

This report includes comment on the legal feasibility of the proposal and outlines actions that Council has already undertaken to reduce plastic straw use within Fremantle.

This report recommends that Council not proceed with the preparation of an amendment to its local laws banning plastic straws as it would be likely to be disallowed by the State Parliament's Joint Standing Committee on Delegated Legislation. Rather, it is recommended that Council advocate that the State Government ban plastic straws via regulations under the *Environmental Protection Act 1986*.

BACKGROUND

At the Council meeting on 27 February 2018, Council was presented with a petition signed by 4,690 people, requesting that Council ban disposable plastic straws from retail places in the City of Fremantle. The petition requests that straws be banned as *"drinking through a disposable plastic straw is an unnecessary use of non-biodegradable materials, which are leading to an ever-increasing proliferation of harmful waste, much of which is ending up in our oceans. More than 100,000 sea mammals and one million seabirds die every year due to plastic waste in the ocean. Plastic waste contaminates fish and other sea foods used for human consumption through the ingeneration of micro plastics and toxins"*.

Further reasoning, including the danger that disposable plastic poses to human health and acknowledgement of the availability of more environmentally friendly options to plastic straws, are outlined in the letter dated 25 February 2019 that was submitted to Council by the petition initiator.

OFFICER COMMENT

City officers acknowledge and share the concern that straws frequently end up as litter in coastal and marine environments and can cause harm to wildlife through ingestion or blockage of airways (ABC 2018). Officers also note that in some circumstances, straws may be necessary (e.g. for people with disabilities), however in these cases, plant based compostable straws, paper straws or reusable straws represent a more environmentally

friendly option. The City has taken measures to reduce single use plastic use (including straws) at events that it can control via its Sustainable Events Policy, adopted in November 2018: amongst other provisions, this excludes the provision, use, distribution or sale of single-use plastics including straws, at all events co-ordinated by the City or its contractors. Under the policy, sale or distribution of single-use plastic straws is not permitted at events organised by third parties that require City of Fremantle approval (e.g. Winterworld, Long Table Dinner and Laneway Festival).

Banning single-use plastic straws more broadly within the City of Fremantle could only be done via a local law. The City's experience in using local laws to ban single use plastic bags and the release of balloons, and the legal advice the City received in pursuing these actions is pertinent to this proposal, and so is summarised below:

The City of Fremantle sought to introduce a local law to restrict the supply of single use plastic shopping bags by retailers within the district administered by the City on three occasions, in 2012, 2015 and 2017. In 2012 and 2015 the local law was adopted by council but subsequently disallowed as a result of motions moved in the Parliament of Western Australia. The 2012 version included a provision which required retailers to charge customers for the supply of an alternative form of shopping bag, which Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) (which scrutinises local laws) considered was not within the power of a local law under the *Local Government Act 1995*. Despite removal of this provision from the 2015 version of the local law, the 2015 local law was also disallowed by a Parliamentary motion (a private member's motion moved in the Legislative Council). Feedback suggested that applying restrictions to private businesses on what they could and could not supply to their customers was outside the jurisdiction of Local Government. In 2017, after adopting the Plastic Bag Reduction Local Law in April Council later decided not to proceed, as the State Government announced their intention to ban the supply of lightweight plastic bags in WA. The ban was put in place from the 1 July 2018 through regulations made under the *Environmental Protection Act 1986*.

In February 2019, the City received legal advice from McLeods Barristers & Solicitors relating to an amendment to its Local Government Property Local Law to ban the release of balloons on local government property. The advice considered that "*a prohibition on the release of balloons for purposes of environmental and amenity protection would fall within the general function of the City under the Local Government Act*". However, for a prohibition on the general use of balloons on local government property it was considered that there was "*a reasonable likelihood that the JSCDL would object to a broader prohibition of this nature*" for the following reasons:

1. The more general use of balloons would not in itself have a deleterious effect on the environment or general amenity; that would only happen if the balloons were released.
2. A more general prohibition on the use of balloons gives rise to issues of proportionality or reasonableness i.e. it might not be considered reasonable to generally ban the use of balloons entirely, where the use of balloons could be responsibly undertaken and the balloons not released.
3. The absence of a legislative local law precedent in Western Australia could also influence the JSCDL's assessment of an amendment local law that sought to introduce a broader prohibition on the use of balloons, rather than a more limited prohibition on the release of balloons as has previously been gazetted (i.e. Town of Cottesloe's Local Government Property Local Law 2001).

The legal advice received for balloons can also be applied to plastic straws. While the release or disposal of straws could be controlled by Local Government (which is effectively littering), it is likely that the JSCDL would object to a total ban on the supply and use of plastic straws.

It is important to note that the advice provided by McLeods is in relation to an amendment to the Local Government Property Local Law, so refers to property owned by the City of Fremantle only. Whilst it is likely that the JSCDL would object to a ban on City of Fremantle property, it is even more likely that any attempt to ban plastic straws on private property (i.e. retail businesses) would be disallowed.

Given the low prospect of success for the introduction of local law provisions banning plastic straws within Fremantle, Officers suggest that the City instead advocates for a state-wide ban on plastic straws. It is acknowledged that preparation of a local law amendment could represent a component of an advocacy campaign however this represents a very resource-intensive approach compared to more conventional means of advocacy. An advocacy strategy on this issue could point to the State Government's introduction of regulations under the *Environmental Protection Act 1986* as the means of prohibiting retailers from supplying single use plastic bags as a precedent for the use of a similar approach to regulate the supply of plastic straws.

Advocating for a ban on single-use plastic straws is in line with the Zero Waste and Materials and Products principles in the One Planet Strategy.

FINANCIAL IMPLICATIONS

There are no financial implications associated with advocating for a state-wide ban.

If Council resolves that officers should draft a local law amendment for adoption, funding should be considered as part of the 2019/20 budget approval process for the statutory advertising required (refer to Consultation section below) and a public information campaign.

LEGAL IMPLICATIONS

There are no legal implications associated with advocating for a state-wide ban.

Should Council resolve that officers draft a local law amendment, there are legal implications under the *Local Government Act 1995*, which empowers local governments to make local laws on certain matters. See Officer Comment for further discussion on the legalities associated with a plastic straw ban in the City of Fremantle.

CONSULTATION

Should Council resolve for officers to draft a proposed local law amendment, in the event that it is adopted it will be advertised for public comment in accordance with requirements specified in section 3.12 of the *Local Government Act 1995*. In summary, this requires advertising via a State wide public notice and a period for submissions of not less than 6 weeks.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

That Council acknowledge the petition signed by 4,690 people, requesting that Council ban disposable plastic straws from retail places in the City of Fremantle and form an advocacy position supporting a state-wide ban on plastic straws.

FPOL1905-3 SURRENDER OF LICENCE 15 MRS TRIVETT PLACE, ARTHUR HEAD AND APPROVAL OF USE FOR 10 CAPTAINS LANE AND 15 MRS TRIVETT PLACE, ARTHUR HEAD

Meeting Date: 8 May 2019
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Committee
Agenda Attachments: Nil

SUMMARY

Due to a change in personal circumstances Shavaurn Hanson T/A Workshop Freo has formally requested a Surrender of Licence for 15 Mrs Trivett Place, Fremantle.

Ms Hanson commenced a Licence for 15 Mrs Trivett Place 1 February 2017 with expiry due 31 January 2022.

Officers recommend that Committee approve the request from Shavaurn Hanson and accept termination of the Licence effective 19 May 2019.

It is also recommended by Officers that at the completion of the Licence, 15 Mrs Trivett Place is included within the City of Fremantle Studio Program to continue activation of the premises.

In addition, Officers would also like approval from Committee to include 10 Captains Lane, Arthur Head into the Studio Program.

BACKGROUND

At its ordinary meeting on 28 November 2012, council resolved that the City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head. Part of this resolution was to establish Arthur Head as an arts and heritage precinct, referred to as Bathers Beach Art Precinct (BBAP). The purpose and vision of BBAP, determined by the Arthur Head working group, is to create a dynamic, innovative and authentic art and culture area.

15 Mrs Trivett Place

Shavaurn Hanson T/A Workshop Freo was approved Licensee for 15 Mrs Trivett Place by Delegated Authority on 16 December 2016. She commenced a Licence term of five years effective from 1 February 2017 expiring 31 January 2022. Workshop Freo offers adult and children's workshops on a variety of art forms ranging from painting to basket weaving.

Ms Hanson is now working in a full time capacity at a separate establishment. Due to the demands of her new role she is unable to commit to the programs of Workshop Freo and has requested a Surrender of Licence to terminate the agreement for 15 Mrs Trivett Place, Fremantle.

10 Captains Lane

Ms Chongwe and Mr Poncin T/A Mutima entered into a Licence for 10 Captains Lane effective 15 August 2013. The City the surrendered the Licence 3 June 2014 at the Licensee's request as the site was not viable for their business and they could financially afford the Licence fee.

A Licence was then entered into with Wild Twig for a term of three years effective 17 October 2014. After multiple attempts by the City to assist the Licensee, the City then terminated the Licence in April 2016 for non-payment of the Licence fees.

An advertised Expression of Interest (EOI) to source new Licensee in late 2016 was unsuccessful in securing a valid application. In February 2017 the cottage commenced a trial under City's Studios Program to maintain activation in line with the BBAP.

The Expression of Interest process applied to all properties in Bathers Beach Art Precinct (BBAP). This includes local advertising, CoF and FAC socials, plus targeted distribution fed through arts organisations and studio providers for further circulation. The same process is applied when sourcing artists under the City's Studios Program.

FINANCIAL IMPLICATIONS

15 Mrs Trivett Place

This premise currently receives a monthly Licence fee of \$288 + GST per month from Ms Hanson.

Under the Studio Program the proposed fee would be \$300 + GST per month. This is potentially affordable for one artist, very attainable for two.

10 Captains Lane

Under the previous Licence agreements the Licence fee was \$1466.66 + GST per month. This proved to be unsustainable for the two previous licensees. The fee amount, in conjunction with the residential layout of the property, was provided as a reason why applicants did not apply during the EOI process.

The cottages rooms allow for a total of six studios. At full capacity this calculates fees of \$953.33 + GST per month under the Studio Program.

LEGAL IMPLICATIONS

The Surrender of Licence will be a legal deed signed by all parties.

There are no other legal implications from including 15 Mrs Trivett Place or 10 Captains Lane in the City's Studio Program.

CONSULTATION

Nil

OFFICER COMMENT

15 Mrs Trivett Place

Given the change in Ms Hanson's circumstances it is of no interest for the City to enforce a Licence on a premise which will no longer be activated in line with the BBAP requirements. It is for this reason that Officers recommend approval of Ms Hanson's request to surrender the Licence.

15 Mrs Trivett Place is a 54m² aluminium shed with electricity connection but no water supply or toilet. The emergency egress, lack of universal access and fire requirements allows the premises to be used as a studio but does not allow for alternate uses that allow public access. For this reason it is recommended that following the termination of Ms Hanson's Licence the premise is included within the City's Studio Program.

10 Captains Lane

The property is a residential cottage which doesn't easily assimilate for an arts business and is difficult for one Licensee to make viable. The premise also has a lack of universal access and limited emergency egress which does not make it ideal for public access.

After the unsuccessful EOI advertisement to secure a new Licensee, a trial of the rooms in the cottage being utilised under the City's Studio Program occurred. This has been a successful arrangement with all rooms now utilised by individual artists. The use of each room is for studios only as non-commercial professional working spaces.

The trial has had the following positive benefits:

- An increase in the diversity of activation at BBAP. To date the City has had varying success recruiting long term Licensees who satisfy the agreed BBAP criteria. By diversifying the activity of the tenants a more dynamic precinct has been created.
- The Studios Program complements the city's other artists studio program, the Fremantle Art Centre Artists in Residence Program (FAC AIR), which provides 3-6 month project/research/support based residences at no cost.
- By becoming part of the COF Studios Program the city has established a direct link between BBAP and city managed venues the Moores building and FAC.
- It has improved the profile of BBAP in the arts community due to profile of selected artists and the increase in the available studio space provided by COF to the arts community.

The provision of studio space for arts practice also relates to two of the objectives in the City's current strategic plan.

- Attract and retain diverse quality arts organisations and artists
- Incubate, support and develop a vibrant arts community

There is an under supply of studio space in Fremantle, local providers (e.g. Artsource and PS Arts Space) experience a strong demand and have a 100% occupancy rate with a wait list. Providing stability and support for artists through affordable, medium term tenancies nurtures local arts practitioners and their business.

While to date flexible terms have been put in place for the studio spaces in 10 Captains Lane, moving forward studio terms would be five years for both 10 Captains Lane and 15 Mrs Trivett Place. This aligns with the terms being offered by Artsource and other providers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

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

- 1. Approve the request for a Surrender of Licence between the City of Fremantle and Shavaurn Hanson for 15 Mrs Trivett Place, Arthur Head, Fremantle effective 19 May 2019.**
- 2. Approve the integration of the 15 Mrs Trivett Place and 10 Captains Lane, Arthur Head, Fremantle into the City of Fremantle's Studios Program.**

FPOL1905-4 CONSIDERATION OF FUTURE LICENCES - J SHED, FLEET STREET

Meeting Date: 8 May 2019
Responsible Officer: Manager of Economic Development and Marketing
Decision Making Authority: Committee
Agenda Attachments: Nil

SUMMARY

Jennifer Dawson (Unit 3, J Shed) and Greg James (Unit 2, J Shed) entered into Licences with the City, both on the same terms effective from 7 March 2014 for a term of three years with an option of three years, expiring 6 March 2020.

Their Licences include a condition stating the City and licensees will commence negotiations three months prior to the anniversary of the final year of the second term (6 December 2018) regarding a possible grant of a new licence after the expiry of 6 March 2020. Due to consideration of the Indigenous Cultural Centre at the J Shed location these discussions have been delayed.

The J Shed units are defined as community property. The City's policy 'Leasing of City Property in a competitive manner (SG62)' outlines a process for leasing City property in a competitive manner as the default course of action when an agreement approaches the end of its term. The policy also allows council to make exceptions to the default process however none are applicable to these licences.

Further to the terms of the City's Policy, at Ordinary Council 17 April 2019 Council agreed in principle that the J Shed building and/or environs is the preferred location for an Indigenous Cultural Centre, noting that significant further investigation and community consultation is required. To allow for flexibility regarding this potential future use, Officers recommend that no further Licence terms are entered into at the J Shed site. It is recommended that a holding over arrangement be approved for Unit 2 and Unit 3 at the expiry of both Licences, where by the conditions of the original Licence are maintained but the end of the date of the agreement remains flexible.

Units 1 and 4 J Shed were also vacated in early 2019. Due to limitations on the units use from a compliance perspective, the units are only suitable for use as studios and are currently be activated under the City of Fremantle Studio's Program. This allows low impact activation in line with the permitted use of J Shed, the current BBAP strategy and the buildings compliant use. Officers advertised Expression of Interest under the Studios Program for Units 1 and 4 with Jina Lee and Rose Megirian, Peter Miligan and Kate Weedon- Jones being the preferred users at a fee of \$600 per month plus GST for each unit. Use of these units within the City's studio program also allows flexibility given the potential future use of J Shed being investigated.

This report recommends that the Finance, Policy, Operations and Legislation committee acting under delegation 1.1

1. **Agree that no further Licence term will be approved for Greg James of Unit 2 and Jennifer Dawson of Unit 3, J Shed, Fleet Street Fremantle beyond their Licence expiry of 7 March 2020.**
2. **Approve Greg James of Unit 2 and Jennifer Dawson of Unit 3, J Shed, Fleet Street Fremantle to be granted a holding over arrangement, based on existing Licence conditions, from the termination date of 7 March 2020. Under this arrangement the City may terminate any stage by providing 12 months' notice in writing.**
3. **Note that Units 1 and 4 J Shed, Fleet Street, Fremantle will continue to be activated in the short term under the City of Fremantle's Studio's Program.**
4. **Upon conclusion of the feasibility study for the Ingenious Cultural Centre, a further item be brought back to the Committee to enable further consideration of options on leasing or licensing options for J Shed.**

BACKGROUND

Units 2 and 3

At its ordinary meeting on 28 November 2012, council resolved that the City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head. Part of this resolution was to establish Arthur Head as an arts and heritage precinct, referred to as Bathers Beach Art Precinct (BBAP). The purpose and vision of BBAP, determined by the Arthur Head working group, is to create a dynamic, innovative and authentic art and culture area.

Council approved that existing established practicing arts businesses which could demonstrate strong activation of the area consistent with the plan be offered longer performance based tenancy agreements.

Under Chief Executive Delegation the City negotiated a licence with both Ms Dawson and Mr James for a term of three years effective from 7 March 2014 expiring 6 March 2017 with a further term commencing 7 March 2017 expiring 6 March 2020.

Prior to entering into the performance based licence, both Mr James and Ms Dawson had retained leases for Unit 3 and Unit 2 respectively since 7 March 1992. Both units were empty warehouses at the commencement of the leases with Mr James and Ms Dawson including all power/water connections, toilets and general fit out. The current Licences acknowledge that all fit out to the units belongs to the Licensees and they are entitled to remove at the termination of their Licence.

Under the conditions of the licence, if the City does not intend to negotiate a further licence term beyond 6 March 2020, the City is required to provide notice in writing 12 months prior to the licence expiry date. In the event the notification is given, the licensees are not required to comply with the performance criteria for the final year and may elect to terminate the licence at any time with notice in writing of 60 days.

The licence condition states that the City is not obligated to grant a new licence term and that the licensees have no right to make a claim against the City if it is not provided.

Units 1 and 4

Unit 1 J Shed was surrendered by Sunset Venues on the 25 August 2018 and is currently being activated under a hire agreement by sculptor Jina Lee as an art studio for a period of 12 months, concluding 11 March 2020.

Unit 4 J Shed became vacant at the conclusion of January 2019, formerly utilised as 'Art of Freo Gallery' 'Little Space' (workshop provision) plus as an arts studio by Ross Potter and Ellen McCarthy. The space is currently being activated by artists Rose Megirian, Peter Miligan and Kate Weedon-Jones for a period of 12 months, concluding 11 March 2020.

Agreements for both units allow the City to terminate by one months' notice.

The recent availability of Unit 1 and Unit 4 J Shed was promoted utilising the Expression of Interest process applied to all properties in Bathers Beach Art Precinct (BBAP). This includes local advertising, CoF and FAC socials, plus targeted distribution fed through arts organisations and studio providers for further circulation.

Both Unit 1 and 4 were offered for a period of one year only under the umbrella of the City's Studios Program. These agreements may then remain flexible subject to the outcome of the Indigenous Cultural Centre feasibility study. Synergies in terms of activation with BBAP also make this grouping logical.

FINANCIAL IMPLICATIONS

Both licensees of Units 2 and 3 will be required to continue to pay licence fees in line with their current agreements which equates to \$12,152.90 per annum + GST.

A Market Review is due under the Licence 6 March 2019 with rent reviews annually to Consumer Price Index (CPI) on the anniversary of the Licence commencement thereafter.

Should committee approve the Officers recommendation, rent reviews by CPI will continue to be applied on the anniversary of the Licence commencement date during the holding over arrangement.

Units 1 and 4 pay a fee of \$600 per month + GST each under the City of Fremantle's Studio's Program.

LEGAL IMPLICATIONS

Both licences comply with the requirements of Section 3.58 of the *Local Government Act 1995* and the *Commercial (Retail) Tenancy Act 1985*.

There are no legal implications from including Units 1 and 4 in the City's Studio Program.

CONSULTATION

Officers have advised Ms Dawson and Mr James that an item was being taken to committee for consideration.

Units 1 and 4 were advertised by Expression of Interest for a 2 week period under the City's Studios Program. The permitted use was for studio space that was complimentary with the BBAP.

OFFICER COMMENT

J Shed is separated into four warehouse units. As advised by the City's Asset Department J Shed's services (sewer, water and electricity) are limited but sufficient for their current use as studios. Emergency egress, universal access and fire requirements are in line with use as studios but do not allow for alternate uses that allows public access.

Units 2 and 3 Licensees undertook fit out at the commencement of their first lease in 1992. This infrastructure belongs to the Licensee's and may be removed at the termination of their Licence.

Given the unknowns around the future use of J Shed it is recommended that Committee consider approving a holding over arrangement for Unit 2 and Unit 3 after the Licence expires 7 March 2020 on the following reasoning;

- Both Mr James and Ms Dawson have established businesses that activate the BBAP.
- Should Mr James and Ms Dawson vacate the City will be required to undertake works prior to the properties being relet.
- Historically the BBAP area is a difficult location for new businesses to become established and activate.
- The investigations for the potential use of J Shed and the surrounding area for an Indigenous Cultural Centre will take a period of time to complete. The holding over arrangements will accommodate flexibility for the premises to be vacated when required.

As both Unit 2 and Unit 3 require 12 months' notice within their existing Licence agreements, and the logistics of any future works at J Shed will require a reasonable time for planning, it is recommended that a condition of the holding over arrangement be 12 months' notice to vacate.

Abiding by the recommendations of the Asset Department and previous use by other unestablished users under a Licence agreement (which has been repeatedly unsuccessful), Units 1 and 4 have been activated as studios under the City's Studio Program.

Jina Lee (Unit 1) and Rose Megirian, Peter Miligan and Kate Weedon-Jones (Unit 4) will activate these units until 11 March 2020. The City's Studio Program can either extend this use or advertise for alternate artists at the end of these agreements.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

OFFICER'S RECOMMENDATION

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

1. **Agree that no further Licence term will be approved for Greg James of Unit 2 and Jennifer Dawson of Unit 3, J Shed, Fleet Street Fremantle beyond their Licence expiry of 7 March 2020.**
2. **Approve Greg James of Unit 2 and Jennifer Dawson of Unit 3, J Shed, Fleet Street Fremantle to be granted a holding over arrangement, based on existing Licence conditions, from the termination date of 7 March 2020. Under this arrangement the City may terminate any stage by providing 12 months' notice in writing.**
3. **Note that Units 1 and 4 J Shed, Fleet Street, Fremantle will continue to be activated in the short term under the City of Fremantle's Studio's Program.**
4. **Upon conclusion of the feasibility study for the Ingenious Cultural Centre, a further item be brought back to the Committee to enable further consideration of options on leasing or licensing options for J Shed.**

10.2 COUNCIL DECISION

FPOL1905-5 VISITOR INFORMATION SERVICES REVIEW 2018/19 - FINAL RECOMMENDATION REPORT

Meeting Date:	8 May 2019
Responsible Officer:	Manager Customer Service and Visitor Information
Decision Making Authority:	Council
Agenda Attachments:	Fremantle Visitor Centre – stakeholder and community consultation report (confidential)

SUMMARY

The City of Fremantle Visitor Centre has an operating model that focusses both on customer service and information provision and on sales of tours and accommodation booking for revenue generation. The financial sustainability challenge is increasing with revenue generated from sales declining by 66% in the years 2012 through to 2018. With competition increasing for online bookings for accommodation and tours, the City believes it is high risk to stake financial viability on this income stream

Council resolved to conduct a service review of the Fremantle Visitor Centre. The purpose of the review was to consider the current situation and identify the most suitable service model for now and for the future which offers the best value and is consistent with visitor needs and current trends. Haerberlin Consulting was appointed to facilitate a consultation process and gain insights from visitors, tourism operators, the business community and other key stakeholders into the performance of the Visitor Centre and report these findings and implications to the City.

Tourism is an important contributor to City of Fremantle's economy. The visitor experience is critical to the reputation of Fremantle as a destination. Council makes an important investment in the Visitor Centre as a long established resource that connects visitors with the history, the heritage, the culture and all there is to see and do in the region.

This report recommends that Council:

1. Endorse the continuation of the Fremantle Visitor Centre with its primary focus being welcoming visitors to Fremantle and providing and distributing unbiased and up-to-date information on Fremantle and the surrounding area.
2. Cease the sales of tours, accommodation bookings and merchandise at the Fremantle Visitor Centre and adopt a 'referral' model, whereby visitor information team members provide advice on accommodation options or tours and support visitors to make bookings either directly with operators or through online platforms.
3. Request a report be brought back to Council which further investigates the long term location of the Fremantle Visitor Centre and future operational model.

BACKGROUND

In 2014, a report by Haberlin Consulting on the future of visitor centres in WA, commissioned by Tourism WA, one of the key findings was that visitors believe that visitor centres should focus on providing unbiased information and insights on a region. The report stated that based on quantitative interviews and surveys of visitors and tourists, the top three features that visitors look for in a visitor centre are:

1. Knowledgeable, professional staff skilled in customer service.
2. Unbiased and authoritative information.
3. Regional displays and stories.

Tour and accommodation bookings are also a feature that visitors look for; however they are not as important as the top three. The report suggested that there is a potential disconnect between visitor expectations and the current focus of WA visitor centres on sales and revenue generation at the expense of servicing and information provision.

Current situation

The City of Fremantle Visitor Centre has an operating model that focusses both on customer service and information provision and on sales of tours and accommodation booking for revenue generation. With competition increasing for online bookings for accommodation and tours, the financial sustainability challenge continues to increase with revenue generated from sales declining by 66% in the years 2012 through to 2018.

Fremantle Visitors Centre

Revenue

Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Admission and Membership Inc	\$2,984	\$1,620	\$1,260	\$1,103	\$1,305	\$1,148
Commission Inc	\$175,743	\$142,129	\$110,850	\$90,940	\$67,818	\$45,581
Fee Inc - Other	\$13,845	\$13,801	\$12,450	\$15,383	\$15,085	\$14,124
Merchandise Sales Inc	\$20,165	\$20,113	\$16,954	\$15,303	\$15,498	\$10,111
Grand Total	\$212,737	\$184,806	\$141,515	\$122,729	\$99,707	\$70,965

While the income from sales commissions helps offset the annual operating costs of \$460 000 of the Fremantle Visitor Centre, it is trending downwards with only \$71 000 taken in sales commission for 2017/2018. Year to date figures for 2018/2019 indicate income earned from sales commission will be \$67 000.

Number of accommodation bookings

Year	Number of Bookings
2014	1112
2015	885
2016	585
2017	304
2018	234

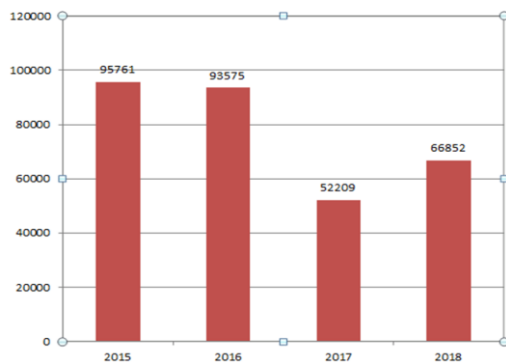
Number of tour bookings

Year	Number of Bookings
2014	463
2015	852
2016	521
2017	287
2018*	172

The decline in revenue is not reflective of a lack of focus on selling tours by the staff. This is a Tourism industry wide trend where visitors are self-serving and booking tours and accommodation online themselves. Yet, the Fremantle Visitor Centre still operates with a sales focus for selling bookings and tours. The financial sustainability challenge of selling tours and accommodation bookings in the Fremantle Visitor Centre continues to grow.

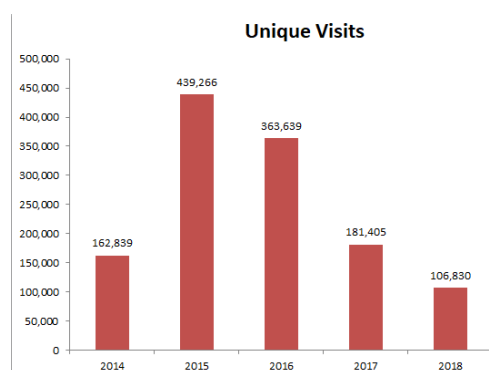
Number of visitors

Year	Total
2015	95,761
2016	93,575
2017	52,209*
2018	66,852*



Unique website visits

Year	Total
2014*	162,839
2015	439,266
2016	363,639
2017	181,405
2018	106,830



The Fremantle Visitor Centre needs to focus on winnable battles. Council recommended a review of the Visitor Centre and to seek clarity in regards to its function and its purpose. There were many factors to consider during this review including:

- The current function of the centre including the ambassador (volunteer program).
- Cruise ship servicing.
- Financial viability of the centre and the cost to run the centre's components.
- Current trends locally, at a state and national level.
- Community and stakeholder consultation.
- The future direction and function of visitor centres.

It is critical to provide an optimal and sustainable visitor centre model for the City, one that meets the foundation expectation of visitors – to provide unbiased information and excellence in customer service – at all times.

Community and stakeholder consultation

The City appointed Haeberlin Consulting to facilitate a community consultation process and gain insights into the state and performance of the Fremantle Visitor Centre from:

- The visitors and customers perspective.
- The tourism operators' perspective.
- The business communities' perspective.
- Key stakeholders (Fremantle Port Authority, Chamber of Commerce, Destination Marketing Working Group, Tourism WA, ambassadors and volunteers).

Haeberlin consulting is a Western Australian consulting firm with highly relevant experience in the tourism sector in customer and stakeholder engagement, workshop facilitation and research and surveys. They lead the 2014 Visitor Centre Review for

Tourism WA and are leading the development of the 2020 State Government Tourism strategy including all industry consultation.

Haeberlin Consulting conducted surveys, interviews and focus groups with visitors, ambassadors, stakeholders and tourism operators, to gather their feedback on the current state and potential future direction for the Visitor Centre. This consultation was undertaken between October and November 2018.

195 surveys and interviews with visitors and customers to the Visitor Centre were completed. The surveys questions were designed by Haeberlin Consulting and administered by City of Fremantle staff. The surveys with tourists and visitors were conducted at the Fremantle Visitor Centre.

15 in-depth interviews, lasting up to 45 minutes in duration were held with key stakeholders and tourism operators including Fremantle Port Authority, Tourism WA, Fremantle Now, tour providers and accommodation providers. Interviews were either face-to-face or by phone, as preferred by the stakeholder. An online survey with tourism operators allowed a broader cross section of businesses to provide their feedback on the Visitor Centre.

Three focus groups, lasting 1 hour and 15 minutes, with the Chamber of Commerce, the Destination Marketing Working Group and Visitor Centre ambassadors/volunteers were held.

The topics discussed during the consultation focussed on the role and importance of the Fremantle Visitor Centre, the perceptions of current performance, the importance of providing accommodation bookings and selling tours, trends in visitor servicing, relationships and synergies between other organisations and recommendations on future function and optimal locations. This mixed approach of in-depth interview and focus groups allowed for both deep understanding of stakeholders views in relation to the Visitor Centre, as well as a broad mix of stakeholder engagement.

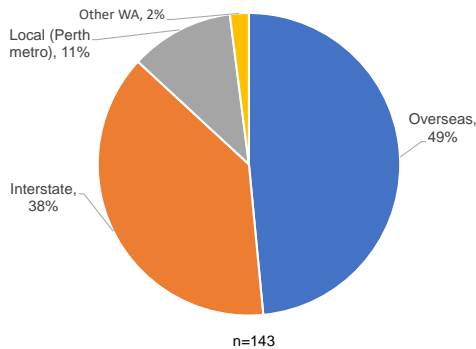
Overall, 270 responses were received.

Respondent	Number
Visitor and Resident	195
Business Community	20
Ambassadors/Volunteers	38
Tourism Operators	17
Total	270

Visitor demographics

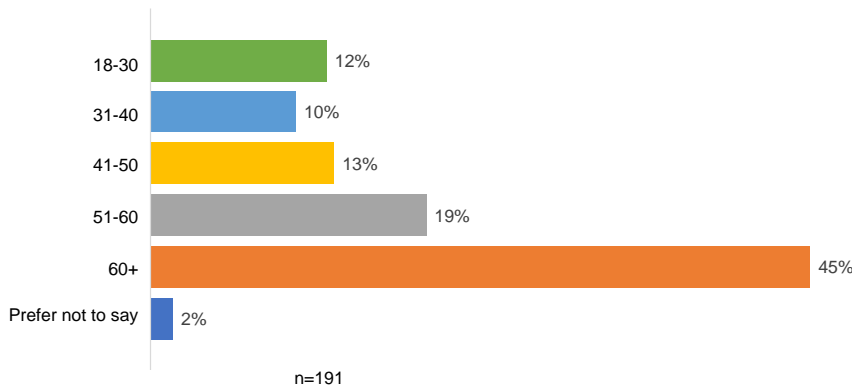
49% of visitors who participated in the survey lived overseas, 38% lived interstate, 11% lived in the Perth metropolitan area and 2% were from other parts of Western Australia.

Q. And where do you live?



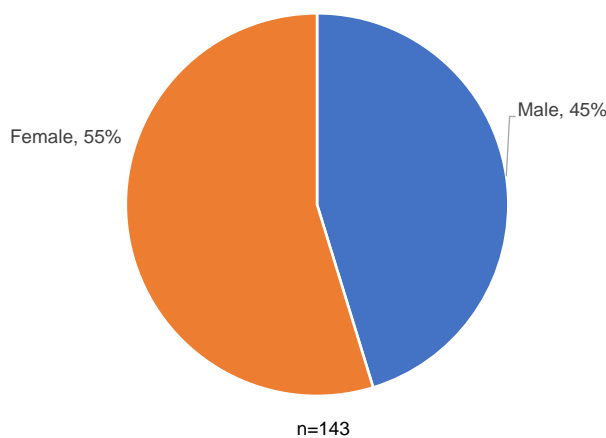
45% of visitors surveyed were aged 60 and over. 19% were between the ages of 51-60. 13% were between the ages 41-50. 10% were between the ages of 31- 40 and 12% were between the ages of 18-30.

Q. Which of the following best describes your age?

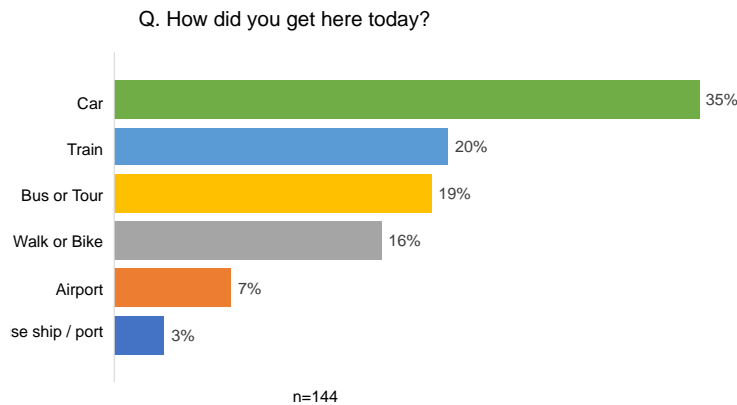


55% of visitors were female and 45% male

Q. What is your gender?



35% of visitors arrived in Fremantle via car, 20% by train, 19% by bus/train, 16% arrived in Fremantle by walking or riding, 7% arrived from the airport and 3% arrived by sea. It should be noted that no cruise ship visitors participated in the surveys due to an unforeseen delay in arrival to the cruise ship – Ovation of the Sea (25/10/18)



The consultation found an overall positive sentiment on the importance of the Visitor Centre and the role it plays in Fremantle’s tourism industry. The core role for the Visitor Centre was described as providing unbiased, knowledgeable and up-to-date information on things to see and do. It was also to provide general information about Fremantle region and answer general enquiries. This core role is aligned to the primary reason for Visitors to use the Visitor Centre: to get general information about Fremantle.

The importance of the Visitor Centre

Stakeholders, Tourism Operators and Visitors agreed that it is very important for Fremantle to have a Visitor Centre.

“It is essential to have one now, even with changes in online behaviours.” Tourism Operator

“Extremely. It is not an option to not have. We need face-to-face and friendly, local knowledge.” Tourism Operator

“It’s very important particularly as Fremantle is a tourist town.” Stakeholder

What the visitors said

97% of Visitors felt that it was very important to have a visitor centre available. Key findings from the consultation provided the following insights;

Visitors rated the Visitor Centre experience highly with 95% satisfaction in terms of their overall experience. They felt the Visitor Centre staff were helpful and friendly and they were able to get the information they needed.

“They gave the right amount of information, not too much and not too little.” Visitor

“Awesome, all my questions were answered.” Visitor

“Lovely staff and good information given.” Visitor

The main reason for coming to the Visitor Centre was to source general information about Fremantle and surrounds, rather than make bookings. 70% of visitors came into the Visitor Centre for general information about Fremantle and the surrounding region.

“Need a place to go to get information about what’s around and what’s happening” Visitor

As shown in the the diagram below, 18% of visitors sought out information or went to book a specific tourism product or accommodation. Most visitors said that they book their accomodation before commencing their trip. Of the total visitors, only 13% booked a tour or accomodation through the Visitor Centre.

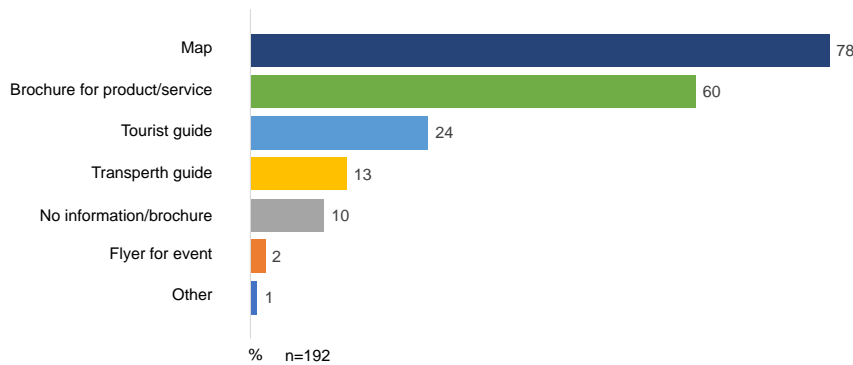
What was your main reason for coming to the visitor centre today ?

Answered 192

Answer Choices	Responses	
To get general information about Fremantle	62.00%	119
To get general information about Perth/WA	8.30%	16
To get information about or book a specific tourism product or accommodation	18.22%	35
No reason, just looking	9.37%	18
Other	2.00%	4
Total	100%	192

While tour and accomodation booking capability is currently a priority in the Visitor Centre (as a source of revenue) it is much less important to visitors. The most popular information that visitors collected from the Visitor Centre were maps and brochures for a product / service.

Did you pick up any information / brochures to take with you today?



As shown below, over half (56%) of visitors said the services and information provided by the Visitor Centre resulted, or would result, in them spending more time or money in Fremantle and surrounding areas than originally planned.

Do you think the services and information provided by the visitor centre have resulted or will result, in you spending more time or money in Fremantle and surraounding area than you had originally planned ?

Answered 144

Answer Choices	Responses	
Yes	56.23%	81
No	25.00%	36
Don't know/uncertain	18.75%	27
Total		144

What the business community and stakeholders said

Stakeholders were happy with the Visitor Centre's customer service and agreed the Ambassador program was working really well for the Visitor Centre

Overall, the role of the Visitor Centre was described to:

- Provide unbiased, knowledgeable and up-to-date information on things to see and do, general information about Fremantle and events, and answer general enquiries (for example directions, location of toilets);
- Promote Fremantle (and the surrounding area);
- Welcome visitors to Fremantle including cruise ship arrivals;
- Book accommodation and tours;
- Stock brochures; and
- Run the Visit Fremantle website.

Several Stakeholders commented that the Visitor Centre should be focused on;

“Information first, selling second”. Stakeholder

The biggest points for improvement from stakeholders and the business community were;

Location and premises

The location and current temporary premises of the Visitor Centre was a key topic of conversation throughout the consultation. It was felt the temporary premises is too small and doesn't provide a Fremantle feel. Location suggestions included the ability to locate at high traffic visitor areas and be located to tourist hot spots, such as the train station/Pioneer park would be beneficial, whether this was a relocation of the main Visitor Centre or the addition of kiosks at key points throughout the City.

Stakeholders, Tourism Operators and Visitors agreed that the current premises was too small and not inviting enough. They all noted that a larger Visitor Centre would make room for additional facilities including a lounge area where visitors could digest information or wait for transport. Stakeholders also said it would be ideal to include a meeting room for space that could be used by businesses and operators, turning the Visitor Centre into a real hub for all things tourism.

Relationships with the business community

Suggestions included playing more of a leadership role for the business/tourism community in Fremantle and providing regular updates to local businesses. A number of stakeholders highlighted the need for the Visitor Centre to work more closely with City of Fremantle marketing teams to improve synergies between attracting tourists to Fremantle and then providing an excellent customer experience when they arrive.

It was also mentioned that the Visitor Centre should work more closely with the Chamber of Commerce and other stakeholders to motivate retailers to optimise cruise ship days (such as with signage and special offers)

Web presence

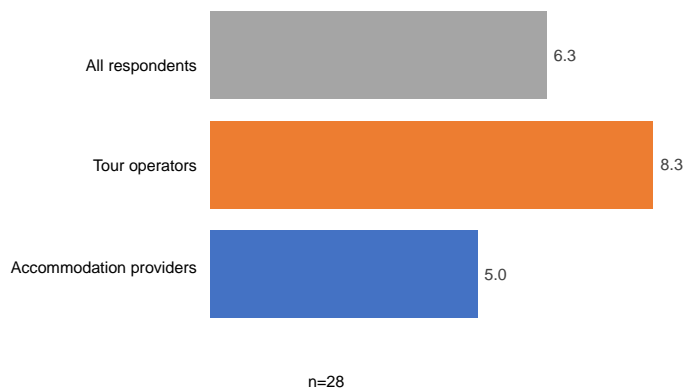
All groups consulted noted that technology improvements were necessary to remain relevant for current and future engagement with visitors. Stakeholders felt there were too many website for Fremantle with too much focus on community service. It was felt the Visitor Centre website should have a one stop shop for visitors – including advertising for non-bookable and non-commissionable products/events so visitors get a full and unbiased picture of what Fremantle has to offer.

What the tourism operators said

Tourism operators were aligned in their views to the role of the visitor centre in providing unbiased, knowledgeable and up to date information on things to see and do but placed a higher importance on leads and referrals and booking services.

Tourism Operators rated the Visitor Centre at 63% in meeting their needs and expectations. They would like to see more bookings come through the visitor centre and all agreed that the online presence was poor which has a negative impact on the amount of bookings going through the Visitor Centre.

Overall, how well would you say the Fremantle Visitor Centre is meeting your needs/expectations?



Half of the respondents wanted a closer relationship with the Visitor Centre and wanted to see familiarisation tours for staff re-introduced. This was a point of frustration for tour operators – they feel the product knowledge gained from familiarisation trips would make a big difference in the Visitor Centre’s ability to recommend and sell their product.

What the ambassadors and volunteers said

The ambassador function is seen as a real asset to the City. It was also noted that the cruise ship welcoming is going very well and will be improved in the future with upgrades to the cruise ship terminal.

The most important functions of the Visitor Centre are to promote Fremantle and provide information to visitors on what to see and do and provide directions to sites and locations throughout the City.

Ambassadors suggested improvement opportunities existed with better premises as the current location is too small and too crowded. A future state visitor centre would have the ability to provide pop up locations or kiosks through the City (Roundhouse, train station, markets, fishing boat harbour)

“The centre needs to be more spacious, colourful and inviting with easy access to information.” Ambassador

Some ambassadors noted a conflict between the visitor experience and earning commissions through bookable products and sales.

“As a volunteer, I feel uncomfortable about trying to increase sales through the visitors centre. That is not why I volunteered. I just wanted to help people have an enjoyable visit” Ambassador

Future Visitor Centre roles and services

The consultation with all groups sought feedback on the characteristics and services a future visitor centre in Fremantle could have. Many felt that the future role of the visitor centre should be similar to what it is now but with additional services and better use of technology.

“Maybe it's just about doing what they're doing but more of it.” Tourism Operator

“Shouldn't be any different to now.[...]. The emphasis on sales should be removed but have it there as an added extra. Long gone are the times where the majority of bookings come from the Visitor Centre but that option should still be there for customers wanting to book with local experts.” Tourism Operator

“Offer a free one hour orientation walking tour offered by the Visitor Centre. (Especially for older cruise ship passengers who just want to wander the West End Heritage Precinct).” Ambassador

“There could be themed free walking tours people can do (self-guided).” Ambassador

Visitors mentioned the need for mobile applications that could be downloaded onto phones to show bike paths or self-guided walking tours.

FINANCIAL IMPLICATIONS

The Operating budget for the Visitor Centre is \$462 007. If Council agrees with the recommendation in this report, there will be a loss of revenue through commission of sales on tourism products and services. This will be approximately \$50 200.

It is recommended that Council receive a future report which further investigates the long term location of the Fremantle Visitor Centre and explores the development of a customer experience model that incorporates seamless customer service, library and visitor information services and considers a mobile visitor information service offering.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The City appointed Haeberlin Consulting, a firm highly experienced in the Tourism sector having completed the 2014 Visitor Centre Review for Tourism WA, as well as working on the 2020 State Government Tourism strategy involving community, stakeholder and operator consultation.

Haeberlin consulting facilitated a community consultation process as a critical part of the Visitor Centre review and to report these findings and implications to the City of Fremantle.

Haeberlin Consulting designed and conducted surveys, interviews and focus groups with Visitors, Ambassadors, Stakeholders and Tourism Operators. The purpose was to gather feedback on the current state and potential future direction for the Visitor Centre. This consultation was undertaken between October and November 2018.

OFFICER COMMENT

There are three options to consider for the Fremantle Visitor centre.

Option one

Maintain the current operating model.

By maintaining the current model, the visitor centre would continue to focus on welcoming visitors and providing information on Fremantle and surrounding areas as well as generating revenue from commission on tourism services and products. The current operating costs would remain.

Feedback from visitors, tourism operators and stakeholders through the consultation suggests that the current temporary premise is too small. If there is a need to move to a new permanent location in a central and prominent location in the City, this may attract rent and outgoing expenses of approximately \$100 000 per year. (This figure is based on commercial tenancy rates of \$550 - \$600 per square meter in the new Civic Centre, noting that this may be in the form of an opportunity cost to council due to reduced revenue if the visitor centre was located in one of council's new commercial tenancy spaces)

Option two

Support the continuation of the Fremantle Visitor Centre with its primary focus on welcoming visitors and providing unbiased and up-to-date information on Fremantle and the surrounding area. The Fremantle Visitor Centre ceases revenue generation through commissioned sales of tours and accommodation bookings. The Visitor Centre adopts a 'referral' model, whereby visitor information team members provide advice on accommodation options or tours and support visitors to make bookings either directly with operators or through online platforms.

By transitioning to a referral or advisory model, this option would allow the Visitor Centre to focus on its primary function as agreed by visitors, key stakeholders and the business community during the consultation process.

Council will receive a future report which considers the best location and premises for a visitor centre.

Option three

Expand visitor centre service offering.

Suggestions received through the consultation process offered further expansive roles for the visitor centre. Some suggestions included revenue generation such as offering walking tours that leave from the visitor centre, produce and sell merchandise and create a modern and dedicated spacious visitor centre that utilises an increased digital presence in order for the visitor centre to remain a visitor draw card. Expanding the visitor centre service offering can provide some extra revenue, however these services can only realistically be provided in a new location. Suggested Improvements in technology would require significant ongoing investment and will require constant maintenance to remain relevant. Expanding the services and investment in technology will increase the current operating costs beyond \$460 000.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the continuation of the Fremantle Visitor Centre with its primary focus being welcoming visitors to Fremantle and providing and distributing unbiased and up-to-date information on Fremantle and the surrounding area.**
- 2. Cease the sales of tours, accommodation bookings and merchandise at the Fremantle Visitor Centre and adopt a 'referral' model, whereby visitor information team members provide advice on accommodation options or tours and support visitors to make bookings either directly with operators or through online platforms.**
- 3. Request a report be brought back to Council which further investigates the long term location of the Fremantle Visitor Centre and future operational model.**

FPOL1905-6 APPOINTMENT OF A COUNCILLOR AS ACTING MAYOR

Meeting Date: 8 May 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

Council will need to appoint a councillor to perform the functions of the City of Fremantle Mayor in the absence of the Mayor and Deputy Mayor during the period 1 June 2019 to 9 June 2019.

This report recommends that Council appoint an acting Mayor in the absence of the Mayor and Deputy Mayor.

BACKGROUND

Both Mayor Pettitt and Deputy Mayor Waltham will be unavailable to perform the tasks of the Mayor for a short period of time in June.

The *Local Government Act 1995*, s5.34 and s5.35 provide direction on when, under what circumstances and what procedure is required to appoint a Councillor to act as Mayor in the absence of the Mayor and Deputy Mayor.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.

LEGAL IMPLICATIONS

Local Government Act 1995

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president, then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

5.35. Who acts if no mayor, president or deputy

- (1) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and the mayor or president or

- deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply and —
- (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

CONSULTATION

No external consultation was undertaken.

OFFICER COMMENT

It is appropriate for Council to be adequately represented and for the functions of the Mayor to be undertaken during the absence of the Mayor and Deputy Mayor.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council appoint Cr _____ to perform the functions of the Mayor during the period 1 June 2019 to 9 June 2019 inclusive, in the absence of the Mayor and Deputy Mayor in accordance with s5.35(1)(b) of the *Local Government Act 1995*.

**FPOL1905-7 ADOPTION OF COUNCIL AND COMMITTEE MEETING SCHEDULE
FOR THE PERIOD OF JULY 2019 TO JUNE 2020**

Meeting Date: 8 May 2019
Responsible Officer: Manager Governance
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

In accordance with the *Local Government Act 1995*, at least once per year, Council is required to resolve the days and times when Ordinary Council Meetings and Committee meetings will be held in the next 12 months. The Council must then advertise the days and times, and the place at which meetings are to be held for those meetings open to the public.

Public meetings provide the community and stakeholders with the opportunity to attend a formal meeting of Council or Committee.

This report recommends that Council adopt the Ordinary Council and Committee Meeting schedule for the period of 1 July 2019 to 30 June 2020.

BACKGROUND

Each year Council is required to consider the timing of Council and Committee Meeting dates for the following 12 months. These dates must be advertised in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

The City of Fremantle traditionally holds Ordinary Council Meetings on the fourth Wednesday of each month, and Committee meetings on the first three Wednesdays of the month or quarterly on Tuesdays.

In past years, Council has agreed to hold fewer meetings in December and January, as Council recognises that many members of the community are enjoying holidays during this period and may miss an opportunity to comment on a council item at this time.

Should, the Council Meeting or Committee Meeting dates change during the year, additional notices will be provided in local newspapers, on City noticeboards and on the City website, to advise community members of any changes.

Agendas and Minutes for all meetings will be made available online at www.fremantle.wa.gov.au

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.

LEGAL IMPLICATIONS

These dates must be advertised in accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

CONSULTATION

No consultation was required.

OFFICER COMMENT

The following Council and committee meetings are currently held on Wednesdays on a **monthly** meeting cycle. These meetings start at 6.00pm:

- Week 1 Planning Committee
- Week 2 Finance, Policy, Operations and Legislation Committee
- Week 3 Strategic Planning and Transport Committee
- Week 4 Ordinary Meeting of Council

The following Committee meetings are currently held on alternate Tuesdays or Wednesdays on a **quarterly** meeting cycle. These meetings start at 5:30pm:

- Week 2 Library Advisory Committee
- Week 2 Audit and Risk Management Committee

The months of December and January of the meeting schedule have fewer meetings listed to accommodate community members enjoying holiday periods and therefore being unable to attend meetings.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Adopt the schedule of Council and Committee meetings, to be held during the period July 2019 to June 2020, as set out below:

July 2019		
Meeting	Date	Time
Planning Committee	3 July	6:00 pm
Finance, Policy, Operations and Legislation Committee	10 July	6:00 pm
Strategic Planning and Transport Committee	17 July	6:00 pm
Ordinary Council Meeting	24 July	6:00 pm
August 2019		
Meeting	Date	Time
Planning Committee	7 August	6:00 pm
Audit and Risk Management Committee	13 August	5:30 pm
Library Advisory committee	14 August	5:30 pm
Finance, Policy, Operations and Legislation Committee	14 August	6:00 pm
Strategic Planning and Transport Committee	21 August	6:00 pm
Ordinary Council Meeting	28 August	6:00 pm
September 2019		
Meeting	Date	Time
Planning Committee	4 September	6:00 pm
Finance, Policy, Operations and Legislation Committee	11 September	6:00 pm
Strategic Planning and Transport Committee	18 September	6:00 pm
Ordinary Council Meeting	25 September	6:00 pm

October 2019		
Meeting	Date	Time
Planning Committee	2 October	6:00 pm
Finance, Policy, Operations and Legislation Committee	9 October	6:00 pm
Strategic Planning and Transport Committee	16 October	6:00 pm
Ordinary Council Meeting	23 October	6:00 pm
November 2019		
Meeting	Date	Time
Planning Committee	6 November	6:00 pm
Audit and Risk Management Committee	12 November	5:30 pm
Library Advisory committee	13 November	5:30 pm
Finance, Policy, Operations and Legislation Committee	13 November	6:00 pm
Strategic Planning and Transport Committee	20 November	6:00 pm
Ordinary Council Meeting	27 November	6:00 pm
December 2019		
Meeting	Date	Time
Planning Committee	4 December	6:00 pm
Ordinary Council Meeting	11 December	6:00 pm
January 2020		
Meeting	Date	Time
Planning Committee	15 January	6:00 pm
Finance, Policy, Operations and Legislation Committee	22 January	6:00 pm
Ordinary Council Meeting	29 January	6:00 pm

February 2020		
Meeting	Date	Time
Planning Committee	5 February	6:00 pm
Audit and Risk Management Committee	11 February	5:30pm
Library Advisory committee	12 February	5:30 pm
Finance, Policy, Operations and Legislation Committee	12 February	6:00 pm
Strategic Planning and Transport Committee	19 February	6:00 pm
Ordinary Council Meeting	26 February	6:00 pm
March 2020		
Meeting	Date	Time
Planning Committee	4 March	6:00 pm
Finance, Policy, Operations and Legislation Committee	11 March	6:00 pm
Strategic Planning and Transport Committee	18 March	6:00 pm
Ordinary Council Meeting	25 March	6:00 pm
April 2020		
Meeting	Date	Time
Planning Committee	8 April	6:00 pm
Finance, Policy, Operations and Legislation Committee	15 April	6:00 pm
Strategic Planning and Transport Committee	22 April	6:00 pm
Ordinary Council Meeting	29 April	6:00 pm

May 2020		
Meeting	Date	Time
Planning Committee	6 May	6:00 pm
Audit and Risk Management Committee	12 May	5:30pm
Library Advisory committee	13 May	5:30 pm
Finance, Policy, Operations and Legislation Committee	13 May	6:00 pm
Strategic Planning and Transport Committee	20 May	6:00 pm
Ordinary Council Meeting	27 May	6:00 pm
June 2020		
Meeting	Date	Time
Planning Committee	3 June	6:00 pm
Finance, Policy, Operations and Legislation Committee	10 June	6:00 pm
Strategic Planning and Transport Committee	17 June	6:00 pm
Ordinary Council Meeting	24 June	6:00 pm

2. **Approve advertisement of the adopted schedule of Council and Committee meetings, to be held during the period of July 2019 to June 2020, in accordance with section 5.25(1)(g) of the *Local Government Act 1995*.**
3. **Approve Audit and Risk Management Committee meetings being closed to the public while the administration is situated in its temporary offices at the administration centre, Fremantle Oval.**

FPOL1905-8 BOOYEEMBARA PARK MOUNTAIN BIKE TRAIL

Meeting Date: 8 May 2019
Responsible Officer: Manager Parks and Landscape
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The purpose of this report is for Council to consider a proposal for the development of mountain bike trails in Booyeembara Park, Fremantle. The City has been approached by the Fremantle Mountain Biking Collective, a group of community members, about a proposal to formalise the mountain biking trails that have been constructed in Booyeembara Park. This report outlines the process to progress the proposal in accordance with the Booyeembara Park Site Management Plan and the Western Australian Mountain Bike Management Guidelines.

This report recommends that Council:

1. Support the development of a proposal for mountain bike trails in Booyeembara Park, subject to the outcomes of a land-use compatibility feasibility study.
2. Support the consideration of a budget allocation of \$9 000 for Booyeembara Park mountain bike trail land-use compatibility feasibility study as part of the draft 2019/2020 budget deliberation process to investigate if the trails can be developed and managed in accordance with the Site Management Plan.
3. Request a report be brought back to Council for consideration with the outcomes of the land-use compatibility feasibility study and proposed next steps for the proposal.

BACKGROUND

The City has been approached by the Fremantle Mountain Biking Collective, a group of community members, about a proposal to formalise the mountain biking trails that have been constructed in Booyeembara Park by the community. The proposal notes '*mountain biking is reported to be one of the fastest growing sports in the world (WestCycle - 2015 Western Australian Mountain Bike Strategy) and with over 120,000 mountain bikes purchased each year in WA, there is a very strong, and growing demand here (WA Mountain Biking Management Guidelines). The nearest quality trails are in the Kalamunda region, which is a 2-hour return journey for Fremantle residents. Skills development is an important part of mountain biking and is hindered by the lack of local facilities for both young and young at heart. As was the case for the Esplanade Skate Park, there is a strong demand for these facilities, which is currently un-catered for within the local area*'. The proposal will create a new recreation activity within the City.

One of the challenges for the proposal is Booyeembara Park has been identified as containing bonded Asbestos Containing Material (ACM) fragments and is managed in

accordance with the Booyeembara Park Site Management Plan (SMP). The SMP is *'designed to mitigate risk by providing protection for human health (of general public, park visitors and workers) and the environment during routine park maintenance works and any other remedial or civil works that may lead to the disturbance of soils at the park'* (GHD 2012). The informal trails are not in accordance with the SMP and the City does not support the mountain bike trails in their current format.

This report outlines the process to progress the proposal in accordance with the Site Management Plan and the Western Australian Mountain Bike Management Guidelines.

FINANCIAL IMPLICATIONS

A budget will be required for an Environmental Consultant to undertake a land-use compatibility feasibility study on for the proposal. The cost of this is estimated to be \$9 000 and if the proposal is supported will be submitted for consideration in the 2019/20 budget process.

If the project is a compatible land-use, the construction costs for the project will be determined through the detailed design phase of the project. Models for funding the construction of the trails may include grant funding (with consideration to other grant funding priorities at the time).

There will be ongoing operational maintenance costs for the proposal. The costs will be dependent on the management model developed through the trail development process.

LEGAL IMPLICATIONS

Nil

CONSULTATION

If the land-use compatibility feasibility study determines the site is suitable and the project progresses, consultation will form an integral part of the project. Stage 2 of the Western Australian Mountain Bike Management Guidelines details the framework for delivering a mountain bike trail project. Part of the framework is to develop a Project Steering Group which includes key stakeholders and community groups to ensure adequate consultation. It is also anticipated broader community consultation will be undertaken as part of the project in accordance with the Community Engagement Policy.

The Booyeembara Park Reference Group has been consulted and is supportive of the proposal being developed further.

OFFICER COMMENT

The Fremantle Mountain Biking Collective proposal for mountain biking trails in Booyeembara Park proposes two key concepts:

- 1-3 narrow trails running from the ridge on the eastern side of the park south towards Stevens Street.
- A pump/jump skills park.

The location/s and design elements will be finalised through the design process however are generally located in the eastern end of the park in the revegetated bushland.

The first step in developing the proposal is to undertake a land-use compatibility feasibility study of the site testing if the trails can be developed and managed in accordance with the Western Australian Mountain Bike Management Guidelines and the Site Management Plan, outlined as follows.

Trail Development Process

The Western Australian Mountain Bike Management Guidelines (WAMBMG) prepared by the Department of Parks and Wildlife in consultation with Department of Sport and Recreation, WestCycle, West Australian Mountain Bike Association and Western Australian Mountain Bike Management Guidelines Working Group has been used as the basis for the preparation of this report and project proposal.

The WAMBMG has been prepared to ensure mountain bike trails are developed that meet the needs of the users, minimise environmental degradation and ensure longevity of trails. It is acknowledged that these trails are often built in sensitive environments, and that these can easily co-exist when implemented properly. Properly built trails will focus the riders through a relatively narrow trail through the bushland. This stops the spread of trails and general degradation of the environment, which is currently occurring within the unregulated trails of Booyeembara Park. Part of the trail building process will involve revegetation of previously disturbed areas.

The WAMBMG notes “*the trail development process involves eight stages (figure 1) and encompasses a constant evaluation, review and improvement process as trails are being extended or revised. Each stage must be completed before moving on to the next stage.*” The eight stage process is as follows:

STAGE	OUTCOME	
1 PROPOSAL	The proposed area is either supported in principle for trail development, or is not supported due to environmental, social or cultural constraints. Or proposal to identify suitable areas.	Desktop
2. FRAMEWORK	A project outline, developed by project steering group (stakeholders), including: project objectives, project management model, stakeholder roles, target market, requirements, standards, execution, and ongoing trail management model.	
3 SITE ASSESSMENT	Undertake a broad scale study of the area and identify constraints, soil types, vegetation etc.	
4 CONCEPT PLANNING	Identify opportunities and conceptual trail plan including infrastructure requirements produced. Broad trail corridors are physically flagged in the field.	
5 CORRIDOR EVALUATION	Detailed assessment of corridor.	Field
6 DETAILED DESIGN	Detailed trail design produced and physically flagged in the field, including: trail classifications, technical trail features (TTFs), construction types and specifications.	
7 CONSTRUCTION	Trail is constructed in line with the detailed design.	
8 MANAGEMENT	Management plan implemented detailing maintenance and monitoring requirements.	

Image: summary of the trail development process stage outcomes (WAMBMG).

Booyeembara Park Site Management Plan

The Booyeembara Park Site Management Plan *'has been prepared based on the site conditions and layout at the time of the Detailed Site Investigation (November 2012). If the site layout is altered, including allowing regular public access to currently restricted areas (i.e. areas that are currently fenced), management of these areas would be required in accordance with Department of Health (2009) Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia'* (GHD, 2012). The proposed mountain bike trail location is within the fenced area and requires further investigation in accordance with the SMP.

Project Proposal

Stage 1 of the trail development process is to investigate whether *'the proposed area is either supported in principle for trail development, or is not supported due to environmental, social or cultural constraints'* (WAMBMG). Stage 8 of the trail development process is to develop a management plan detailing maintenance and monitoring requirements. Given the SMP's management requirements for Booyeembara Park, officers recommend that a land-use compatibility feasibility study is undertaken to determine:

- if the site is suitable for the proposed mountain bike trail
- design requirements
- the management model (roles and responsibilities for the management of the trail)
- construction methodology
- the maintenance model (methodology, frequency and risk management).

The investigation will need to be undertaken by a suitably qualified Environmental Consultant and will be used to guide the development of the proposal. If the land-use compatibility feasibility study determines the site is suitable, the balance of Stage 1 of the assessment can be completed. Following this, a report would be brought back to Council to consider the outcomes of the land-use compatibility feasibility study.

If the project is feasible, it is anticipated the design would be developed in conjunction with the 'Stage 4' area of Booyeembara Park. This would allow integration of the proposal into the park and facilitate the completion of the Booyeembara Park masterplan. It is anticipated the construction of the mountain bike trails and stage 4 would be a joint project. Models for funding the construction may include grant funding (with consideration to other grant funding priorities at the time).

It is also noted the High Street Upgrade project may have impacts on the golf course and Booyeembara Park. The proposal may need to be developed with consideration to these and to ensure a well resolved design at a precinct level.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Support the development of a proposal for mountain bike trails in Booyeembara Park, subject to the outcomes of a land-use compatibility feasibility study.**
- 2. Support the consideration of a budget allocation of \$9 000 for Booyeembara Park mountain bike trail land-use compatibility feasibility study as part of the draft 2019/2020 budget deliberation process to investigate if the trails can be developed and managed in accordance with the Site Management Plan.**
- 3. Request a report be brought back to Council for consideration with the outcomes of the land-use compatibility feasibility study and proposed next steps for the proposal.**

FPOL1905-9 DAVIES STREET POCKET PARK PETITION

Meeting Date: 8 May 2019
Responsible Officer: Manager Parks and Landscapes
Decision Making Authority: Council
Agenda Attachments: Davies Street, Beaconsfield request for Pocket Park petition.

SUMMARY

The purpose of this report is for Council to consider a project for the petition submitted requesting Council consider installing a pocket park at 18 Davies Street, Beaconsfield.

This report recommends that Council:

1. Acknowledge the petition received requesting ‘that the Council include the upgrade of the sump in Davies Street into a pocket park in the current budget cycle.’
2. Support the improvement of the drainage sump located at 18 Davies Street, Beaconsfield to create a local community space.
3. Support the consideration of a budget allocation for the Davies Street Sump Improvements as part of the annual budget deliberation process.

BACKGROUND

At the Ordinary Meeting of Council 24 October 2018 Cr Andrew Sullivan tabled a petition from Davies Street and surrounding residents, requesting Council consider installing a pocket park at 18 Davies Street, Beaconsfield. The site identified in the petition is a drainage sump owned by the City of Fremantle.



Image: Drainage Sump, 18 Davies Street Beaconsfield.

The petition notes the pocket park proposal:

- Will create a meeting place for the street for community interaction and events.
- Is aligned with the City's Greening Fremantle: Strategy 2020.
- Maintains the function of the drainage sump.
- Continues with the work already undertaken to improve the drainage sump verge.

To support the petition, a detailed analysis of the site conditions, function, access and constraints was provided. Please refer to the attached petition for details.

FINANCIAL IMPLICATIONS

A capital budget will be required for drainage sump improvements. An internal estimate of costs for the works is \$12 000, and will be finalised for consideration in the annual budget process.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The petition received by Council requesting the 'Council include the upgrade of the sump in Davies Street into a pocket park in the current budget cycle' had 45 signatories.

If Council support the proposal, officers will work with the petition initiators and local residents to finalise a design that meets the community's requirements while maintaining the function of the drainage sump.

OFFICER COMMENT

The Davies Street site identified in the petition is an operational drainage sump. As such, any project in this location will still need to maintain the primary function of the drainage sump. The following comment analyses the proposal against the Greening Fremantle: Strategy 2020 and current drainage sump conditions to make a recommendation addressing the petition request.

Strategic Context

The City's Greening Fremantle: Strategy 2020 plan does not identify any shortfall of public open space in this area because of its proximity to Bruce Lee Reserve (refer Plan 2 of Greening Fremantle: Strategy 2020, shown below). However it is acknowledged that there are relatively few local parks (as opposed to the larger open space offered by Bruce Lee Reserve) in this area, and that the petition is looking for a more local function and community focal point, than active open space. Improvements to the drainage sump and verge might contribute to the City's One Planet Strategy, Greening Fremantle: Strategy 2020 and Urban Forest Plan improvement objectives. The key question relates to the cost benefit of the proposal against other initiatives. Given the relatively low cost, it is suggested that it be submitted for the budget process so this can be assessed and determined.

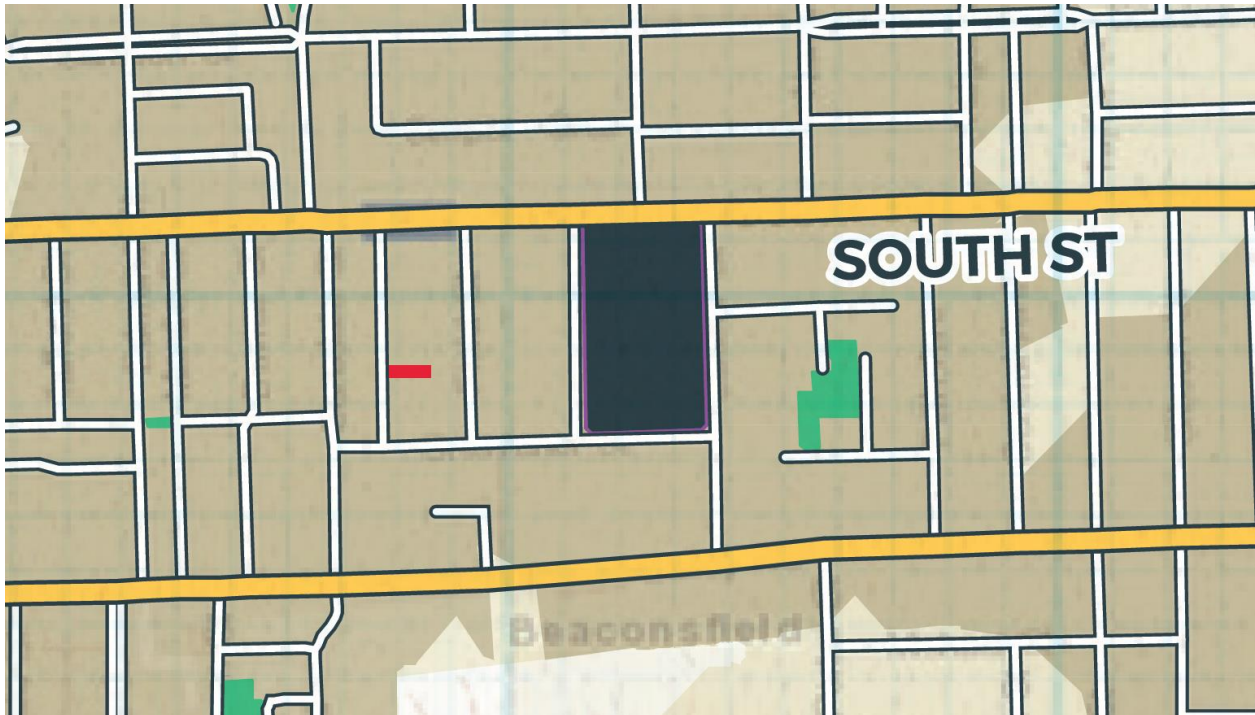


Image: Map 2 from Greening Fremantle: Strategy 2020 with 400m walkable catchments from POS shown in dark brown. The location of the Davies Street drainage sump is shown in red.

Drainage Sump Analysis

To determine the suitability of the proposal, officers have undertaken an analysis of the site and noted the following constraints and opportunities:

- Access requirements for the sump for ongoing and future maintenance.
- The drainage sump information the City has is limited and lacks drainage catchment information including catchment map, volume and model. The proposal therefore avoids reduction of the drainage catchment portion of sump to maintain the current sump function.
- There is existing drainage infrastructure including pit lids with a height currently higher than existing ground level creating an obstruction.
- The existing fence and gate are in poor condition.
- There is extensive existing verge infrastructure including pits, inlets and a power pole restricting usable space.

Drainage Sump Improvement Proposal

Given the constraints of the site and its proximity to Bruce Lee Reserve, officers do not recommend the site is suitable to develop as a pocket park. However, officers believe the drainage sump can be improved to meet the community's requirements while maintaining the function of the drainage sump. The key elements may include:

- Installing a new fence offset approximately 4-5m from the sump boundary (current fence line at the road boundary) to create a new community space.
- Installing a new drainage pit lid at ground level to enable safe access and increase the usable area.
- Undertaking earthworks to level the area and prepare the site.
- Installing a new hard paving area to allow installation of a seat. It is noted the petition suggests a deck however due to the requirements for future access and

maintenance, a trafficable surface such as concrete is recommended instead of decking.

- Creating areas for planting, which could be an opportunity for a community planting day.
- It is noted the petition suggests a play area. Due to the small site area and drainage sump access requirements, officers do not recommend a play area in this location.
- Officers will work with the community group to find suitable locations for other items noted such as the street library.

If the project is supported and budget allocated in the budget process, officers will work with the petitioners and community to progress the proposal.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Acknowledge the petition received requesting 'that the Council include the upgrade of the sump in Davies Street into a pocket park in the current budget cycle.'**
- 2. Support the improvement of the drainage sump located at 18 Davies Street, Beaconsfield to create a local community space.**
- 3. Support the consideration of a budget allocation for the Davies Street Sump Improvements as part of the annual budget deliberation process.**

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

12. URGENT BUSINESS

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

13. LATE ITEMS

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

14. CONFIDENTIAL BUSINESS

Members of the public may be asked to leave the meeting while confidential business is addressed.

FPOL1905-10 CONFIDENTIAL REPORT - MAJOR CONCERT EVENT

Meeting Date: 8 May 2019
Responsible Officer: Manager Communications and Events
Decision Making Authority: Council
Agenda Attachments: Site map

REASON FOR CONFIDENTIALITY

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

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

15. CLOSURE