



Agenda

Finance, Policy, Operations and Legislation Committee

Wednesday 10 May 2023 6pm



Notice of 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 10 May 2023** in the Council Chamber, Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read "M. Hammond".

Matt Hammond
Director City Business

4 May 2023



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1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leaves of absence

There are no previously received apologies or approved leave of absence.

3. Disclosures of interests by members

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 to be presented to the committee.

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.

There are no special deputation requests.

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.

8. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 12 April 2023.

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

FPOL2305-1 PETITION – PLANE TREE GROVE, O’CONNOR

Meeting date:	10 May 2023
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Committee
Attachments:	1. Plane Tree Grove Petition - Tree Assessment Data
Confidential Attachments:	Nil

SUMMARY

On Monday 9 January 2023, Council received a petition signed by 30 residents of Plane Tree Grove, O’Connor, requesting the City either grant them permission to prune or commits to pruning the street trees for property line clearance with the objective of reducing leaf drop.

This report provides a summary of the City’s current leaf fall management arrangements, comments on the request in the petition and provides recommendations for management.

BACKGROUND

The City is responsible for the planting, pruning, removal and overall maintenance of all the trees on City-managed land, and is guided by the Greening Fremantle: Strategy 2020, the Urban Forest Plan and the Street and Reserve Tree Policy. Under this guidance, tree management aims to protect and increase canopy cover over the City for the benefit of the community now and into the future.

On 8 February 2023, the Acting Chief Executive Officer presented a petition with 30 signatures – the petition was worded as follows:

This petition is for one of two options for the FCC to decide. Either:

- 1. The FCC grants me permission to prune the Council tree branches that overhang my property. This permission is required in writing by mail to my address by the 31st January 2023. This will then give me sufficient time to arrange pruning before the annual leaf drop in April. Should permission not be received by 31st January, then it is presumed the FCC grant the permission by default.*

OR



2. *The FCC commits in writing the Ratepayers below for the FCC themselves to prune the branches that overhang our property by end of February 2023. Should this not happen, then it is also presumed the Ratepayer can prune the said branches by default.*

Plane Tree Grove and surrounding streets comprise a small estate in O'Connor with approximately 145 trees planted on the verges (Consultant audit, 2020).

The petition is signed by 30 residents - the assessments in this report relate to the 30 trees associated with the signatories addresses as requested in the petition.

FINANCIAL IMPLICATIONS

Based on a 2020 audit, the combined Helliwell valuation (amenity value) of the 30 trees affected by this petition was calculated at \$291,695.

Pruning as requested in the petition would cost the City approximately \$17,850.

The City currently has an increased service level to Plane Tree Grove for leaf litter collection. This consists of an additional weekly street sweep during leaf fall at an annual cost of approximately \$7,000, supported by an internal labour cost of approximately \$2,000.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Upon receipt of the petition on 9 January 2023, the City wrote to the lead petitioner on 27 January 2023 advising that the petition would be tabled at the next Finance, Policy, Operations and Legislation Committee meeting to be held on Wednesday, 8 February 2023 and invited them to attend the Committee meeting and speak to the petition.

In the same correspondence, the lead petitioner was also advised that they should not take any further action in relation to this matter until a decision has been made by either the CEO or Council (if required), and they had been advised of the decision in writing by the City.

On Tuesday 14 March 2023, City Officers met with the lead petitioner to gain an understanding of their concerns. Comments can be summarised as follows:

- *"Leaf drop from the Plane Trees within the estate is excessive, filling gutters and causing water damage to nearby properties, as well as blocking storm water drains in the precinct leading to more water damage."*



- *It is the City's responsibility to maintain the trees, yet it is the property owners who end up cleaning excessive amounts of leaves. Many residents work full time while others are elderly, so they do not have the time or energy to do this.*
- *The additional maintenance that was commenced in 2017 to deal with the autumn leaf drop has not been kept up and the area is neglected by the City.*
- *The 2017 agreement allowed for the scheduled co-ordination of residents to be given a day and time to have their leaves raked out to the street and for the park maintenance and street sweeper to arrive promptly after that time to operate together for maximum leaf litter pick up.*
- *The request to prune the trees to the property lines is to reduce the amount of leaf drop experienced by the residents.*
- *Additional street sweeping and maintenance of the park across the road is not being coordinated and the leaves blow onto the private properties."*

Broader consultation has not been undertaken regarding the trees in this estate. Should any major changes be proposed, more residents would be consulted in accordance with the City's Community Engagement Policy.

The City also corresponds with residents around the annual service level increase for leaf maintenance in Plane Tree Grove. This has been through both letter drops and email outs over recent years aligned with the increased leaf maintenance service. The most recent correspondence (March 2023) advised that:

"the Autumn street sweeping service levels have now commenced for the Plane Tree Grove reserve and streetscape areas. Plane Tree Grove is programmed to receive a weekly clear/sweeping service on Tuesday mornings during the Autumn heavy leaf drop period. This will continue to be monitored and will be readjusted as required once the leaf drop starts to slow."

OFFICER COMMENT

Responsibly managing existing street and reserve trees to protect and increase canopy cover contributes to the City's Environmental Responsibility, Greening Fremantle: Strategy 2020 and Urban Forest Plan objectives. The City's Street and Reserve Tree Policy guides City tree management, including how the City will plant, prune, maintain and remove trees under the management and care of the City of Fremantle. In the Policy, the Tree Pruning and Maintenance section states:

The City is responsible for pruning and maintaining street and reserve trees. Trees will be pruned as part of the annual program to:

- *remove hazardous branches*
- *improve form*
- *remove dead / dying wood*
- *uplift low hanging branches*
- *clear trees from overhanging a property boundary*
- *clear trees from powerlines and utilities.*



Residents can request street tree pruning by contacting the City. An officer will inspect the tree to assess if the tree requires pruning. Pruning is undertaken in accordance with Australian Standards AS4373: Pruning of Amenity Trees and Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia).

This assessment is considered within the framework of Australian Standards AS4373: Pruning of Amenity Trees as to what is reasonable clearance to address residents' concerns. It is accepted the position of Council, in accordance with the adopted Greening Fremantle: Strategy 2020 and Urban Forest Plan, is to promote and preserve tree canopy and general tree condition where appropriate to do so. AS 4373 Pruning of Amenity trees states:

1. Lopping, topping and flush cutting are unacceptable practices.
2. The tree should not be adversely affected by pruning.
3. The [pruning] inspection should consider hazards, habitats, species, age, condition, wind loading, location and the timing of the trees biological processes.
4. Potential impacts of the pruning on health, structure and amenity to be considered.

Tree management under the Street and Reserve Tree Policy states that trees will be pruned to "clear trees from overhanging a property boundary", however it requires pruning to be done in accordance with Australian Standards AS4373: Pruning of Amenity Trees. When considering pruning to the property line, the above AS4373 points are assessed and considered to ensure the works do not adversely affect the trees. The AS 4373 also provides the following reasons about why Lopping and Topping are unacceptable practices:

1. They increase the rate of shoot production and elongation.
2. The resulting regrowth is weakly attached and becomes prone to failure and collapse.
3. The stubs may decay.
4. The natural habit of the tree is destroyed.
5. They may reduce the lifespan of the tree.
6. They predispose the tree to fungal infections and insect attack.

Petition Comment

The petition highlights the ongoing challenges associated with community expectations associated with the management of street and reserve trees, particularly regarding leaf drop.

In recognition of the large volume of leaves shed by London Plane Trees, in 2021 the City implemented additional street sweeping services in Plane Tree Grove and other high leaf drop locations across the City such as Doepel Street North Fremantle, and Queens Square and Cantonment Streets, Fremantle.



From around the commencement of leaf fall each year, City staff blow the leaves from the verges and the local reserve in the estate onto the road which are then picked up by the street sweeper. This is done once a week until leaf drop ends. A second weekly sweep could be introduced which would increase the frequency of collection. However, officers do not recommend this as the current weekly service level is deemed adequate.

Prior to 2021, the City had increased the service level to high leaf fall areas, however, acknowledge this was accommodated within existing operational resources and as such was subject to resource availability and other unexpected operational issues.

Following receipt of the petition, the City's arborist undertook a preliminary inspection in January 2023 followed by a detailed inspection and assessment of the trees in March and April 2023. This assessment was undertaken on 30 trees adjacent to the properties of the signatories of the petition as requested. An explanation of the data collected and assessed is as follows:

1. House number and location associated with the signatories of the petition.
2. Botanical name – as provided by external survey consultants.
3. Asset ID – as provided by external survey consultants and stored within Assetic/ESRI (City asset management software).
4. Number of trees – relating to the collected data.
5. Is the tree on front verge – whilst no specific trees were identified other than "overhanging property" all property surrounding trees were considered.
6. Canopy sq/m - Using desktop analysis [Nearmap] providing an estimated square meterage of canopy cover for each tree.
7. Crown over property – Confirming whether the crown is over the property line or not (Referenced from CoF ESRI map overlays).
8. Percentage (%) over property boundary – Estimation of crown volume over property provided in ranges (Referenced from CoF ESRI map overlays).
9. Reasonable pruning potential – Within the framework of AS4373 can reasonable pruning be undertaken to achieve FULL property clearance without overly impacting tree condition.
10. Prune cost – Estimation of prune costs to either prune to achieve full property clearance or reduce/lift existing crown to provide other reasonable property clearances.
11. Helliwell value – as provided by external survey consultants.
12. Date of Helliwell – Date value was calculated.
13. Consultant – External service provider.
14. Comment – additional/relevant information.

A summary and comment on the tree assessment (30 trees) is provided below and the detailed inspection data is provided as an appendix to this report:

- 1 tree, not overhanging property line, is in poor health and will be scheduled for removal and replacement.
- 1 tree, not overhanging property line, has been heavily vandalised (severely lopped) and officers are monitoring its recovery.



- 3 trees do not overhang property lines.
- 8 trees are likely able to be pruned to achieve property clearance within minimal impact to tree amenity (in-depth individual tree assessment to fully validate). This would reduce their leaf volume by approximately 0-20%.
- 8 trees may be able to be pruned either back to property line or within reasonable vicinity with moderate impact to tree amenity (in-depth individual tree assessment to fully validate). This would reduce their leaf volume by approximately 0-20%.
- 9 trees are most unlikely able to be pruned [due to maturity of branches/structural framework] to achieve full property clearance. If property line clearance was enforced this would come at high impact to tree wellbeing and may compromise tree integrity and future safety (in-depth individual tree assessment to fully validate). This would reduce their leaf volume by approximately 20-50%. Due to the likely severe impact on these trees, property line clearance pruning is not recommended.

The overhang of trees into property is from trees which are in the road reserve. The overhang includes a mix of both front verges and, where a property is on a corner, side boundaries. The property overhang therefore is not always over a building and may be the front garden only.

It should also be noted that the volume of litter being generated through this precinct is not isolated to the 30 trees inspected as part of this petition. There are multiple other trees of same and other species, not accounted for in this assessment as they are not associated with the petition addresses, contributing to the total litter volumes.

City Leaf Fall Management

Officers continue to review the management of leaf fall across the City. This is a seasonal requirement peaking through the Autumn months in areas with a large number of semi/deciduous trees. Leaf fall impacts drainage infrastructure, roads and property and a targeted program can help manage this. The review is focussed on identifying areas where leaf fall is heavy and aligning the City's related collection and disposal program to focus on these areas, as well as investigating alternate collection and disposal methodologies (electric sweeping plant for example). If it is identified that the scope of this service level alignment outweighs current resource and budget capacity, a proposal will be brought to Council for consideration in the annual budget process.

An additional service option which can be provided to support the sweeping is to seasonally provide additional FOGO bins to residents in high leaf drop areas upon request. Leaves collected by street sweeping goes to landfill as it is considered contaminated and has a disposal cost of \$160 per ton, whereas leaves collected by residents using the FOGO bins can be diverted from landfill and incurs a disposal cost of \$90 per ton. Officers recommend offering this optional service to residents.



Options

To address the concerns of the petitioners, Officers have identified the following options for tree pruning and sweeping frequency to mitigate leaf drop at the estate:

Pruning Options			
Option	Cost	Impact on Trees	Impact on Leaf Drop
Prune no trees	Nil	No impact on trees.	Nil
Prune 8 suitable trees to property line	\$4,200	No impact on 22 trees, acceptable impact on 8 trees.	8 trees reduce their leaf volume by approx. 0-20%.
Prune all 30 trees to property line	\$15,250	No impact on 5 trees, acceptable impact on 8 trees, unacceptable impact on 17 trees.	16 trees reduce their leaf volume by approx. 0-20% and 9 trees reduce their leaf volume by approx. 20-50%.

Sweeping Options		
Option	Scope	Cost
Weekly sweep	Weekly sweep for the leaf fall period supported by on ground staff.	Current service level, no additional cost
Twice weekly sweep	Twice weekly sweep for the leaf fall period supported by on ground staff.	\$9,000 annually

A second weekly sweep could be introduced which would increase the frequency of collection. However, officers do not recommend this as the current weekly service level is deemed adequate for leaf collection.



Summary

Due to the significant negative impact pruning would have on the trees and the marginal effect it would have on leaf drop experienced by residents, officers recommend:

- Pruning the 8 trees deemed suitable for pruning to the property line. The impact on pruning the remaining 17 trees is deemed too impactful to the tree and is not recommended.
- Retaining the existing weekly leaf collection service level.
- Offering additional FOGO bins to residents in high leaf drop areas upon request.

Should Council decide to adjust this service level, the following alternate recommendation is provided:

Request officers seek a budget in the 2023/24 financial year to increase to a twice weekly street sweep for high leaf fall areas across the City, inclusive of Plane Tree Grove.

Upon a resolution by Council on this report, officers will advise, and offer to meet, the lead petitioner of the decisions and timing for implementation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Receives the tree assessment (March/April 2023) provided in this report and request the 8 trees deemed suitable for property line clearance pruning are inspected, validated, and pruned in accordance with AS4373 and the City Policy.**
- 2. Supports to retain the existing seasonal increased weekly street sweeping for high leaf fall areas across the City, inclusive of Plane Tree Grove.**
- 3. Notes the City will continue to review the sweeping service to align it with seasonal requirements and will bring proposals for Council consideration through the annual budget process should service level changes be proposed.**
- 4. Notes the City will liaise with the lead petitioner on the outcomes of this report.**



**FPOL2305-2 ADVERTISING OF THE PROPOSED DIFFERENTIAL RATE
FOR THE 2023/24 FINANCIAL YEAR**

Meeting date: 10 May 2023
Responsible officer: Director City Business
Decision making authority: Committee
Attachments: 1. Objects and Reasons for Differential Rates for the 2023/24 financial year
Confidential Attachments: Nil

SUMMARY

The purpose of this report is for Council to consider approval for advertising the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the Objects and Reasons for differential rates (shown in Attachment 1) for the 2023/24 budget, in accordance with the provisions of the *Local Government Act 1995*.

This report recommends that Council endorse the proposed 2023/24 differential rate categories, rate in the dollar and minimum payment and approve advertising of the proposed 2023/24 differential rates.

BACKGROUND

The power to raise local government property rates is set out under the *Local Government Act 1995 (Act)*. In adopting its annual budget, the Council must consider its current Strategic Community, Corporate Business and Long-Term Strategic Plans and, subject to the rating provisions under the Act, the Council is at liberty to use its rating powers to raise rate revenue at the level it determines appropriate. To determine this level requires the Council to assess the current and future service needs, aspirations of the community and their capacity and willingness to pay for those services.

FINANCIAL IMPLICATIONS

Differential rates represent a strategic approach to rating which is Council's major revenue source.

LEGAL IMPLICATIONS

Under the *Local Government Act 1995* section 6.33 and 6.34 allows Council to impose differential rates and minimum payment. Section 6.36 requires Council to give notice of certain rates before imposing.



CONSULTATION

This recommendation is the City's intention to advertise the proposed differential rates for public comment prior to the adoption of the 2023/24 budget.

This advertising will occur for a minimum 21 days and allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

OFFICER COMMENT

Global economic conditions have driven rapid inflation and increasing cost pressures across most developed economies. Western Australia has not been immune to this and Local Governments have had to absorb significant increases to the cost of service delivery and wage growth.

Despite these challenges the City of Fremantle has progressively returned to pre-covid levels of service delivery after revenue sources such as general fees and charges, paid parking and commercial property have begun to recover.

Growth in rates revenue has fallen below sustainable levels following a 0% rate increase in 2021, as well as a decrease in discretionary revenues as our economy recovers from COVID alongside a period of significant CPI increases.

During COVID, the city's revenue sources ranging from paid parking and rates to commercial properties were significantly reduced. Post-COVID, the city has been re-building revenue streams with new commercial property opportunities, but the reality remains that rates revenue accounts for more than 60% of the City of Fremantle's income.

An important indicator of the City's financial health is our asset sustainability ratio. This ratio, as recommended by the State Government provides a guide on the level of investment that should be made in to maintaining our physical assets. The ratio suggests that if our investment is at least equal to the depreciation of our existing assets, then it is likely our assets are being adequately maintained.

The City has been working towards achieving the recommended target ratio range of between 90 – 110% (a renewal spend of at least 90% of the value of depreciation) and is on track to achieve this in the coming years.

These assets – parks, footpaths, buildings, library, roads, facilities etc – are worth \$450million and the City needs to ensure an adequate program to maintain them, as any delay will present a financial burden for coming future generations.

To maintain the momentum in working towards the achievement of this strategic goal for the City's finances, the City must continue to increase investment in to the renewal of existing assets.



For the City of Fremantle this means continuing to work towards the investment of at least \$10 million into the renewal of its existing assets.

A key objective in this year's budget is to close the gap on this target, following a short period of reduced investment as a result of the pandemic.

The City is there for recommending to increase the revenue generated by rates by 8% to ensure that the community's expectations as to liveability and service delivery are not only met but continue to grow.

Sustainable growth now will ensure there is an adequate level of investment into the renewal of existing community assets so they can continue to be accessed and utilised by the community.

Notwithstanding a key focus needs to be on achieving an appropriate level of investment into renewal, the City is also committed to ongoing investment in to new projects and initiatives that add value for local communities both in the City Centre and across our suburbs. As such it is intended that we continue to build our financial capacity so that we can work towards investing up to \$5 million annually in new projects that meet both the needs of our growing community and the ongoing operational requirements of service delivery.

As we continue to work towards this goal, the 2023/24 draft budget proposes an investment of over \$4 million into the City's capital renewal program.

In addition to this, the budget proposes investment into a number of capital and operating projects which focus on delivering core services to our suburbs and building capability within the organisation to ensure timely and cost-effective delivery.

Noting the aforementioned focus on growing investment into to our renewal program, the 2023/24 budget and proposed RIDs are predicated on the achievement of the following core objectives.

- Deliver core services and facilities to our community.
- Enable residential development to get more people living in our city.
- Build key city centre deals to attract investment and build our future prosperity.

The 2023/24 budget will represent an important step towards building the necessary financial capacity to achieve these objectives. Looking ahead the City's supporting financial strategy will seek to:

- Strengthen our focus on investment into renewal in line with the value of asset depreciation.



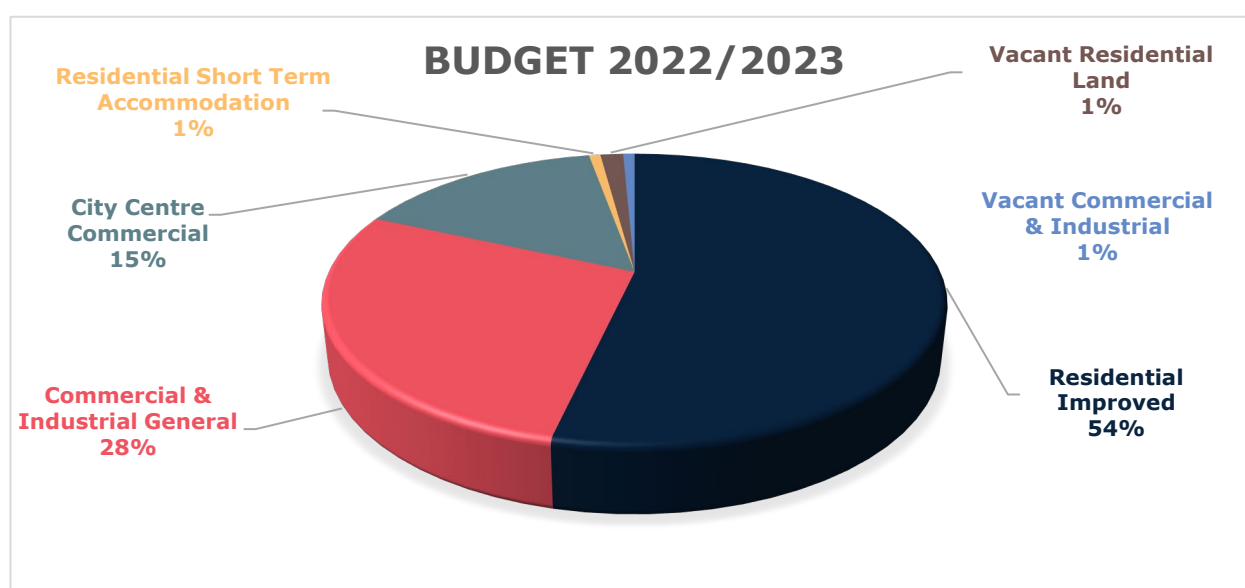
- Build reserves to fund and deliver new capital projects alongside major developments to encourage and attract residential investment in the City centre.
- Continue to grow councils discretionary spend on new, renewal and operating projects to \$15 million.

Rating Information

As per the previous comments on the current economic climate and the City’s strategic objectives associated with closing the gap on our asset renewal target, the following section provides information regarding changes to rating for the 2023/24 financial year.

The following table and chart provides an overview of the rate revenue and rate in the dollar included in the current (2022/23) budget.

Rate Description	Budget 2022/2023	Rate in the Dollar
Residential Improved	28,275,783	0.090585
Commercial & Industrial General	14,802,308	0.096174
City Centre Commercial	8,175,631	0.098241
Residential Short Term Accommodation	373,063	0.101024
Vacant Residential Land	747,890	0.138413
Vacant Commercial & Industrial	376,970	0.171982



In addition to any rating changes, the triennial valuation carried out by Landgate has also fallen in the current year and any changes to GRVs will be reflected in 2023/24 rating. Landgate has now completed the triannual gross rental valuation



(GRV) assessments of all properties in the City of Fremantle as at the Date of Valuation, being 1 August 2021.

The following table provides a summary of changes occurring to the level of values in the 2022/2023 general valuation program, with the valuations coming into force 1 July 2023.

Differential Rate Category	GRV Change %
Residential Improved	24.65%
Commercial & Industrial General	-0.63%
City Centre Commercial	-0.31%
Residential Short Term Accommodation	2.55%
Vacant Residential Land	10.27%
Vacant Commercial & Industrial	10.27%

The overall change in the GRV valuations roll was 14.35% based on 16,874 properties. Should ratepayers have queries regarding their valuations, they are encouraged to contact Landgate before lodging a formal objection.

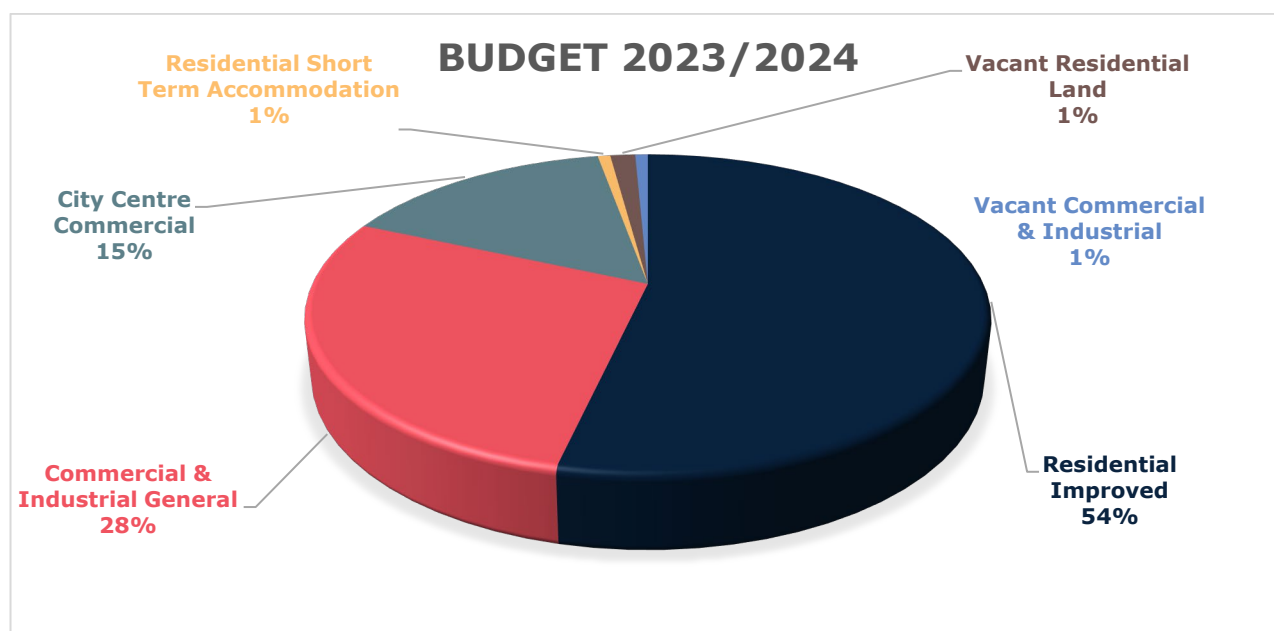
The GRV values for the different rating categories changes as per the Landgate extract. Rates are calculated by multiplying the property GRV by the Rate in the Dollar.

In noting some of the GRV changes, the city has amended the Rate in the Dollar for each rate category to account for the changes in the GRV.

As an example, if the Rate in the Dollar for the Residential Improved category remains unchanged into 2023/24, it would mean a 24.65% increase in rates for those ratepayers. Therefor the Rate in the Dollar has been adjusted prior to any additional increases being applied.

The following table and chart outlines the proposed rate in the dollar and rating revenue for the 2023/24 budget.

Rate Description	Budget 23/24	Rate in the \$
Residential Improved	30,521,836	0.078485
Commercial & Industrial General	15,986,474	0.104521
City Centre Commercial	8,829,666	0.106430
Residential Short Term Accommodation	402,900	0.106393
Vacant Residential Land	807,719	0.135563
Vacant Commercial & Industrial	380,489	0.156970



Different ratepayers will experience the impact of the triannual valuations in different ways depending on the amount their GRV has changed. Here are some examples of the impact on Residential Improved ratepayers based on the Rate in the Dollar being proposed for that category:

Description	Estimated GRV Value	Rate in the Dollar	Calculated rates	% increase
Original budget 2022/23	25,000	0.090585	2,265	
Property 1: Increase in GRV by 24.65% (same as the average)	31,163	0.078485	2,446	8%
Property 2: Increase in GRV by 30% (increase in value above the average)	32,500	0.078485	2,551	13%
Property 3: Increase in GRV by 5% (GRV increase less than the average)	26,250	0.078485	2,060	-9%



The tables to follow outlines proposed changes to RIDs for the differential rating categories and minimum payments as well as the change in comparison to the 2022/23 budget.

Differential Rate Category	Rate in the Dollar			
	2022/23 (\$)	2023/24 Proposed (\$)	Change (\$)	Change (%)
Residential Improved	0.090585	0.078485	-0.01210	-13%
Commercial & Industrial General	0.096174	0.104521	0.00835	9%
City Centre Commercial	0.098241	0.106430	0.00819	8%
Residential Short Term Accommodation	0.101024	0.106393	0.00537	5%
Vacant Residential Land	0.138413	0.135563	-0.00285	-2%
Vacant Commercial & Industrial	0.171982	0.156970	-0.01501	-9%

Differential Rate Category	Minimum Payment			
	2022/23 (\$)	2023/24 Proposed (\$)	Change (\$)	Change (%)
Vacant Residential Land	1,434	1,549	115	8%
All Other Rate Categories	1,481	1,599	118	8%

It is recommended that the proposed differential rate categories, rate in the dollar and minimum payment as detailed in the attached 2023/24 Objects and Reasons for differential rates and outlined above be endorsed and advertised.

As part of the process for the 2023/24 draft budget it is proposed to continue to apply differential rating.

Before Council can impose differential rates across the City, Council must advertise the proposed differential rates for a minimum of 21 days. The advertising period can occur up to two months prior to adoption of the budget. This period of advertising allows ratepayers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the budget adoption process.

Public advertising of the proposed rate in dollar and minimum payment does not bind Council to these when adopting the 2023/24 budget. The advertising process does not prohibit Council from amending the rate in the dollar and minimum payment at budget adoption. The proposed advertising date is 11 May 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER’S RECOMMENDATION

Council:

- 1. Endorse the proposed 2023/24 differential rate categories, rate in the dollar and minimum payment as outlined below and detailed in the Objects and Reasons for differential rates, provided in Attachment 1.**

Differential Rate Category	Proposed Rate in the Dollar (\$)	Proposed Minimum Payment
Residential Improved	0.078485	1,599
Commercial & Industrial General	0.104521	1,599
City Centre Commercial	0.106430	1,599
Residential Short Term Accommodation	0.106393	1,599
Vacant Residential Land	0.135563	1,549
Vacant Commercial & Industrial	0.156970	1,599

- 2. Approve the advertising of the 2023/24 differential rate categories, rate in the dollar and minimum payment as outlined in part 1.**



FPOL2305-3 PROPOSAL FOR MAJOR LAND TRANSACTION FREMANTLE MARKETS

Meeting date:	10 May 2023
Responsible officer:	Director City Business
Decision making authority:	Committee
Attachments:	1. Business Plan – Fremantle Markets Lease Renewal April 2023
Confidential Attachments:	1. Market Valuation (<i>Confidential – provided under separate cover</i>)

SUMMARY

The purpose of this report is to present a business plan outlining the details of the proposed disposal of 74 South Terrace Fremantle (the Fremantle Markets) by way of lease for council consideration.

This report recommends that Council receive the business plan and authorise the Chief Executive Officer to advertise the business plan in order to seek feedback on the proposed disposal in line with section 3.59 of the *Local Government Act*.

BACKGROUND

The Fremantle Markets is a collection of vibrant shops, stalls and entertainment, ranging from fresh produce, food and beverage, to crafts, gifts and buskers, providing a cultural experience rich in history and tradition.

The Fremantle Markets have become an icon in the Western Australian tourism landscape and remain one of the most visited and well known attractions in the State.

Sir John Forrest laid the foundation stone on Saturday 6 November 1897. Since this time, the Fremantle Markets have developed a unique and vibrant identity. With a wide ethnic base built over many years of immigration, the markets not only play an important role in perpetuating WA's heritage and tradition, but offer a fantastic atmosphere and engaging display of cultural richness.

Over 150 stalls are housed in a Victorian building listed by the National Trust and Heritage Council in 1980. The precinct, which includes the Sail & Anchor Hotel, the Norfolk Hotel, the Warders Cottages and Scots Church, is also listed on the Commonwealth Government's Heritage Commission Registrar of the National Estate. It is also part of the Zone of Influence in the proposal for World Heritage Listing for the Fremantle Prison.

In June 2008 the City of Fremantle entered into a lease with Fremantle Markets Pty Ltd (FMPL) for the property located at 74 South Terrace known as the Fremantle Markets. The lease was for a period of 18 years and 4 months.



The lease is now reaching the end of its term and the City is proposing to enter into a new lease with FMPL for a further 10 years with two further terms (options) of 5 years and 5 years (a 20 year term in total). Pending council approval of the proposed terms it is intended that the current lease would be rescinded and new lease terms brought into effect within the 2023 calendar year.

The terms of the proposed disposal as outlined in the business plan (attachment 1) constitute a major land transaction as defined in the *Local Government Act 1995* (Act).

Under the terms of the Act, a local government is required to develop and advertise a business plan if a proposed disposal of property is considered a major land transaction.

A disposal of property is considered as a major land transaction if the consideration under the transaction, together with anything done by the local government for achieving the purpose of the transaction, is more than either –

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year, which in the case of the City and the expenditure from its municipal fund in FY21-22, is an amount of \$8,119,514.

Before entering into a Major Land Transaction the Council must first prepare a Business Plan, advertise the availability of the Business Plan for comment and then consider any submissions received in relation to the proposed transaction. As required a Business Plan has been developed (attachment 1) and provides the details of the proposed disposal. This report seeks approval from council to advertise the Plan and seek submissions from the community on the proposal.

FINANCIAL IMPLICATIONS

Based on a current market valuation and the essential terms agreed to in principle by the proposed lessee, the disposal is expected to generate the following positive impact on the City's budget over the term of the proposed lease, not including Consumer Price Index (CPI) adjustment over the term.

- Base rent – approx. \$550,000 per annum
- Turnover rent – approx. \$250,000 per annum
- Impact to budget over first term (10 years) = approx. \$5,500,000 in base rent received plus approx. \$2,500,000 in turnover rent received totalling \$8,000,000.



- Impact to budget over first further term (5 years) = approx. \$2,750,000 in base rent received plus approx. \$1,250,000 in turnover rent received totalling \$4,000,000.
- Impact to budget over second further term (5 years) = approx. \$2,750,000 in base rent received plus approx. \$1,250,000 totalling \$4,000,000.

The total revenue impact to the City's budget over the full term of the disposal would be approximately \$11,000,000 in base rent, and up to an additional \$5,000,000 in turnover rent, with any adjustments to CPI being in addition to this.

The proposed lease will also include provision to upgrade the building itself to the value of up to approximately \$3,000,000. It is proposed that these funds will be provided by the proposed lessee to fund the works.

The works to be funded by the proposed lessee's contribution include the following:

- Structural integrity works
 - Service yard roof demolition and construction of replacement roof.
 - Remediation and repair of entry gates and parapet wall on Parry Street side.
- Services and equipment works
 - Electrical switchboards and cabling replacement
 - Fire hydrants, exit signage and emergency lighting, detection and alarm systems.
 - Fire extinguishers
 - Fire engineered solutions to omit fire hose reels
 - Connection to natural gas supply and reticulation to replace LPG bottle system
- Traffic Management works
 - Installation of bollards at all market building entry points
- Adaption works
 - Refurbishment of fruit and vegetable hall to new standard stalls and all services upgrade including hydraulic, electrical and mechanical.
 - Second common use scullery installed for stall holders.



LEGAL IMPLICATIONS

The City is required to dispose of property in line with the requirements of the *Local Government Act 1995*. Under section 3.58 of the Act, a Local Government can dispose of property in the following ways:

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (c) If before agreeing to dispose of the property it gives local public notice of the proposed disposition and invites submissions to be made.

As per section 3.59 of the *Local Government Act 1995*, a local government is required to develop and advertise a business plan if a proposed disposal of property is considered a major land transaction under the Act.

A disposal of property is considered as a major land transaction if the consideration under the transaction, together with anything done by the local government for achieving the purpose of the transaction, is more than either —

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year, which in the case of the City and the expenditure from its municipal fund in FY21-22, is an amount of \$8,119,514.

Before entering into a Major Land Transaction the Council must first prepare a Business Plan, advertise the availability of the Business Plan for comment and then consider any submissions received in relation to the proposed transaction.

A business plan is to include an overall assessment of the major land transaction and is to include details of:

- its expected effect on the provision of facilities and services by the local government; and
- its expected effect on other persons providing facilities and services in the district; and
- its expected financial effect on the local government; and
- its expected effect on matters referred to in the local government's current community strategic plan; and
- the ability of the local government to manage the undertaking or the performance of the transaction

The business plan must be advertised publicly allowing for public submissions, with submissions to be considered by council with absolute majority required.



To guide decision making in determining the most suitable approach to disposing of the City's commercial property, council adopted the [Leasing of City property in a competitive manner policy](#). The policy provides guidance on the most suitable process to undertake while factoring in consideration for existing tenants that make a substantial contribution to the economic vibrancy of Fremantle.

The policy states that for investment properties:

- Approaching the conclusion of lease terms (between 6-12 months prior to expiry of lease), interested parties will be given an opportunity to compete in an open and competitive manner to lease investment properties, except for the following circumstances:
 - A property is leased to a tenant that:
 - is paying full commercial market rate or above, and
 - adds significant value to Fremantle's overall tenancy mix and appeal for visitors. Or
 - A property is to be leased for six months or less. Or
 - A property is not logistically accessible to any other party except for the current lease holder

In determining the most suitable approach to the disposal, the Fremantle Markets was assessed in line with the policy as both paying full commercial market rate, and adding significant value to Fremantle's overall tenancy mix and appeal (both of which are demonstrated later in this document). Due to the significant nature of this business for sub-tenants and the operations of the Fremantle Markets and the need for reinvestment in the facility itself, it was considered appropriate to review renewal of the lease prior to the twelve month expiration date.

As per this determination, the City is proposing the renewal of terms with the current tenant rather than seeking a new tenant. The proposed terms have been presented in this business plan (as per section 3.59 of the Act), and the City will provide statewide public notice of the proposed disposal via this business plan, inviting submissions to be made by the public (as per section 3.58 [3] a & b of the Act).

CONSULTATION

The business plan process invites submissions from the community on the proposed disposal and any feedback received will be provided to council prior to making a decision.

The current tenant has been consulted in relation to the proposed terms, which have been agreed to by both parties.



OFFICER COMMENT

Lease History

Prior to the current lease being proposed the property has been leased under the following arrangements:

- 5 May 1980 – 1 June 1992
 - Lessee: Donaldson & Murdoch Investments Pty Ltd
 - Term: 15 years (Lease surrendered prior to expiry due to the new lease below)
 - Rent - \$34,804.68 per annum

- 1 June 1992 – 30 April 2010
 - Lessee: Donaldson & Murdoch Investments Pty Ltd (subsequently assigned in 1995 to John Edward Victor Murdoch and Damman Pty Ltd)
 - Term: 161 months (13.4yrs) plus 5 year option
 - Rent - \$135,000 per annum (rent reviews to occur every 18 months)

- 10 June 2008 – 31 October 2026 (Current)
 - Lessee: Fremantle Markets PTY LTD
 - Term: 18 Years
 - Rent: Base rent \$550,000 per annum + 26% gross revenue performance adjustment

In the lead up to the expiry of the lease which was due to expire in April, 2010, council undertook a comprehensive process prior to entering into the most recent lease. The process included the following key milestones:

- September 2005 – Council advertised a Business Plan relating to a proposal to lease the Fremantle Markets to Fremantle Markets Pty Ltd for a period of 21 years.
- November 2006 – Council resolved to proceed with the proposed lease, subject to the further negotiation of a number of matters.
- July 2007 – Council resolved to conclude the negotiations in relation to the proposed lease to Fremantle Markets Pty Ltd, and associated documents, and to then prepare and advertise this second Business Plan relating to the proposed Major Land Transaction.
- November 2007 – Second Business Plan advertised.
- June 2008 – Current lease approved and commenced.



The lease that commenced in 2008 is now approaching its expiry (October 2026) and included the current essential terms:

- Lease commencement and expiry: 10/6/2008 - 31/10/2026
- Lease Holder: Fremantle Markets Pty Ltd
- Term: 18 years, 4 months
- Rent: Base rent - \$550,000 per annum plus:
- CPI increase every 18 months, plus;
 - 1% increase in December 2009 & June 2011
 - 1.5% increase in December 2012 & June 2014; and
 - 2% increase in December 2015 & June 2017.
- Annual Performance Adjustment fee payable in July 2014 and every July for the remainder of the term (if applicable) – Lessee to pay Lessor 26% of its gross revenue above the base rent at that time.

Recent Council decisions regarding the premises and the current lease include:

- Fremantle Markets Essential Works and Lease Extension Proposal (C2006-9 10 June 2020)
- Fremantle Markets Refurbishment Works Tender (FPOL2106-9 23 June 2021)

Essential Terms for Proposed Disposal

As detailed in the Business Plan the following essential terms have been agreed upon by the City and FMPL for the proposed disposal:

- Lease term: 10 years
- First further term: 5 years
- Second further term: 5 years
- Commencement date: Current lease to be rescinded and new lease terms to be brought into effect within the 2023 calendar year.
- Rent: Base rent - \$550,000 per annum
- Rent Review: Every 18 months capped at lesser of CPI or 5%, with a market review every 2nd Rent Review Date (every 3 years). Market rent reviews to have a cap (increase) and a collar (decrease) of 6%.
- Annual Performance Adjustment: Fee payable on 1st anniversary of lease commencement date and every anniversary for the remainder of the term (if applicable) – Lessee to pay Lessor 26% of its gross revenue above the base rent at that time.
- Preventative Maintenance Contribution: A minimum annual preventative maintenance contribution of \$50,000 to be made by the tenant, adjusted annually at the lessor of CPI or 3%.



Scenario Analysis - Options for Disposal

In line with section 3.58 of the Local Government Act, three potential scenarios exist for the disposal of this particular property. Each present benefits and risks.

The scenarios include:

- Scenario 1 - The current tenant and any other interested parties participate in a public tender process, and the current tenant is selected as the successful proponent.
- Scenario 2 - The current tenant and any other interested parties participate in the process, and the current tenant is not selected as the successful proponent.
- Scenario 3 – The City renews the lease with the current operator in line with the City’s Leasing in a competitive manner policy.

Scenario 1 – Public Tender Process – Current Tenant Selected

If the City was to run a public tender process, the existing tenant would be eligible to participate in the process.

The key benefit associated with this scenario is that it would enable the ability to assess the market and alternative operators/models in an open and transparent manner through a competitive process. This would address any concerns relating to the fact that the lease of the current premises has been held by the same tenant since 1980.

Notwithstanding these benefits, a number of risks are also associated with this scenario even if the current tenant was selected as the successful tenderer through an open and competitive process. These include:

- Loss of existing stallholders due to the uncertainty related to impending expiry of lease with the current operator while the public process is undertaken. Sub-leases of stallholders are currently unable to be renewed beyond 2026 until a new head lease with the operator is resolved.
- Proposed refurbishment works, which the current tenant has committed to funding, may be delayed due to the public process impacting timelines associated with tender process for construction works. This would delay the delivery of priority works for another 12 months or longer, given the preferred construction window of February 2024 may be missed.
- Carrying out this process would be inconsistent with the City’s Leasing of City property in a competitive manner policy.



Scenario 2 – Public Tender Process – Current Tenant Not Selected

Similar to scenario 1, the key benefit associated with this scenario is that it would enable the ability to assess the market and alternative operators/models in an open and transparent manner through a competitive process.

However a scenario under which a public tender process is carried out and the current tenant was not successful was considered to carry the greatest risk out of all three scenarios as well as a significant financial opportunity cost. The following risks in addition to those identified in Scenario 1 have been identified:

- Reduction in future lease revenue for the City due to likelihood of a new operator requesting substantial rental incentives, discounts and fit-out contributions.
- Property becoming vacant for a significant period of time if a new operator is unable to deliver on proposed model.
- Significant opportunity cost associated with the transition period for a new operator taking on the site, estimated to be between 3 and 5 years. This could include but not be limited to:
 - During this time the rental income would likely return to base rent (\$550K) relatively quickly as existing operator runs out existing stall holder leases. Assuming 50-60% decline in turnover rent over 18-month period resulting in potential opportunity cost of up to \$115K to the City.
 - The City would be required to invest funds in refurbishment works in the absence of the proposed capital contribution to fund these from the existing tenant. (Potential opportunity cost between \$2-3m).
 - Based on current market conditions the City would assume no rental income for at least 12 months as new tenant transitions in. The request for 12 months rent free (minimum) is common in the current market. (Potential opportunity cost of \$800K).
 - In total, potential opportunity cost to the City of up \$3.8 million in lost rental revenue and capital contributions to transition to a new operator.



Scenario 3 – Provide New Lease to Current Tenant

As the method of disposal being proposed, scenario 3 was considered to mitigate many of the risks associated with scenarios 1 and 2. The following benefits were also identified:

- Much shorter transition of business being 12-18 months to get back to business as usual, as the lease is renewed, and works being funded by the current lessee's capital contribution are carried out.
- Market rent would be paid over the entire period, and the proposed works would be funded by the lessee, rather than the City, effectively eliminating the potential opportunity cost of up to \$3.8 million associated with transitioning to a new operator.
- Greater certainty provided to 157 small businesses (existing stallholders) in a much shorter period of time.

In further assessing scenario 3 as the preferred option, the following was also considered as demonstrating the capability and experience of the current tenant, having grown the markets over the term of the previous lease/s to achieve the following:

- The Fremantle Markets is considered an iconic destination in the context of the WA tourism industry and features in the marketing of all major tourism stakeholders including TWA, Destination Perth, Tourism Australia.
- There are 157 businesses operating in the Fremantle Markets equating to approximately 400 jobs.
- Up to 33.5 million people have visited the Markets since the start of the current lease in June 2008 and average of 2.6 million per year in the period leading up to covid in March 2020.
- FMPL has invested approximately \$4.5 million in to promoting and advertising the markets, its traders and Fremantle as a whole. Current annual marketing budget is \$370k.
- FMPL has invested approximately at least \$370k on building preventative maintenance over the term and more on the general maintenance of the building.
- In 2008 a study commissioned by FMPL indicated there is over \$40 million spent within the Fremantle Markets per year. FMPL believes this is now closer to \$55-\$60 million per year.



- The Fremantle Markets have been winners in 2013, 2014, 2015 and hall of fame in the Fremantle Chamber Business Awards for Tourism. The Fremantle Markets have been finalists in 2013, 2015 for the WA Tourism Awards as a Major Tourist Attraction.

Based on the assessment of risk, potential opportunity cost and adherence to the City leasing in a competitive manner policy, officers recommended method of disposal is via scenario 3, the details of which have been provided in the attached business plan.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the Business Plan outlining the proposed disposal of 74 South Terrace (the Fremantle Markets), as shown in Attachment 1.**
- 2. Authorise the Chief Executive Officer to advertise the attached Business Plan in line with the requirements of section 3.59 of the *Local Government Act 1995*.**
- 3. Note submissions received via the Business Plan process will be presented to Council as part of the consideration for approval of the proposed Business Plan following the conclusion of the business plan process.**



**FPOL2305-4 ENGAGEMENT PLAN – HERITAGE REVIEW - SOUTH
FREMANTLE HERITAGE AREA REVIEW**

Meeting date: 10 May 2023
Responsible officer: Manager Strategic Planning and City Design
Decision making authority: Committee
Attachments: 1. Engagement Plan - South Fremantle
Heritage Area Review
Confidential attachments: Nil

SUMMARY

South Fremantle is the first Heritage Area to be reviewed under new best practice principles. As well as an assessment of the South Fremantle Heritage Area this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Planning Regulations and the Heritage Act 2018.

The purpose of this report is to present to Council for adoption, a community engagement plan (Attachment 1) for undertaking a comprehensive heritage review of the South Fremantle Heritage Area (Figure 2).

The plan proposes engagement be undertaken in two key stages to allow for discussion and input from the community:

Stage 1: Community Input (Non-statutory process)

Purpose:

- **Ask the community and gain understanding of what they like/value about their heritage area**
- **Invite the community to contribute information to their place record - history and heritage**
- **Inform community of current heritage listings**

Stage 2: Community consultation (Statutory process)

Purpose:

- **To update the Local Heritage Survey, Heritage List and establish contributory and non-contributory places for the South Fremantle Heritage Area based in the knowledge of what the community value about their heritage area.**



BACKGROUND

A full street-by-street assessment of the heritage places in the South Fremantle Heritage Area (Refer to Figure 2) was undertaken in 2022. Following this Heritage officers have been undergoing a process of reviewing historical records to comprehensively and systematically assess approximately 1,200 individual places. This work has been completed and it's now time to inform the community of outcomes and invite them to provide further information to their place record.

The City of Fremantle local heritage framework is made up of a non-statutory database that holds the information on heritage places and then two separately adopted registers: the Heritage List and Heritage Areas.

Local Heritage survey (LHS): (Previously Municipal Heritage Inventory (MHI)) Non statutory database	Originally adopted on 18 September 2000 and contained approximately 4000 places. The LHS provides information on each place and the level of heritage significance (Levels 1-4 provided below) as per LPP 1.6 Heritage Assessment and Protection. The LHS requires continual review for consistency and accuracy.
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Level 1

Level 1a – Exceptional Significance – State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. This place is entered into Western Australia's State Register of Heritage Places.

Level 1b – Exceptional Significance – Not State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.

Level 2

The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

Level 3

The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced and its significant parts conserved.



Level 4 - Historic Record Only

The City of Fremantle has identified this place as being of interest for historical reasons and/or for structures that no longer exist. These places are part of Fremantle's rich cultural heritage but are not included on the Heritage List.

<p>Heritage List: Statutory protection</p>	<p>Places identified within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.</p>
<p>Heritage Area: Statutory protection</p>	<p>Those areas where heritage significance is attached to a grouping of places or streetscape value rather than (or sometimes in addition to) their individual significance. The Regulations require local governments to prepare a local planning policy for each Heritage Area which sets out:</p> <ol style="list-style-type: none"> 1. A map of the area. 2. A statement of significance for the area. 3. A record of places of heritage significance in the area (Contributory Places).

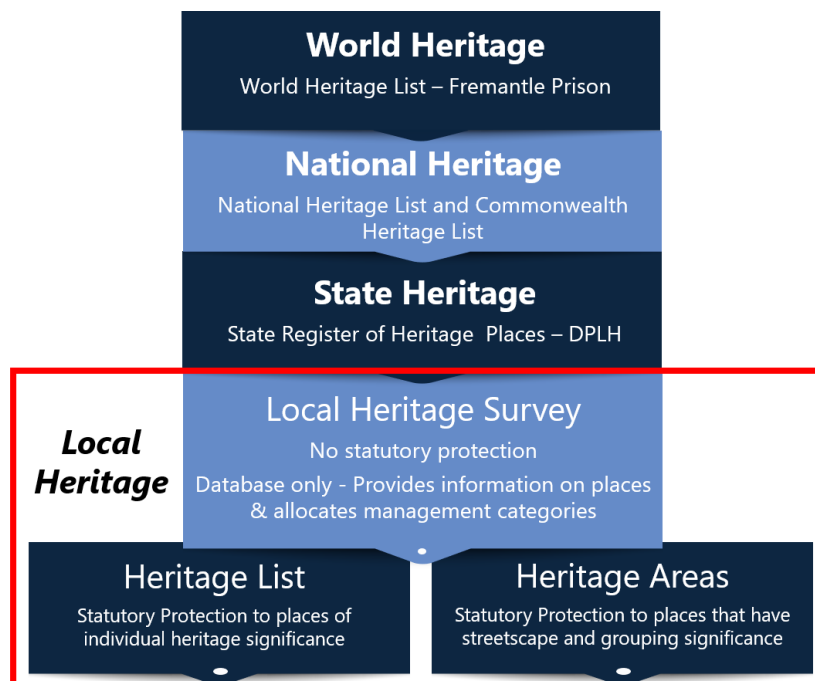


Figure 1. Local Heritage Framework and where it sits within the wider heritage framework



Since the gazettal of Local Planning Scheme No. 4 (LPS4) in 2007 and the establishment of the City's Heritage List, and subsequently the City's Heritage Areas, the heritage framework has undergone several changes including the gazettal of *State Planning Policy 3.5 – Historic Heritage Conservation*, gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and, most recently, update of heritage legislation and guidelines. These changes have required the City to reconsider and update the way it manages its heritage framework.

As well as annual and periodic reviews of the Heritage List, the City has more recently:

- Replaced the term 'Municipal Heritage Inventory' (MHI) with 'Local Heritage Survey' (LHS) and amended how the LHS is reviewed.
- Reduced the number of Heritage Areas to 18 (revoking nine).
- Introduced Local Planning Policy 3.6 – Heritage Areas (LPP3.6) to provide the Heritage Area boundaries and statements of significance in alignment with the requirements of the Regulations. LPP3.6 also includes provisions around siting and scale, form of development, infill development, garages and carports, street fencing etc used to assess development applications in heritage areas.

Further work is required to identify the contributory places for each area (as per the Regulations). Where identification of contributory places has not been completed, or is incomplete, assessment is made when a development application is lodged.

FINANCIAL IMPLICATIONS

There are no direct financial implications to the City regarding this report.

LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify the requirement and process for the establishment and maintenance of a heritage list under the local planning scheme, and for the designation, amendment or revocation of heritage areas as well as the procedures for advertising and adopting a local planning policy.

The *Heritage Act 2018* requires periodic update and review of the LHS.

CONSULTATION

The *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) 2015 Regulations* specify consultation requirements with the landowners of all affected properties prior to modification to the Local Heritage Survey and Heritage List, respectively.



The Planning Regulations also specify consultation requirements for the designation or amendment of heritage areas, and for the adoption or amendment of local planning policies.

Following adoption of the South Fremantle Heritage Area Review for community engagement, officers will undertake a community engagement process in two stages as per the Engagement Plan in Attachment 1:

Stage 1

Purpose:

- Ask the community and gain understanding of what they like/value about their heritage area
- Invite the community to contribute information to their place record - history and heritage
- Inform community of current heritage listings

Proposed engagement methods include MySay, letters, drop-in sessions, precinct and focus group meetings. Additionally, engagement with real estate agents will be undertaken to ascertain the level of information they need from the City and what they see as the implications of heritage listing and/or residing in a heritage area.

Stage 2

Under the deemed provisions of the Regulations, the designation of a heritage area boundary requires consultation with each owner of affected land, and any other consultation the local government considers appropriate, before the Council can make a final decision on whether to adopt the amended boundary.

Consultation regarding the Heritage Area boundary is not necessary as it is already adopted, as shown in Schedule 1 (Heritage Areas and Statements of Significance) of LPP 3.6, however the designation of contributory places is changing and officers consider it necessary to advertise these changes as well as inform the affected landowners of the Heritage Area status. In addition, any places being added and deleted from the Heritage List require notice to the landowner.

OFFICER COMMENT

Since gazettal of the City's Local Planning Scheme No. 4 (LPS4) which set out the provisions for maintaining the City's Heritage List and adopting Heritage Areas, the City has undertaken an annual review and a rolling review of Heritage Places by suburb and/or request, the most recent comprehensive review being North Fremantle and Fremantle. In recent times, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) took over the requirements from LPS4 for maintaining a local government's Heritage List and Heritage Area registers.



These provisions differ slightly to the previous requirements. There have also been other changes in heritage legislation and guidelines. For these reasons, and the age of the City’s heritage information in the LHS (some dating back to before 2000), a more comprehensive review of suburbs/heritage areas is required to update, refine and add information, especially in regard to contributory places, which has not previously been captured.

South Fremantle is the first Heritage Area to be reviewed under the new best practice principles. As well as an assessment of the South Fremantle Heritage Area this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Regulations and the *Heritage Act 2018* including:

- An appropriate methodology
- An appropriate collection and storage of information
- Templates for future area reviews
- Management Category review and test their application in the field
- Review of Heritage Area boundaries (if required).

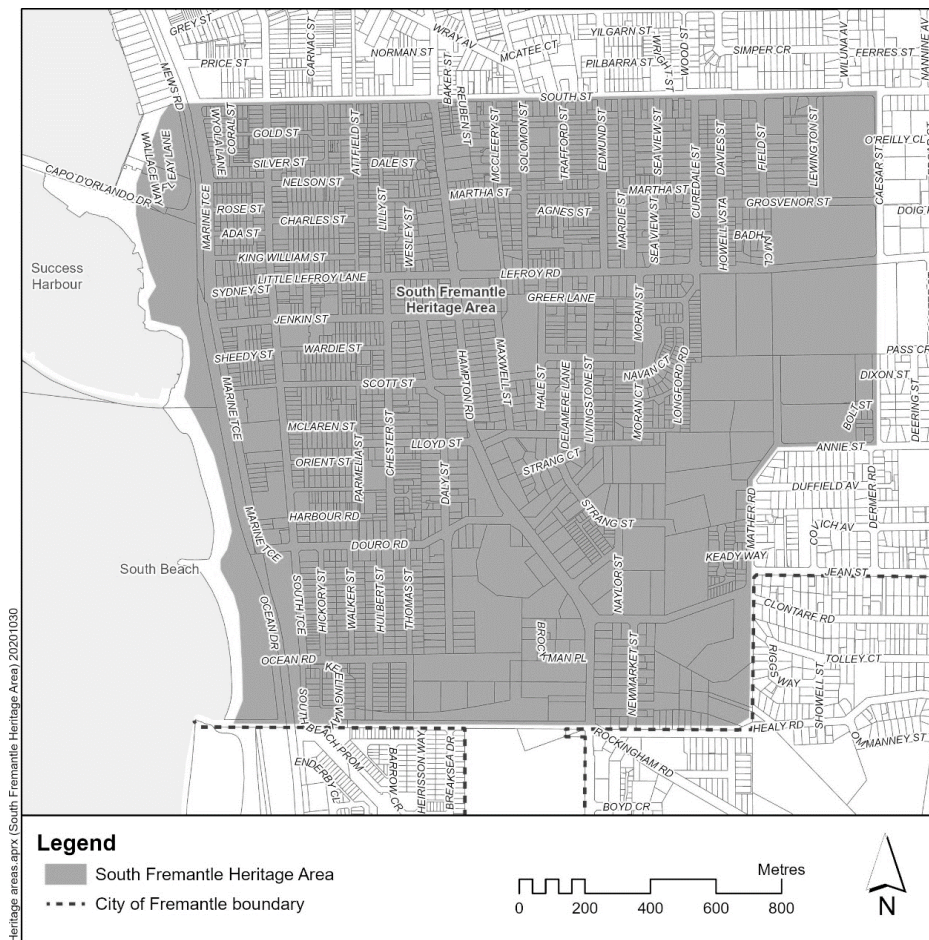


Figure 2. South Fremantle Heritage area boundary. Note South Fremantle Heritage Area includes part of the suburb of Beaconsfield.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council adopt the Engagement Plan, provided in Attachment 1, for the South Fremantle Heritage Area for the purposes of undertaking community engagement in the Heritage Area.



**FPOL2305-5 ADOPTION OF THE COUNCIL AND COMMITTEE MEETING
SCHEDULE FOR THE PERIOD OF JUNE 2023 TO JUNE
2024**

Meeting date: 10 May 2023
Responsible officer: A/Manager Governance
Decision making authority: Committee
Attachments: 1. City of Fremantle Schedule of Council and
Committee Meetings for the period of 1
June 2023 to 30 June 2024
Confidential Attachments: Nil

Each year Council considers the schedule for which it intends to hold its Ordinary Council meetings and Committee meetings for the next 12 months.

This report recommends that Council adopt the proposed City of Fremantle Schedule of Council and Committee Meetings for the period of 1 June 2023 to 30 June 2024 as shown in the attachment to this report.

BACKGROUND

The City of Fremantle traditionally holds committee meetings on the first, second and third Wednesday of each month and the Ordinary Council meeting is held on the fourth Wednesday of each month.

Following adoption of the meeting schedule, any changes to dates or times will be published on the City’s website.

Agendas and Minutes for all meetings and details relating to attendance and speaking at meetings will be made available on the City’s website.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The Chief Executive Officer must publish Council and Committee meeting details on the City’s website, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

CONSULTATION

Nil.

OFFICER COMMENT



Prior to 2020, under section 5.25 of the *Local Government Act 1995* “Regulations about Council and Committee meetings and Committees” a local government was required to adopt and give public notice of the details of the Ordinary Council and Committee Meetings intended to be held in the next 12 months. In 2020, an amendment to the Act meant that the CEO could process these actions without a formal council decision. However, as the meeting schedule directly impacts elected members, the administration prefers to continue to seek council adoption of the meeting schedule.

Provided in Attachment 1 is the proposed meeting schedule for the period of 1 June 2023 until 30 June 2024 and provided below is a summary of the proposed changes that have been made to the meeting schedule.

To accommodate the Local Government Elections being held this year, it is proposed that the following meetings be held in the month of October 2023.

October 2023		
Planning Committee	4 October	6:00 pm
Ordinary Council Meeting	11 October	6:00 pm
Special Council Meeting (<i>Swearing in ceremony</i>)	23 October	6:00 pm
Ordinary Council Meeting	25 October	6:00 pm

The above schedule will enable any urgent planning items to be considered by the Planning Committee prior to the elections, and all other items to be dealt with by Council. After the elections, a Special Council meeting will be held for the swearing in of newly elected members, and the election and swearing in of the Deputy Mayor. A second Ordinary Council meeting will be held for the appointment of elected members to committees and working groups.

Ordinarily the Audit and Risk Management Committee meeting would be held in October, however due to the election, it is proposed that this committee meeting be moved to November, after elected members have been appointed to committees.

In previous years, Council has agreed to hold fewer meetings in December and January to accommodate the holiday period. This year it is proposed that the ordinary monthly meeting cycle occur in December and no council meetings be held in January. This will provide less disruption to the ordinary meeting cycle and accommodate the holiday period.



If a Council meeting is required in January for any urgent matters to be dealt with by Council, the meeting schedule will be amended by the CEO with notice given to elected members, and a notice of the meeting will be published on the City’s website.

All other meetings will be held as per the ordinary monthly meeting cycle, as follow:

Monthly*	
Week 1	Planning Committee
Week 2	Finance, Policy, Operations and Legislation Committee
Week 3	Audit and Risk Management Committee (<i>every 2 months</i>)
Week 4	Ordinary Meeting of Council

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER’S RECOMMENDATION

Council adopt the City of Fremantle Schedule of Council and Committee Meetings for the period of 1 June 2023 to 30 June 2024, as shown in attachment 1.



FPOL2305-6 WASTE MANAGEMENT ACTION PLAN 2020/2025 UPDATE

Meeting date:	10 May 2023
Responsible officer:	Manager Waste and Fleet Services
Decision making authority:	Committee
Attachments:	1. City of Fremantle Waste Management Action Plan 2020/2025
Confidential Attachments:	Nil

SUMMARY

The purpose of this report is to provide an update on the implementation of the City of Fremantle Waste Management Action Plan 2020/2025.

This report recommends that Council Council receives the Waste Management Action Plan 2020/2025 update as provided in this report.

BACKGROUND

Council has adopted the City of Fremantle Waste Management Action Plan 2020/2025, which seeks to provide the framework to advance towards waste reduction, reuse and recycling targets.

The purpose of the Waste Plan 2020-2025 was to set priorities for waste management within the City for the relevant time period.

The City's Waste Management Action plan is due to expire in 2025 and, on 8/2/2023 the Council's Finance, Policy, Operations and Legislation (FPOL) Committee has considered that would be valuable to understand progress and any implications for future budgets. To that end, FPOL has adopted a motion to "request that a progress report of the Waste Management Action Plan be presented to the next appropriate (..) Committee meeting outlining action completion and preliminary considerations for the next Plan."

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.



OFFICER COMMENT

Under the focus area Environmental Responsibility, the Strategic Community Plan commits the City to "working with the community, will reduce waste (ultimately to zero) and reuse wherever possible" and had set a recycling target of 80%.

The One Planet Fremantle Strategy reflects the Zero Waste targets and sets a series of similar targets for recycling, reuse, and diversion from landfill.

The City’s Waste Management Action Plan 2020-2025 seeks to provide the framework to advance towards these targets by stages, increasing waste recovery to 67% by 2025, and 70% by 2030. According to the Action Plan the City would, ideally, like to exceed the targets and achieve at least 70% material recovery by 2025.

It also establishes the city’s waste profile and baseline information in relation to the objectives and targets set out in the Waste Avoidance and Resource Recovery Strategy 2030.

The key themes in the Waste Avoidance and Resource Recovery Strategy 2030 are:

Theme	Description
Avoid	Western Australians generate less waste.
Recover	Western Australians recover more value and resources from waste.
Protect	Western Australians protect the environment by managing waste responsibly.

The Actions put forward in the Waste Management Action Plan 2020-2025 are organised around the following major themes:

- Waste Management
- Waste Infrastructure
- Policies and Procurement
- Data
- Behaviour change Programs and Initiatives
- Other Waste Management

To understand progress in the implementation of the Action Plan, the following tables outline action completion status and identify relevant gaps, constraints and opportunities going forward.



As noted on the Action Plan, the actions listed are to be assessed against other strategic priorities of the City through the corporate budgeting process, and their inclusion on the Plan does not commit the City to delivering it; it identifies it as desirable and allows it to be scoped and fed into the corporate prioritisation process.

Each action is highlighted as follows:

- Green, action item completed or well on track
- Orange, action item delayed or at risk of not being completed by the target date
- No highlight, action on track to be completed by the target date.



THEME: WASTE MANAGEMENT

Action	Target	Date	Update comment
<p>1.1 - Implement Phase 2 of the 3-bin FOGO (Food Organics/Garden Organics) roll-out to more multi-unit dwellings (MUDs) within the City of Fremantle to further increase materials recovery after due consideration of service options, available space, on-site management controls.</p>	<p>80% of all appropriate households have access to FOGO by</p>	<p>June 2021</p>	<p>The City has now achieved in excess of 95% of MUDs in Fremantle have access to FOGO bins.</p> <p>All single unit residential properties have FOGO bin and are on the 3 bin FOGO System.</p>
<p>1.2 - Introduce specialised cardboard collection services for new and existing larger MUDs to improve recycling rates.</p>	<p>50% of qualified properties take up the cardboard collection service by 23/24.</p>	<p>June 2024</p>	<p>All new MUDs are made aware of this service when submitting their Waste Management Plans for approval and they are encouraged to utilise it and transitioning to it or ramping it up when new owners move into the properties.</p> <p>Take-up is determined by actual need/demand for the service, not by its availability or any capacity limitation. Typically, this means high utilisation when moving in and low or no utilisation once residents settle into properties.</p> <p>Cardboard front lift bins are placed to support the service. It works well and some MUDs continue to use the service after all units are occupied. This service is on fees and charges.</p>



<p>1.3 - Introduce Better Practice Bulk Verge Collection systems to reduce waste and increase material recovery; this could include properties currently not serviced (e.g. CBD), with options for seniors and residents with a disability</p>	<p>50% material recovery rates from bulk verge materials by 23/24.</p> <p>Reduce bulk waste annually by 5% starting from 2022/23</p>	<p>January 2022</p>	<p>Council adopted the move to a Better Practice Bulk Verge collection system with full coverage to include properties currently not serviced. Service to commence in September 2023, following tender for procurement of the service.</p> <p>Annual reduction of approximately 30% is expected as a result.</p>
<p>1.4 - Plan and operate a successful Container Deposit Scheme Refund Point</p>	<p>1. Work towards recovery of 10 million eligible containers in 2021.</p> <p>2. Work towards recovery of 13.5 million containers in 2022-23.</p>	<p>On-going</p>	<p>Over 14 million containers processed to date. Service highly valued by the community. This high turnover has been facilitated by improved process efficiencies and servicing businesses (commercial collections) and coverage of events. Financial break-even has also achieved during the current financial year.</p>
<p>1.5 - Investigate suitable arrangement for recycling of all uncontaminated soft plastics and other recyclables collected at the Recycling Centre (Subject to industry support)</p>	<p>1. Two more new streams recycled by 2022.</p> <p>2. Five tonnes per annum increase in amount of materials recovered</p>	<p>June 2022</p>	<p>Eleven new streams have been added between 2019-2023.</p> <p>Previous contractor for soft plastic recycling (RedCycle) went out of business and there's no other currently in the market. New Facility expected on line third quarter of 2023.</p>



<p>1.6 - In partnership with the SMRC and member councils, introduce specialised food organics collections for commercial businesses, where practical.</p>	<p>Increase material recovery from commercial premises by 10%.</p>	<p>June 2023</p>	<p>Commercial collections currently being reviewed as part of a wider commercial waste services review. Potential collaboration with FOGO service providers is being assessed.</p> <p>Council report expected in June 2023.</p>
<p>1.7 - Commence operations as a Household Hazardous Waste (HHW) drop-off facility at the Recycling Centre</p>	<p>100% of HHW materials accepted in the program</p>	<p>November 2020</p>	<p>Successful operation of HHW drop-off facility at the Fremantle Recycling Centre operated under our solid waste license L9239/2020/1, offering a wide range of hazardous waste collection options.</p>
<p>1.8 - Investigate opportunities to utilise a portion of FOGO derived compost from the SMRC for the City's parks and gardens and/or for distribution to the residents from the Recycling Centre.</p>	<p>10 tonnes of compost provided to residents in the first year of the program.</p>	<p>December 2023</p>	<p>During March 2023, Parks & Landscape have used 1,300kg of FOGO compost in public gardens, with another 1,300kg ordered for April.</p> <p>The Fremantle Recycling Centre has sold in 30.5 tonnes of FOGO compost between September 2021 and March 2023. In addition, we are currently promoting FOGO compost at City events.</p>



WASTE INFRASTRUCTURE

Action	Target	Date	Update comment
<p>2.1 - Investigate development of micro transfer stations and special collections around the City to encourage and increase recycling and circular economy solutions</p>	<p>25% of qualified properties take up the service by June 2024</p>	<p>June 2024</p>	<p>Micro transfer stations are not considered best practice and do contribute/support waste reduction, reuse, recycling, or landfill diversion targets. There's also the risk of these sites negatively impacting City amenity while significantly increasing waste base operating costs. Micro transfer stations are, therefore, not recommended.</p> <p>Instead, the rollout of pre-booked bulk waste verge collections is targeting substantial waste reduction and resource recovery targets, as well as substantial service and amenity improvements and operating efficiency gains.</p> <p>Regarding special collections, the Waste Team collects items from elderly and infirm, if requested, and drops these items in the City's recycling centre.</p>



<p>2.2 - Investigate and where practical introduce bin compaction and sensor technology to reduce the number of public waste collections required, reducing CO2 emissions and operating costs.</p>	<p>20% reduction in number of collections required to empty public waste and recycling bins starting in 2023/24.</p>	<p>June 2023</p>	<p>The Waste Team ran a trial in early 2022 with 6 CBD bins, this involved bin sensors. Based on this trial and experience in other metro Councils, bin compactors and sensors present significant operational issues and costs associated with maintenance, vandalism and relatively poor performance and do not provide a meaningful benefit to the Community or to the management of waste service operations.</p> <p>This technology is hypothetically justified in high utilisation areas, but these are the areas that need to be collected daily anyway, with little benefit, therefore, from sensors and compactors that would trigger unjustified increased monitoring efforts and require more intensive repair, maintenance, and replacement, with significantly higher capital costs as well.</p>
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POLICIES AND PROCUREMENT

Action	Target	Date	Update comment
3.1 - Introduce subsidies for worm farms, compost bins and Bokashi buckets, especially for MUDs with no FOGO bins.	10 more worm farms, compost bins or Bokashi buckets purchased every year.	August 2021	Action completed. New waste minimisation “Home Composting” rebate released March 2023.
3.2 - Develop and introduce a Better Practice waste Policy and guidelines for new MUDs in Fremantle in consultation with relevant stakeholders to ensure effective design of waste and resource management solutions.	Guidelines utilised by 95% of all commercial and MUD planning applications. Subject to planning approval of policy changes 100% MUDs applying the guidelines.	June 2022 June 2023	Action completed. Local Planning Policy 2.24 has been adopted and is in full application. Waste Management Plans for New Development are reviewed by City officers. This is used in conjunction with WALGA Better Practice Guideline: Resource Recovery from Multiple Dwelling Developments 2022 when assessing Development Applications from a Waste Management perspective.



DATA

Action	Target	Date	Update comment
4.1 - Develop integrated systems to ensure that waste management data is effectively captured and collated to benchmark, report and measure improvements.	100% compliance with annual mandatory waste reporting requirements and response to internal data requests within 2 business days	Complete (December 2020)	Action completed. A data management system has been developed to capture information for reporting and benchmarking. Data collection and management subject to ongoing continuous improvement action.
4.2 - Continue to improve systems to calculate an accurate split between residential, commercial and public waste tonnages and costs.	100% compliance with annual mandatory waste reporting requirements and response to internal data requests within 2 business days.	March 2021	Action delayed, currently in progress as part of the overall review of commercial waste services. Internal audit is being finalised by Consultant, that will provide a more accurate understanding of the split between residential, commercial and public waste tonnages and costs. This information will be provided as part of the report referred to in relationship to action item 1.6 above.
4.3 - Publicise waste generation, material recovery, use of materials and illegal dumping rates to inform, educate and motivate residents to improve practices.	5% increase in unique visitors to the website annually starting from 2021/22	June 2021	Action both completed and ongoing. Waste generation and waste recovery is widely publicised eg. Billboards, newspapers and social media, and illegal dumping stories shared in e-newsletter and Facebook. The target related to this line item is not currently measured and documented.



BEHAVIOUR CHANGE PROGRAMS AND INITIATIVES

Action	Target	Date	Update comment
5.1 - Develop with the assistance of the SMRC (where possible), information signage for bin areas at multiple density developments (MUDs).	0.5% reduction in contamination levels in recycling and FOGO bins used by MUDs starting from 2023/24.	June 2023	<p>Action completed ahead of time: Resources developed July 2021; bin room sign and bin stickers. Bin room sign was redesigned using Waste Sorted toolkit in 2022 including resident feedback.</p> <p>Funding for waste audits to support review of baseline and target contamination not available from Better Bins program and not currently allowed for in the 23/24 budget. Review of contamination target would require a suitable annual budget going forward.</p>
5.2 - Implement the planned Bin Tagging Program to learn about contamination levels and educate a randomly selected portion of residents on what can be placed in the bins.	1,000 households audited during the Bin Tagging program.	June 2021	<p>Action completed. Bin tagging audits conducted 2021 (MUDs), 2021 (SUDs) and 2023 (SUDs), in cooperation with Resource Recovery Group and the other member Councils. The Bin tagging program has covered 1,200 households so far.</p>
5.3 - Introduce education tools and supports for residents and businesses that regularly contaminate recycling and/or organics bins.	Reduce contamination in the recycling stream by 1% and organics stream by 0.5% starting from FY 21/22.	December 2021	<p>Action completed. Letter templates and bin stickers produced to support the Waste team. Non-conforming bin stickers produced for Cleanaway.</p> <p>Latest audit undertaken in January 2022. Funding for waste audits to support review of target contamination rates not available from Better Bins program and not currently allowed for in the 23/24 budget. Review of contamination target will require a suitable annual budget going forward.</p>



Action	Target	Date	Update comment
5.4 - Investigate options for a repair and re-use shop at the Recycling Centre to encourage re-use and waste avoidance.	20 items repaired for re-use through the shop in 2021/22.	June 2021	<p>Delayed, pending depot redevelopment in consideration of the development of a community hub for Circular Economy education and promotion. The current depot and recycling centre do not have the required space.</p> <p>This is being addressed as part of the current depot redevelopment project, with an update expected to be delivered to IEM in July 2023.</p>
5.5 - Develop program to work with champions at MUDs to reduce contamination.	0.5% reduction in contamination levels in recycling and FOGO bins used by MUDs from 2023/24.	June 2023	<p>Action completed. Resources and process developed during FOGO implementation, and WALGA Resource Recovery in MUDs Pilot, Feb 2022.</p> <p>Initially only delivered FOGO to MUDs that actively wanted to participate, thus achieving reduced contamination levels.</p> <p>Funding for waste audits to support review of baseline and target contamination not available from Better Bins program and not currently allowed for in the 23/24 budget. Review of contamination target will require a suitable annual budget going forward.</p>



<p>5.6 - Investigate (with the assistance of SMRC) the introduction of specialised organics only collections at Fremantle based events.</p>	<p>Starting in FY 23/24 introduce specialised organics collections for at least 5 events. Increasing each year by 3 events</p>	<p>June 2024</p>	<p>Action not yet started. It needs further investigation.</p> <p>Single use plastic bans at events have increased use of commercially available bio-plastic packaging (non-conforming with required FOGO specifications), which is not a suitable input for FOGO.</p>
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OTHER WASTE MANAGEMENT

Action	Target	Date	Update comment
<p>6.1 - Investigate options to assist residents with hazardous waste disposal such as asbestos and whitegoods.</p>	<p>Uptake of service introduced from July 2023</p>	<p>July 2023</p>	<p>New verge collection model roll out will cover collection of white goods, including items containing hazardous refrigerant gases. This service will complement existing Recycling Centre services.</p> <p>Hazardous household waste collections, which are subject to strict license conditions, are achieved through the existing Hazardous Waste drop-off facility at the Recycling Centre. Regarding asbestos, this is currently not part of the Hazardous Waste drop-off facility's license. The City offers information about alternative sites within the region that accept asbestos and there are currently no plans for the City to offer such services.</p> <p>Suspected asbestos dumped on council property and public areas can be removed by the City's contractor, on request to our waste management team.</p> <p>New verge side collection services, including white goods, will be launched in September 2023, as per Council's decision of 22/2/2023.</p>



<p>6.2 - Develop and introduce a method of measuring waste generated from the City's operational buildings to reduce the overall waste generated by the City.</p>	<p>20% reduction in waste generated by the City in 2022/23</p>	<p>June 2022</p>	<p>This action item has been delayed until 2024, with some operational data currently being collected.</p> <p>Internal (corporate) waste audits to be undertaken in late 2024, subject to budget approval.</p>
<p>6.3 - Investigate and if practical introduce a trailer hire option to encourage use of the recycling centre.</p>	<p>Trailer hired at least 20 times by June 2023</p>	<p>March 2022</p>	<p>This action item has been delayed until 2024, pending review of the new pre-booked bulk waste verge side collection, to be undertaken in September 2024, as per Council decision.</p>
<p>6.4 - Work with the SMRC and other member councils to develop an agreement to send residual waste from red lid bins to a waste to energy plant for energy recovery.</p>	<p>No more than 15% of waste generated is landfilled'. [Commence delivery of residual waste after January 2022]</p>	<p>December 2021</p>	<p>Subject to final acceptance of the required amendments, Council has approved a waste supply agreement with Avertas for committing residual waste to be provided by City of Fremantle.</p> <p>Construction of the Kwinana waste-to-energy facility has been delayed and current estimate is for a 2024 completion date. Commencing delivery of residual waste to Waste to Energy facility is expected by October 2024.</p>



Overall balance of Waste Management Action implementation

Based on the relative contribution of each of the Actions to overall waste recovery and landfill diversion targets and their implementation status, we can conclude that the degree of execution of the Waste Management Action Plan 2022/2025 is significant.

There are no major actions currently at risk, in respect to 2025, except potentially the start date for the operation of the Kwinana waste to energy facility (Action 6.4). This is a significant risk in that it represents a large number of tonnes and recovery percentage and is critical to achieve the 70% recovery target by 2025, under Western Australia's Waste Strategy 2030.

The most important challenges for the future include:

- better alignment between Waste Management targets and projects and the City's Sustainability and Net Zero Strategies.
- timely completion of the waste to energy facility and diversion of residual waste from landfill.
- develop the new Depot incorporating better practice in operation of Recycling Centre and Containers for Change Refund Point, improved performance of waste management practices as an operational site and provision of a Circular Economy promotion and education hub for the Community.
- improvement of financial sustainability and alignment with organic waste recovery targets, for commercial waste services offered.
- improvement of waste management data to track progress to State targets and to support strategic options and projects in waste, resource recovery and Circular Economy promotion and education.
- closing the material loop for FOGO-derived compost, due to potential issues to meet strict standards for contamination and relevant nutrient composition and safety;
- continuing to work regionally, cooperatively with other neighbouring councils.
- improvement of corporate performance in terms of measuring and managing our waste.

Preliminary considerations for the next Plan and implications for future budgets

Budgets for future financial years will need to include adequate provision for comprehensive auditing for monitoring of progress towards quantitative targets for waste reduction, recovery/recycling, landfill diversion, contamination of recoverable waste streams (FOGO and recycling bins) and recoverable materials (recycling, FOGO) in general waste.

The next Plan provides an opportunity for better alignment between Waste Management Actions and Projects, and the broader frameworks of the Circular Economy, and Sustainability and Net Zero strategies.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receives the Waste Management Action Plan 2020/2025 update as provided in this report.



10.2 Council decision

FPOL2305-7 CAT BUS REVIEW

Meeting date:	10 May 2023
Responsible officer:	Director Planning Place and Urban Development
Decision making authority:	Council
Attachments:	1. CAT Bus Service Review – Summary, December 2022
Confidential Attachments:	Nil

SUMMARY

The central area transit (CAT) bus service was first introduced in 2000 as an evolution of the 1997-2000 City Clipper to assist with the influx of visitors attending special events and to link up with off-street parking facilities in the city centre. It has evolved into different iterations since being introduced.

The original intent of this CAT service has been diluted over time, and during the height of the COVID-19 pandemic in Perth the Blue CAT service to South Beach was reduced from a 10-minute to a 20-minute frequency and the Red CAT service was suspended. These changes were initially intended for a 12-month period but have continued up to the present time pending a comprehensive review of the CAT service to ensure it is meeting current requirements, potential alternative service options and funding arrangements, and because of the prolongation of COVID-related restrictions on visitation to WA.

Essentially, the remaining Blue CAT service provides a free bus service to South Fremantle, stop over to various tourism operations and access to significant sites around the CBD. The service is funded by the City to the value of 60% of the total cost and is managed and co-funded by the Public Transport Authority (PTA).

Council has received multiple reports of these reviews and held various discussions regarding the CAT service since June 2020. The purpose of this report is to draw together outcomes and conclusions from this review work and recommend to Council a final position in respect of the future of the CAT service, noting that the PTA has recently advised the City that a new contract for bus operations including the Fremantle CAT that will take effect in mid-2023 will involve a 30% increase in costs (including the City's share of the CAT bus cost) compared to costs under the current contract which expires end June 2023.



In consideration of all work undertaken to date, the following actions are recommended:

- **Having regard to the review of the CAT service and its original intent, the City will no longer contribute financially to the service.**
- **The City will work with the PTA to seek to achieve:**
 - (a) that the CAT service is wholly funded by the government, or,**
 - (b) that PTA replaces the CAT service with normal Transperth buses to the South Fremantle precinct, commensurate with other residential precincts in Fremantle.**
- **The City will initiate an Expression of Interest (EOI) to investigate commercial opportunities for a 'hop on, hop off' service that responds to the original intent of the CAT service route, including:**
 - **Connecting city entry points (train/bus station, carparks, Victoria Quay's Passenger Terminal);**
 - **Connecting major visitor destinations (e.g., Fremantle Prison, Arts Centre, Maritime Museum/Victoria Quay, Walyalup Koort, Fishing Boat Harbour, etc).**

Noting that the service should also:

- **have flexibility around major events, cruise ship arrivals and seasonal/weekly demand;**
 - **aim to minimise costs to users, which may include sponsorship arrangements with PTA, City and key stakeholders (destinations / beneficiaries of the service.)**
- **As part of the future fine-grain movement around the city centre, the City will develop strategic urban design plans that include improved walkability and micro-mobility, increased tree canopy, and well-located and connected off-street parking facilities.**

BACKGROUND

A Central Area Transit (CAT) bus service (or variation of it) has operated in Fremantle since 1997 (originally as the 'City Clipper'). The service has been periodically reviewed and has evolved over time into two CAT routes – a Blue CAT linking Fremantle city centre with South Fremantle (South Beach) via South Terrace and Marine Terrace, and a Red CAT route servicing city centre visitor attractions with a loop around High St, Ord/James St and Beach St. These services operate under a contractual agreement between the City of Fremantle and the Public Transport Authority (PTA), which, following previous short-term extensions, expires end June 2023. Under this contractual agreement the City of Fremantle pays 60% of the annual operating cost of the CAT service, and the Public Transport Authority (PTA) funds the remaining 40%.



In June 2020, in response to the impacts of COVID-19, Council resolved to temporarily suspend the Red CAT bus and to reduce the service level of the Blue CAT (which accounted for approximately 80% of all CAT patronage) for a period of 12 months and requested that a review of these services be undertaken during that period. This service reduction was mutually agreed with the PTA and implemented in August 2020. The reduced CAT service was subsequently continued beyond the initial 12-month period pending completion of the service review and because of the prolongation of COVID-related restrictions on visitation to WA.

Council specified the parameters of the review and provided supplementary direction in considering an update report on the review in September 2020.

The review was submitted to Council in March 2021. In response, Council requested further information and stakeholder consultation. Key further action by officers required by this Council resolution included:

- Further investigate and obtain data on CAT bus patronage profile.
- Prepare a report on potential opportunities for Specified Area Rate contributions from landowners within 400m of the CAT routes towards CAT service costs, for Council's consideration.
- Negotiate with the PTA a further extension of the reduced service operating period to the end of the 2021/22 financial year and be open to negotiating a different funding model.
- Pursue further discussions with the City of Cockburn and Town of East Fremantle regarding potential financial support for maintaining and/or expanding the service.

The outcomes of these further actions were incorporated into a report to Council in March 2022 which stated that:

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

The most recent formal decision of Council in respect of the CAT service occurred at its Ordinary Meeting on 23 March 2022, after consideration of the abovementioned report. Council resolved to:

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



- b. provides alternative transport options for high density residential areas to access the CBD and key destinations; and*
 - c. transports visitors around the city and between key destinations.*
- 3. Agrees to consider a 2022-23 budget allocation to complete the current Covid level CAT service contract with PTA (i.e. the Blue CAT only, at a 20-minute frequency) until the expiry of the contract in October 2022 (later extended to May, 2023).*
- 4. In recognition that no other CAT bus service in WA relies on more than one-third local government funding, agrees to consider a quarantined budget allocation of \$249,000, equal to one third of the total estimated cost of an indicative CAT Bus service (based on the pre-COVID PTA contract costings, i.e. one-third of \$1.117mil p.a., being \$249,000 over 8 months).*
- 5. Request the Mayor and CEO seek to secure additional funding for a service, the details of which has yet to be determined, with options to be explored including:*
 - a. Contribution from Fremantle Ports / State Government as part of activation of Victoria Quay;*
 - b. Paid parking to be introduced on Ord St and Marine Tce;*
 - c. A Special Area Rate to be paid by those properties within walking distance (400m) to the CAT bus service;*
 - d. Advertising on board the CAT buses;*
 - e. Charging a small fee to ride the CAT bus using a 'tap and go' EFTPOS facility or similar.*
 - f. Contribution from major Educational Institutions.*
- 6. Authorise the CEO to provide input into the PTA request for tender, based on the following:*
 - a. Service parameters – the CAT service, irrespective of exact route configurations, is to serve a similar catchment to the area previously served by the Blue and Red CAT routes. The service is to operate 7 days per week all year round with similar operating hours to the current service.*
 - b. The extent of PTA funding remains no less than their current funding proportion of the total service cost.*
 - c. A new tendered contract should include a 'New Stakeholders' clause which makes provision for another party or parties to become an additional contributor to the funding of the service (either from the commencement of the contract or at a later date), if agreed to by the City of Fremantle and the PTA.*
- 7. Request that a report be brought back to Council to finalise the preferred CAT Bus routes and frequencies once the cost of this service under the new PTA contract is known, and other funding sources have been identified in late 2022, based on agreed, prioritised principles.*

Since the Council meeting in March 2022 elected members have been presented with updated information on the matters referred to in the above resolution, especially the exploration of potential additional funding sources, CAT route options, and feedback from the PTA, at Informal Briefing Sessions on:

- 4 July 2022
- 13 March 2023



A key recent development has been the receipt of information from the PTA advising that the outcome of the tender process for the award of the new contract for bus operations in the region that include the Fremantle CAT services has resulted in a 30% increase in contract cost. The City's share of the total CAT service cost would increase by the same proportion if the City was to continue the current funding agreement with the PTA into the new contract period from July 2023 onwards.

FINANCIAL IMPLICATIONS

Immediately prior to the COVID-19 pandemic the annual cost of the two CAT services (Blue and Red routes) was \$1.12m per year, with the City contributing \$670,000 (60%) towards this cost. Under the new PTA contract, this full service would require an increase of the City's contribution to \$985,000 per annum.

During COVID-19, the service was reduced to just the Blue CAT, at lesser frequency, resulting in the City's contribution being modified to \$252,000 per annum. Under the new rates, this contribution is increased to \$360,000 per annum.

The current budget in 2022/23 to fund the City's share of the reduced Blue CAT bus service is \$335,000. It is noted that when the budget was set, a substantial contingency was added to the \$252,000 based on predictions that the service rates were likely to rise dramatically between October 2022 and June 2023.

LEGAL IMPLICATIONS

The City will need to notify the PTA of its position on the discontinuance or continuance of this service so the on-going contract for service may be finalised with their contractor.

CONSULTATION

If Council supports the officer's recommendation to terminate all City of Fremantle financial support for a CAT service, it is proposed that in collaboration with the PTA the City uses its previous patronage data on bus usage for the Blue Bus within the South Fremantle community to assist the PTA with decisions around retaining the CAT service under alternative funding arrangements or replacing it with standard Transperth bus services that might serve a similar catchment in the South Terrace/Marine Terrace corridor.

The City will need to notify relevant stakeholders of the Council's decision in relation to the CAT service once the decision is made.



OFFICER COMMENT

The CAT bus has contributed directly to the Council’s transport objectives, and indirectly to several of its economic, social and place-based objectives. The review of this service in several stages since late 2020 has provided the opportunity for Council to evaluate the scale of the CAT service’s contributions towards these objectives, the value for money the service offers, and the opportunity costs of funding the service in terms of other City services or projects which forgo funding in favour of the CAT service. The conclusion of the review is a time for Council to consider whether strategic transport and other objectives continue to be effectively achieved through the CAT service or whether these objectives may be better achieved through other options.

The latest summary of the CAT Bus Service Review, December 2022, is included as **Attachment 1** to this Report. As well as the consideration of whether the service is meeting objectives, another consideration is whether Council should continue to financially support a Fremantle CAT bus service into 2023/24 and beyond noting the increase in costs by 30%. This cost needs to be considered against the value of current objective needs and outcomes.

The CAT review process has highlighted that there is an extensive range of options available and some complex considerations in assessing benefits of the current service or alternative options for the delivery of the City’s objectives, making selection of the most appropriate option challenging.

Based on the assessment of options undertaken to date, and the direction Council has given to guide the review, the following factors including the most recent information available and future considerations are considered by officers to be key in determining whether the Council should continue to financially support a Fremantle CAT service.

Ongoing relevance of original purpose	The original purpose of the CAT bus was to provide a regular and frequent free service to visitors to the city centre, connecting off-street parking facilities and key destinations and special events.
Current usage	The currently operating Blue CAT bus service connects the city centre to South Beach – a free service enjoyed primarily by commuters parking in South Fremantle and local residents in the catchment around the South Terrace and Marine Terrace corridors. This is significantly different to the original intent of 1997 when the Clipper Service was introduced.
Who pays	The City currently contributes 60% of the total annual service operating cost under the current 60:40 funding arrangement with PTA. In 2022/23 this has equated to a budget allocation of \$335,000 for the City’s share of the reduced frequency Blue CAT service.



The following stakeholders have been consulted as part of the review and although they have indicated general support for the service, no additional funding sources have been secured:

- PTA
- Department of Education / John Curtin CA / CBC
- Notre Dame University
- Fremantle Ports and Fishing Boat Harbour
- Chamber of Commerce
- Destination Marketing Working Group
- Tourism WA
- Town of East Fremantle
- City of Cockburn

Future costs and opportunity costs

The PTA has informed the City that if the current CAT service continues under the new contract the PTA has recently awarded, the value of the City's contribution will increase by approximately 30%. This is a very significant increase and could be considered a 'tipping point' at which the benefits of the CAT service to the part of the community it serves are now outweighed by the direct costs that would be incurred from 2023/24 onwards, and also by the opportunity costs in terms of other services to the community that are currently constrained by directing budget allocation to the CAT service.

Connecting central area destinations

There is an opportunity to return to a 'destinations based' service through pursuing a commercial operator. Such a service could be tailored to fluctuating visitor demand, seasonal changes and special events. The City could lead this work and continue to liaise with PTA to see what partnering arrangements and/or funding subsidies may be available (noting that the Cottesloe CAT is procured by the Town of Cottesloe, privately operated, runs only for special events, and is subsidised by PTA.)

A walkable, legible and accessible City

As part of urban design work to be undertaken on the city centre, core components will be around making Fremantle more walkable, legible and accessible. This will include investigations around micro-mobility options for people to access key destinations around the city centre – within the context of the city centre being one, major destination as a whole.

An EOI for a New Service

An EOI can be initiated for a commercially-based service that goes back to the original intent of the inner city clipper route. It should also take the opportunity to build in flexibility around patron-demand and funding sponsorship.



Key elements of the EOI should include:

Bus Routes	<ul style="list-style-type: none"> • Connecting city entry points (train/bus station, carparks, Victoria Quay’s Passenger Terminal); • Connecting major visitor destinations (e.g., Fremantle Prison, Arts Centre, Maritime Museum/Victoria Quay, Walyalup Koort, Fishing Boat Harbour, etc);
Demand Driven	<ul style="list-style-type: none"> • Have flexibility / additional services around major events, including cruise ship arrivals; • Look at tailoring the service to seasonal demand variations, as well as fluctuations in weekly demand (i.e., weekend service demand being higher than Monday to Friday);
Funding	<ul style="list-style-type: none"> • Run service as a commercial enterprise; • Aim to minimise costs to users; • Explore advertising options and cross-promotion with other visitor operators / products; • Identify options around sponsorship arrangements with PTA, City and key stakeholders (destinations / beneficiaries of the service), if the service cannot be fully self-funded.

Future tourism related opportunities

As indicated in the officer’s recommendation associated with this report, an opportunity exists to investigate the development of a tourism-oriented service in lieu of the current CAT service.

A number of services exist across Perth that focus primarily on delivering a tourism-oriented product and provide an example of the type of service that could respond to visitor demand, connect visitors to key city centre destinations and events, and integrate with destination marketing.

The Perth City Explorer is a large double decker bus that operates within the Perth CBD providing a ‘hop-on hop-off’ service and is specifically targeted at visitors. The route includes Kings Park, Northbridge, Optus Stadium, Crown Perth, The Bell Tower, the Boat House, city shopping malls, The Mint, Art Gallery and discount shopping centre Watertown.

The service is delivered by a commercial operator and requires the purchase of a 24 hour ticket or 48 hour ticket, ranging from between \$40-\$45 for an adult ticket.

The Sunset Explorer is another service that operates in Perth’s northern suburbs and offers a similar double decker bus and hop-on hop-off service. The Sunset explorer runs between Scarborough Beach and Whitfords public library stopping at North Beach and Hillarys on the way.



This service was developed as a partnership between Destination Perth, City of Stirling, City of Joondalup and Hillarys Boat Harbour, with each partner contributing funds to subsidise the service. The service is run by the same commercial operator that delivers the Perth City Explorer.

This service is run seasonally (over spring and summer), and while it was initially provided as a free service, anecdotal feedback from participating partners suggests a fee was introduced (in addition to partner contributions) in the most recent season and was met with a significant reduction in usage.

Notwithstanding the need to further investigate a suitable commercial model, a hop-on hop-off service in Fremantle could potentially connect key tourism orientated sites on a regular frequency loop that stops at attractions and locations including but not limited to:

- Fishing Boat Harbour and Bathers Beach
- Victoria Quay incorporating the WA Maritime Museum
- Historic West End incorporating the WA Shipwrecks Museum
- Walyalup Koort, incorporating the Visitors Centre and allowing for a transfer point between cruise ship shuttles and the hop-on hop-off service
- Cappuccino Strip and Fremantle Markets
- Fremantle Prison and Fremantle Arts Centre
- Key event locations depending on major event programming

It is also suggested that given the tourism focus, the service would incorporate guided commentary, either recorded or delivered by the driver as a value add for visitors and to enable further dispersal of visitors as they get off the bus.

It is recommended an EOI process be delivered in order to seek feedback from potential operators on potential operating models and routes that would deliver an engaging and commercially sustainable service with Fremantle's city centre.

Conclusion

In conclusion, taking account of all the issues that have been considered through the lengthy review process that has been undertaken since late 2020, officers consider that:

- the current CAT service no longer effectively responds to the original strategic transport intent, essentially it can no longer be described as 'fit for purpose'.
- the City should cease funding the CAT service and request that the PTA considers either wholly funding the service or replaces it with standard Transperth bus services through South Fremantle servicing the current Blue CAT corridors, similar in catchment and frequency as that of comparable suburbs.
- an opportunity exists to custom-design a flexible, commercially operated 'hop on, hop off' bus service that connects visitors with key city centre destinations and events. This should be progressed as soon as possible through seeking expressions of interest, e.g. from existing tour bus operators.



- other strategic movement issues around walkability, legibility and accessibility should be investigated as part of the strategic urban design work to be undertaken on the city centre.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Having concluded a strategic review of the CAT service and its original intent, resolves to cease contributing financially to the service from the end of the 2022/23 financial year, and informs the PTA accordingly.**
- 2. Works with the PTA to seek to achieve:**
 - (a) the CAT service continuing on the basis of it being wholly funded by the WA government through the PTA, or,**
 - (b) the PTA replacing the CAT service with normal Transperth fare paying buses servicing the areas of South Fremantle within the current Blue CAT catchment, commensurate with other residential precincts across the City of Fremantle.**
- 3. Supports to initiate an Expression Of Interest (EOI), as detailed in this report, to investigate commercial opportunities for a 'hop on, hop off' bus service that responds to visitor demand, connects visitors to key city centre destinations and events, and integrates this with destination marketing.**
- 4. As part of the future fine-grain movement around the city centre, the City develops strategic urban design plans that include improved walkability and micro-mobility, increased tree canopy, and well-located and connected off-street car parking facilities.**

11. Motions of which previous notice has been given

NOTICE OF MOTION – MAKING LOCAL STREETS SAFER FOR PEDESTRIANS CR RACHEL PEMBERTON

Meeting date: 10 May 2023
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: 1. Nil

ELECTED MEMBER SUMMARY

Fremantle is fortunate to be a very walkable city. The City's Integrated Transport Strategy states that:

The City will prioritise transport modes as ranked below:

1. *Pedestrians*
2. *Bicycles*
3. *Public transport*
4. *Freight vehicles*
5. *Private motor vehicles.*

However, many of Fremantle's small/narrow local streets, struggle to meet this objective. As our population density increases, and the number of private vehicles increase, it becomes less safe or unappealing for people to walk and ride around local neighbourhoods. In a community that supports sustainable and active transport, this is a growing concern.

Some examples of the situations referred to in the NOM are shown below:

Yilgarn Street, White Gum valley (near the corner of Wright Street) where there is no footpath and very little opportunity for a footpath:



Douglas Street, Fremantle - no footpath possible due to width:



McAtee Court, Fremantle - which also has no footpath possible due to large trees, verge gardens and parking:



Lily Street, South Fremantle – where cars park on both sides of the street using the footpath:



Kellow Place, Fremantle - a footpath may be possible here (at the expense of some verge plantings), but at a significant cost. Perhaps making it a shared street would be a better outcome?



There are many other examples of these scenarios throughout Fremantle, particularly in the older areas such as the suburbs of Fremantle, South Fremantle and North Fremantle where parking pressures continue to be an issue for locals.

However, there are some relatively easy, low-cost strategies and treatments that have been implemented in other parts of Perth (and beyond) that may help to address this issue in a consistent manner.

Friend Street in the new Knutsford St development precinct is a new local and narrow street that has been classified as a shared street, with signage to clearly indicate this to all users (shown below). This is a relatively simple and low-cost solution that could be implemented in other streets where the only option is for pedestrians and cars to mix.



This signage could be further enhanced by adding the blue on road Safe Active Streets paint markings, (as shown below), which may be suitable in some streets in Fremantle.



If the City is serious about supporting sustainable active transport and ensuring the most vulnerable road users are at the top of the hierarchy, then we need to take action that supports this. These treatments will also help to facilitate the city's Urban Forest plan to plant more trees.

Clause 4.11 in the Local Parking Law, adopted by this Council in 2021 states that vehicles may not "obstruct a footpath or pedestrian refuge". However, this does not appear to be enforced by officers. The Council may need to consider if implementing shared streets or Safe Active Streets in some areas may be a more workable solution in some situations than restricting and infringing parking.

City officers have been working on this issue since January and an internal working group has met to consider options. It is requested that this work is now brought to Council to consider.

OFFICER COMMENT

Officers are currently completing a report for the June FPOL meeting which includes an updated Policy for Traffic Calming priorities and warrant assessments; the report also provides an update in respect to the administrative procedure and guideline assessments for determining suitable and appropriate traffic treatments for a range of scenarios across the City – this includes provision for improving pedestrian safety and amenity in small local streets.

This report will address the issue raised in this Notice of Motion.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

ELECTED MEMBER MOTION

That Council:

- 1. Request officers to provide a report and recommendations to the June FPOL outlining opportunities to improve pedestrian safety and amenity, specifically in small local streets where there is:**
 - no footpath currently**
 - no space or opportunity for footpaths**
 - car parking in narrow streets that frequently obstructs footpaths**



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.

Nil

15. Closure