



Minutes

Finance, Policy, Operations and Legislation Committee

Wednesday 12 April 2023 6pm



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1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.02pm.

The Presiding Member informed members of the public that the meeting was being recorded and streamed live on the internet. She further advised that while all care is taken to maintain privacy, visitors in the public gallery and members of the public submitting a question, may be captured in the recording.

2.1. Attendance

Ms Hannah Fitzhardinge	Mayor
Cr Jenny Archibald	Presiding Member/East Ward
Cr Rachel Pemberton	Deputy Presiding Member/City Ward
Cr Fedele Camarda	Beaconsfield Ward
Cr Frank Mofflin	Hilton Ward
Cr Marija Vujcic	South Ward
Cr Bryn Jones	North Ward (<i>Deputy Member</i>)
Cr Andrew Sullivan	South Ward (<i>Observer</i>)
Mr Glen Dougall	Chief Executive Officer
Mr Matt Hammond	Director City Business
Mr Graham Tattersall	Director Infrastructure
Ms Michelle Brennand	Director Community Development
Mr Russell Kingdom	Director Planning and Place Development
Ms Melody Foster	A/Manager Governance
Ms Aimee Sabbatino	A/Manager Economic Development and Marketing
Mr Ryan Abbott	Manager Parks and Streetscape
Mr Jay Ellis	Manager Customer Experience and Learning
Mr Joel Hurst	Manager Information Technology
Mr Mark Donnelly	Manager Field Services
Mr Paul Dunlop	Manager Communications and Events
Ms Donna Ross	Meeting Support Officer

There were approximately 6 members of the public in attendance.

2.2. Apologies

Cr Doug Thompson	North Ward
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2.3. Leave of absence

Nil



3. Disclosures of interests by members

Nil

4. Responses to previous questions taken on notice

Nil

5. Public question time

The following member of the public spoke in relation to item FPOL2304-9:

Caroline Walker

6. Petitions

Nil

7. Deputations

7.1 Special deputations

Nil

7.2 Presentations

Nil

8. Confirmation of minutes

COMMITTEE DECISION

(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 8 March 2023.

Carried: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin

9. Elected member communication

Nil



10. Reports and recommendations

10.1 Committee delegation

FPOL2304-9 BUILDING COMPLIANCE - NO. 9 LLOYD STREET, SOUTH FREMANTLE - DANGEROUS BUILDING (RMB21/0197)

Meeting Date: 12 April 2023
Responsible Officer: Manager Field Services
Decision Making Authority: Committee
Agenda Attachments: 1. Aerial photo of property
2. Site photos

SUMMARY

The purpose of this report is for Council to consider undertaking prosecution action against a property owner for failure to comply with a building order issued on 22 November 2022 which required the dangerous building located at 9 Lloyd Street South Fremantle to be repaired or demolished within 61 days from the issue date of the Building Order.

Despite several attempts and requests to the owner to have the dwelling repaired or demolished, the dwelling remains structurally unsound to date and is a safety concern to the general public.

Officers consider that ample time has been provided for repair work or demolition to be undertaken to the dwelling in accordance with the requirements of the building order and given no action has been undertaken to rectify the matter, it is considered that legal proceedings should commence for failure to comply with a building order. Accordingly, this report recommends that Council:

1. Requests the Chief Executive Officer to engage the City's solicitors to commence legal proceedings to prosecute the owner for failure to comply with a building order.
2. Approve to issue a further building order requiring the owner to either repair or demolish the dwelling at the property and failure to do so, the City will undertake demolition works in accordance with the building order and recover costs.



BACKGROUND

In November 2021, the City was made aware of an incident, which is understood to have involved a vehicle colliding with the dwelling at No. 9 Lloyd Street, South Fremantle. The impact of this incident caused significant structural damage to a portion of the front façade of the dwelling resulting in the dwelling being considered structurally unsound.

The City's Compliance Officers issued an emergency building order on the owner of the property on 17 November 2021 requiring a number of measures to secure the damage including, immediately erecting temporary fencing around the property to ensure the property was restricted from public access, engaging a structural engineer to assess the damage of the dwelling and forthwith requiring the owner to undertake remedial works under the instruction and guidance of the structural engineer, to ensure the dwelling was made safe. These requirements were required to be undertaken within 28 days from the date of issue of the emergency building order.

Despite the issue of the emergency building order with the abovementioned requests, no actions were undertaken by the owner to address the requirements of the order. As a result, the City erected a temporary fence around the perimeter of the property to restrict public access and engaged the services of a structural engineer to assess the structural damage of the dwelling.

On 22 July 2022, the City received a structural engineers report of the dwelling advising that the masonry walls were observed to be severely damaged to the external wall and extended into the internal wall. The structural engineer provided advice to repair the dwelling and noted that remedial works undertaken in accordance with the recommendations would consider the dwelling to be structurally adequate.

Following receipt of the above structural report, the City issued a notice of intention to issue a building order requiring the owner to undertake remedial works in accordance with the structural engineers report commissioned or alternatively, undertake demolition works to the dwelling.

On 22 August 2022, the owners of the property responded to the City's notice and advised that they wished to repair the dwelling. An extension of time was requested by the owners to fulfill their intention, which would require them to engage suitable contractors to undertake the works, allow time for building inspections to occur, receiving quotes for proposed works and for the works to be completed. The City granted an extension of time to the owners to assist in addressing the matter.

On 4 October 2022, the City met with the owners of the property onsite requesting an update on the matter. The owner advised at this meeting that the dwelling would be demolished within 4 to 6 weeks from 4 October 2022.



On 22 November 2022, a further site inspection was undertaken to confirm progress at the property. No repair works or demolition had occurred to the dwelling. The City requested an update with the owner on the progress of the matter where no response was received. In light of this, a building order was issued on 22 November 2022.

On 23 January 2023, an inspection of the property by the City revealed no work had been undertaken within the 61 day building order timeframe and the dwelling still remains in a structurally unsound condition.

CONSULTATION

Nil

OFFICER COMMENT

The dwelling at No 9 Lloyd Street, South Fremantle remains in a dangerous state as specified in the structural engineers report. The structural engineer has advised that the damaged eastern wall of the property in its current state is not considered to be structurally adequate to support the existing roof and ceiling.

As a result, failure of the brick wall may cause the roof and ceiling to collapse. The dwelling is therefore considered dangerous and should not be occupied in its current state. It is also important to note that the dwelling has remained in this state for over a year despite the City's numerous attempts to have the owner either repair or demolish the dwelling. Although the dwelling remains unoccupied by the owners, the City is receiving concerns from nearby residents that members of the public are accessing the property despite the presence of a temporary fence around the perimeter to restrict access. The dwelling is therefore considered dangerous to the general public and action is required immediately.

In light of this, the City has engaged its solicitors to outline options to address the matter, which is advised as follows;

OPTION A City to undertake the works in Building Order 2022, and then recover costs:

1. Under s.118 of the Building Act the City may cause an authorised person to take any action specified in Building Order 2022 and, in Court, seek to recover its costs for doing so from the property owner.
2. This will resolve the issue of the dilapidated building (which may be repaired or demolished by the City). However, the City will need to expend its own funds to repair or demolish the building and then seek an order of the Court to recover its costs from the owner.



OPTION B Prosecute, then issue a new building order:

1. The City may under s.115 of the Building Act prosecute the owner for non-compliance with Building Order 2022.
2. There is legal authority that Building Order 2022 will be terminated and have no further effect once a prosecution is concluded.
3. However, after the prosecution has been completed, the City may issue a new building order (in similar terms to Building Order 2022) on the owner.
4. If the owner does not comply with the new building order the City under s.118 of the Building Act may cause an authorised person to take any action specified in the new building order.
5. The advantage of an initial prosecution and (upon conviction) is a fine that the City may use to cover or partly cover its costs to rectify or demolish the building at the Property, instead of having to expend the City's normal funds. The City may still seek to recover in Court its costs from the owner.
6. The owner may also potentially comply with a new building order, having been subject to a prosecution for failure to comply with Building Order 2022.
7. In any event this will resolve the issue of the dilapidated building, and this option may provide (upon conviction) funds for the City to undertake works set out in the new building order if required.

It is considered that the most appropriate action is Option B to prosecute the owner for failure to comply with a building order.

A quote has been received by a demolition contractor which has revealed the sum of \$20,632.91 to demolish the dwelling.

The City's solicitors have advised that a successful prosecution for failure to comply with a building order may award the City a sum of \$50,000 for a first offence in accordance with s. 115 of the *Building Act 2011*. Should the owner fail to comply with a further building order, the City may utilise the funds awarded to cover the cost of the demolition as well as undertake further legal proceedings against the owner for failure to comply with a building order which carries a penalty fine of \$75,000 for a second offence.

It is considered that demolition of the dwelling is the most suitable and appropriate option to resolve this matter in lieu of undertaking repair works given the current challenges being faced by the building industry which remains at a tight capacity to take on additional work and the timeframes



associated with undertaking building work and, potential building implications associated with undertaking repair works and the City's involvement.

FINANCIAL IMPLICATIONS

Should Council decide to proceed with Option B, an approximate cost to move towards the prosecution of the owner for failure to comply with the building order will be \$5,000.

A successful prosecution may award the City a sum of \$50,000 which can be used to fund the demolition of the dwelling.

LEGAL IMPLICATIONS

The dwelling is considered to be in a dangerous state and unfit for human occupation.

Under s. 112 (2) of the *Building Act 2011*, the City may issue a building order requiring a person to whom the order is directed to do any one or more of the following within the specified timeframe –

- (g) if a building or incidental structure is reasonably believed to be in a dangerous state or unfit for human occupation –
 - (v) To renovate or repair the building or incidental structure to a specified standard or in a specified way so as to prevent or stop the building or incidental structure from being a danger to persons, to other property or to the environment or to render it fit for human occupation;
 - (vi) to demolish, dismantle or remove the building or incidental structure.

Under the *Building Act 2011*, a person who is served with a copy of a building order must not without reasonable excuse fail to comply with the order. Non-compliance with a building order under s. 115 carries a penalty fine of up to \$50,000 for a first offence.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Moved Cr Jenny Archibald

Seconded Cr Fedele Camarda

Council:

1. Approve to commence legal proceedings to prosecute the owner of 9 Lloyd Street, South Fremantle, for failure to comply with a building order issued by the City on 22 November 2022.
2. Approve to issue a further building order requiring the owner of 9 Lloyd Street South Fremantle to either repair or demolish the dwelling at the property and that failure to do so will result in the City undertaking demolition works in accordance with the building order, and seek recovery of costs.

AMENDMENT 1

Moved: Cr Rachel Cr Rachel Pemberton Seconded: Cr Jenny Archibald

Amend part 1 to read as follows:

Council:

1. **Approve to commence legal proceedings to prosecute the owner of 9 Lloyd Street, South Fremantle, within 30 days of this decision, for failure to comply with a building order issued by the City on 22 November 2022.**
2. **Approve to issue a further building order requiring the owner of 9 Lloyd Street South Fremantle to either repair or demolish the dwelling at the property and that failure to do so will result in the City undertaking demolition works in accordance with the building order, and seek recovery of costs.**

Amendment carried: 6/1

For

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,
Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin**

Against

Cr Fedele Camarda



COMMITTEE DECISION FPOL2304-9
(Officer's recommendation)

Moved: Cr Rachel Pemberton

Seconded: Cr Jenny Archibald

Council:

1. Approve to commence legal proceedings to prosecute the owner of 9 Lloyd Street, South Fremantle, *within 30 days of this decision*, for failure to comply with a building order issued by the City on 22 November 2022.
2. Approve to issue a further building order requiring the owner of 9 Lloyd Street South Fremantle to either repair or demolish the dwelling at the property and that failure to do so will result in the City undertaking demolition works in accordance with the building order, and seek recovery of costs.

Lost: 0/7
Against

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

COMMITTEE RECOMMENDATION FPOL2304-9
(Alternative recommendation)

Moved: Mayor Hannah Fitzhardinge

Seconded: Cr Marija Vujcic

Council request Officers take action to demolish the building, as specified in Building Order 2022 and seek to recover its costs for doing so from the property owner.

Carried: 7/0

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



FPOL2304-1 INFORMATION REPORT - FREMANTLE LIBRARY BI-ANNUAL REPORT OCTOBER 2022 to MARCH 2023

Meeting date: 12 April 2023
Responsible officer: Manager Customer Experience and Learning
Decision making authority: Committee
Attachments: 1. Biannual Report Info Graphic
Additional information: 1. None

SUMMARY

In accordance with the City’s Memorandum of Understanding (MoU) with the Town of East Fremantle to provide a biannual report, this report provides information to the City of Fremantle and Town of East Fremantle Councils on the operation and performance of the Fremantle Library during the period from October 2022 to March 2023.

The City of Fremantle Library provides services to residents of the City of Fremantle and the Town of East Fremantle. The Town contributes to the provision of the City’s library services as a participating body under the Library Board Act 1951.

This report recommends that Council receives the Fremantle Library bi-annual report and forwards the report to the Town of East Fremantle as agreed in the Service Level Agreement.

BACKGROUND

The Fremantle Library was the first municipally funded public library in Western Australia, opening in September 1949. In 1955, an agreement was signed noting the contribution of the East Fremantle Municipal Council, the City of Fremantle, the Fremantle Road Board, and the Library Board of Western Australia to the delivery of the City of Fremantle Public Library. The Town of East Fremantle has continued to contribute to the provision of the Fremantle Library to the present day.

The City of Fremantle Library provides lifelong learning services to the residents of the City of Fremantle and the Town of East Fremantle.



FINANCIAL IMPLICATIONS

The Fremantle Library and its services are jointly funded by:

- City of Fremantle – library operating, establishment and capital funding.
- Town of East Fremantle – contribution to library operating and establishment funding.
- State Library of Western Australia – provision of annual funding to support the supply of physical and electronic library resources. For Local Governments with a population of over 10,000, a percentage of the total state-wide materials funding is allocated based on their population. The allocation to the City of Fremantle is based on its combined population with the Town of East Fremantle. For 2021/2022, this equated to \$68,600, and for 2022/23 was \$75,000. These amounts are calculated according to projected population figures of the local government areas. The figures for the upcoming financial year 2023/2024 are not out yet and will be announced in May when the State Government unveils the budget allocation to the State Library of Western Australia.

LEGAL IMPLICATIONS

The City of Fremantle and the Town of East Fremantle are each participating bodies under the Library Board of Western Australia Act 1951.

A five-year service level agreement for the provision of library services by the City of Fremantle to the Town of East Fremantle was signed on 2 September 2020.

CONSULTATION

Nil

OFFICER COMMENT

Walyalup Civic Centre Library

Between October 2022 and March 2023, there were 114,651 visitors to Fremantle Library in the Walyalup Civic Centre location, which is an increase of 12% on the previous 6-month period (104,468 visitors) and an increase of 54% compared to the same time frame a year ago (74,321 visitors). This library has also welcomed 1361 new members, with 11,758 members actively using the library. 901 of those active users are from East Fremantle.

Library staff have answered 13,694 customer enquiries. The top five enquiries received were: Circulation enquiries, Printing, copying, and scanning, PC Reservations (including extending time), Directional Questions, and Payments.



Several new guidelines have also been implemented over the past 6 months. These include a new Collection Development Guideline, Supervision of Children in the Library Guideline and Library Shelving guidelines.

The Collection Development guideline provides the City of Fremantle and the community with a framework for the selection, acquisition, evaluation, and deaccession of materials for the library collection.

The Supervision of Children in the Library (0-12) guideline provides the community with an outline of expected appropriate behaviour of children in the library and outlines the age that is appropriate for children to be left unsupervised on their own.

The Shelving guidelines were created to give new shelving volunteers an overview of the Library Collection and how we shelve specific items throughout the library. They are also being used as part of the induction process for new staff coming on board.

In November the Library newsletter was revamped and provides customers with up-to-date information on events happening in the library and around Fremantle. Over 5,000 library customers now subscribe to the newsletter since it has been transformed into the new version.

In December the library hosted a visit from the ALIA (Australian Library and Information Association) Retired Librarians group. They were shown through the library, ground floor and level one where there were a lot of questions on Activity based working and around the local history display area. Overall, they were very impressed with the whole building and open space design.

City of Fremantle also hosted staff from the City of Bayswater library for a tour of the new library. The purpose was for information sharing of services, programs and library operations.

The end of March 2023 marks 16 months at the Walyalup Civic Centre. The implementation of a full-time security service in September 2022 has resulted in a reduction in anti-social behaviour with staff and customers feeling safer in the library space. This observation has also been reflected in customer feedback through customer surveys that were conducted during the October 2022 to March 2023 period.

The introduction of a Code of Conduct brochure was implemented in November for customers. This outlines appropriate behaviour and expectations for customers and library patrons, reminding everyone that The City of Fremantle Library is a community space where everyone is welcome, and we must work together and treat each other with respect to make sure that the space is safe.



LIBRARY CONNECT – FREO

At the end of November 2022 an evaluation report was completed by the School of Population, University of Western Australia, Institute of Health Research, Notre Dame University and the School of Allied Health, University of Western Australia. The research project concluded at the end September and included 24 months of data collected including case studies.

The aim of Library Connect is for a qualified and experienced community worker to be embedded within the accessible, safe, and welcoming space of a public library, to provide support for people who access the library and who might not engage with or be aware of other available community services support.

The Library Connect service is available to anyone in the community who presents to Fremantle Library and needs support. This recognises that public libraries are accessed by a broad cross-section of people and ensures that Library Connect is accessible and inclusive.

This report highlights the challenges in the delivery of Library Connect, it also highlights the benefits of the program as being significant. It particularly highlights the program as being supportive of people facing financial hardship, homelessness and those new to engaging with community support services for the first time.

Between 30 September 2020 to 30 September 2022, Library Connect supported 749 people, across 976 episodes of support.

Of the 749 people supported, women were supported at a much higher rate than men (67% compared to 29%) – with women being 51% of the general Australian population. Aboriginal people represent 3% of the general population of Australia however 18% of people supported by Library Connect identified as Aboriginal.

One of the aims of Library Connect has been to engage with people requiring support who might not have previously needed support from community services, as well as people who might not have engaged with or be aware of available support services in their area. For two thirds of this client group this was the first time they had engaged with community support services in the local area.

This demonstrates the critical role a service like Library Connect provides in essential early intervention support and potentially preventing further hardship for people who are not connected with other services.



The most common presenting issues for people supported by Library Connect were financial difficulties (79%) and housing affordability stress (66%) Other common presenting issues included lack of support (64% not knowing how to connect or get help from any other services) employment difficulties (22%) and unemployment (36%), and family and domestic violence (16%).

Library Connect demonstrates the capacity for services to respond differently to social, community, demographic, and technological changes. The collaborative partnership which underpins Library Connect represents a model of practice which can be applied in other settings, to make best use of resources and to serve communities more effectively.

LIBRARY OPERATIONS

Library Feedback through Customer Surveys

Customer feedback is important and the City undertakes regular surveys (both online and phone surveys) to enable us to regularly update our knowledge of customer's expectations and perceptions enabling us to fine tune service strategies and identify opportunities for advancing our performance.

An online survey through Culture Counts was undertaken in December 2022. Fremantle Library participated as part of the Culture Counts' Public Libraries Evaluation Network (PLEN). PLEN is a nationwide initiative designed to better understand and illustrate the vital outcomes generated by libraries. Libraries that partake in the network use Culture Counts to survey public users of the library. Feedback is collected on library use, performance, personal and community outcomes from public users of the library.

The most popular reason identified in the report was that people used the library for the facilities and services, including the ability to access services online such as e-Resources.

Participants also felt that the library played an important role in the community, was a safe and trusted place to visit and played a vital role in being a space for people to come and study, read and spend time with their children and families.

Areas identified for improvement included better parking, better marketing of programs and events, more signage, more literature-based events, more digital literacy help and more study spaces.

Subsequently, an annual 'The Voice of our Customers' survey was held during the month of February. 57 customers who are regular users of the Lifelong Learning Services (Library, Toy Library and the Meeting Place) were interviewed by an external researcher. Ratings were canvassed on both service performance and acceptability of the facilities



The main area identified from customer feedback was that the library has made giant leaps in the provision of services, partially in response to the PLEN survey feedback. The library was rated at **97%** as either good or excellent for service. This is up from 80% compared to last year's results.

There were many common themes expressed by customers when they were asked about what they liked about the library facility and the service

- Most regard the facility as being a very safe and comfortable place to be in.
- They like that it is a community facility, not just a library.
- The most common 'like' is the modern attractive and functional building that often generates delight in users. The design was appreciated by most, with many accolades.
- There were many compliments about the staff and the service provision.
- Operating hours are universally acceptable with no suggestions for change and many say the hours are ideal, especially with the weekend times available.
- The self-checkouts are well-used and appreciated.

Parking remains the common cause of concern – it is regarded as expensive and difficult to access, yet most members accept it as a given. The collection was also cited as not large enough, Library users want more books on shelves!

The toy library remains an outstanding service and is greatly appreciated by its members. The toy library staff are seen as outstanding service providers who engage strongly with their families and respond capably to their needs.

The most gratifying findings from this survey was that the causes of customer concern from the previous survey have been effectively resolved including the redesign of the shelving layout, the implementation of the security service and that noise issues were lower.

The children's area and external leisure play areas were also widely viewed as strong and a vital feature of the facility and help attract many families to the area. Many customers applauded the City for its provision of a place for disadvantaged people to find comfort and to feel safe.

Overall, this survey was incredibly encouraging and was full of accolades and compliments towards the library service.



Volunteers

Volunteers play an important role in the library and we are currently recruiting for more in several new roles. Currently we have volunteers who help with Library Craft and Coderdojo; both popular programs run by our Youth Services Librarian, volunteers at the Toy Library who help run programs and we have recently implemented shelving volunteers who come in for one hour a day to help with the shelving of library books.

One area identified in the surveys that were run was a lack of digital literacy support, so we are now running a program once a week with a Be Connected grant for digital literacy classes, we currently have one volunteer running the program on a Wednesday morning, this is soon going to increase to two sessions per week with two volunteers.

Local History Volunteers

In January 2023 the Fremantle History Centre commenced its Local History Expert Volunteer program. The program at present, consists of five volunteers working every Thursday between the hours of 10am and 4pm. The volunteers utilise a space on the ground floor near the local history exhibition area. The prominent position of the exhibition area is effectively generating community awareness of the work our volunteers have been completing, and thus promoting the importance of community history. The tasks in which our volunteers undertake include original cataloguing, scanning photographs and quality assurance.

Collections

The library collection is continuing to enjoy the new space and relaxing into its new home. The newly added curated collections have been performing well since being created a year ago. Fremantle Press has been especially popular since undergoing a revival, complete with their red spine labels to help them stand out on the shelves. Our monthly displays also help to highlight areas of the collection. The Blind Date with a Book display for Library Lovers' Month has been a standout.

We have also integrated the STEAM (science, technology, engineering, arts, maths) and Junior Bibool Bang-ga collection into the main part of the junior collection. This has been a more economical use of space and their visibility has increased thanks to their spine stickers making sure they don't blend into their surrounds. The junior collection is very well-browsed!

We have also been busy refining the Graphic Novels and Manga collections which are now arranged by a stop light system. Green for G-rated content, Orange for Young Adult and Red for more Mature readers. This area also continues to expand and is well used by all.



The community loom and crochet baskets have been reinstalled for our crafty visitors of all ages to sit, have a yarn and enjoy. It's popular with all age groups from teenagers to elders. We have also added board games to our Gaming Zone and is almost as popular as the video games.

Fremantle History Centre

Between October 2022 and March 2023, the History Centre answered 734 enquiries, which were predominantly related to the subjects of property, family history and historical research.

In October, the History Centre put out an invite to precinct groups through the Freo My Say e-newsletter and hosted a number of well-attended morning teas in all the Fremantle wards, for locals looking to form local history interest groups within Fremantle. The large number of locals that registered interest, led to the History Centre launching the new initiative 'Capturing Our Community' which aims to actively engage, educate, and involve the community in local history and heritage. Its members, of which we have named Local History Advocates, will undertake the role of capturing and collecting historical and present-day happenings, community developments, and stories through various mediums (e.g., photographs, video, sound recording, donations, etc.) to further build our local history collection. While currently the City has over 50 registered Local History Advocates for the initiative, there will continue to be a push for more member registration through future engagement events, for example there is an East Fremantle morning tea event planned for May.

The History Centre was proud to play a part in the hugely popular and inspiring Maritime Museum's Fremantle Then and Now: Historical Panorama Project, which ran from September to February 2023. Not only was the History Centre a key contributor to the pieces within the exhibition, it also hosted two photo day sessions in conjunction with it. The photo day sessions were essentially an invite to the wider community to bring along photographs of personal experiences in Fremantle of which were scanned, uploaded and added to the Maritime Museum's Community Photo Gallery part of the Fremantle Then and Now exhibition. The demonstrated community appetite for events and projects celebrating and promoting Fremantle history and heritage indicates a need for a dedicated space for research, viewing and developing the extensive local history collection.

Local History Collection

In June 2022, The Fremantle History Centre was relocated to the ground floor and the space was converted into an area for the community to have access to displays of the city's collection as well. A healthier activation of this community space was also one of the desired outcomes. The relocation of the local history centre has been a great success.



There have been thousands of people attracted to the City to come and view the exhibition (Izzy Orloff) with the History centre becoming an attraction in it own right.

There has been community feedback and concern that there is currently no home for the history collection with most items in offsite storage. A potential solution and an option is to expand the History centre into the what was the Wanjoo Lounge and create a safe and secure place (with the installation of a partition) to enable

- Storage of delicate collection items
- Visitor viewing space (through supervised appointments)
- Staff and volunteer workspace – (scanning and digitising history items)
- An appropriate space for hosting community upskill workshops and study groups.

This proposal also needs to consider the current location of the public toilets, review the community bookings process for the current space and potential budget requirements for any capital works.

PROGRAMS & OUTREACH

Adults Programming

Program Statistics: October 2022 – March 2023

Program	No. of sessions	Total attendance
Standard Library Programs		
School of Critical Arts Philosophy w/s + talks	5	34
LGBTI Intergenerational Playgroup	3	25
ONE DAY	1 event 13 activations	1062
LGBTI Elders Games Hub	3	35
Emerging Writers Cooperative	15	98
Pridemantle	1	54
Between the Books #2	1	36
Podcasting w/ Studio School	9	22
Voicebox Poetry	2	81
Zine Events	2	175
Open Mic	1	36
OceanLife Festival	1 week-long 12 separate events	976
Perth Festival First Nations Reviewers w/s	1	17
Perth Festival Author Talk	1	218
Give GO a Go	10	34



Consultation for Youth w/ WA Parliament	1	3
Woodson's Arcade Exhibition space	1	45
Programs for Parents (Palmerston, Meerilinga, LGBTQIA+)	9	77
Internal Programs – Library Staff Engagement		
Indigenous Trainee Pilot	1	1
Fremantle Staff Internal Workshops: workshops with City of Fremantle (CoF) teams to showcase resources available for staff	2	14
Internal Resource Rentals: lending Library equipment to other CoF teams programs	7	7
Outreach – engaging new Library members outside the Library		
HEADSPACE Fun Day	1	240 approx.
White Ribbon Day	1	82
Pop Up Library (@ George Street Fest.)	1	330 approx.
TOTAL	103	3702

The library maintained several now established, ongoing programs, such as the Emerging Writers Cooperative, Meerilinga Parenting Circle, Podcasting with the Studio School, and our 2 collaborations with GRAI – LGBTI Elders Games Hub, and LGBTI+ Intergenerational Playgroup.

Fremantle Library's relationship with the literature sector in Fremantle has continued to grow, with the library hosting a significant Literary event at the Walyalup Civic Centre, utilising the old Town Hall auditorium as our largest space. The library partnered with the Perth Festival and Fremantle Press to host their panel discussion *The Business of Being a Writers*, part of the Perth International Arts Festival, with 8 authors talking to over 200 audience members was highly successful.

Working closely with the Community Development team, the library co-hosted Fremantle's One Day, an inclusive community day celebrating First Nations culture and community. ONE DAY was coordinated collaboratively though led by the Aboriginal Engagement unit, overall, we engaged with approximately 1000 people, with 13 different activations throughout the day. This included: Welcome to Country & Smoking Ceremony, Keynote Speech by Thomas Mayo, x3 Dreamtime Story telling sessions in the library, 3 musical performances, Buster pop-up play area, Basket weaving workshops, and Bark painting workshops.

Since the new Library has opened, the team has had a focus on engaging new members, from both the internal City of Fremantle (CoF) staff, and wider Fremantle residents (as well as East Fremantle). This has led to Library activations at external events, such as the George Street Festival in East Fremantle, and HEADSPACE Day at Esplanade Youth Park.



While also promoting Library resources to other internal CoF Teams, showcasing how Library resources can assist in their work, leading to an increase in internal borrowing of Library equipment, and workshops showcasing everything available in our new Library with an evolving and innovative collection.

The Library also engaged with outreach events, leaving the Walyalup Civic Centre, these included (but were not limited to) taking part of The George Street Festival, the HEADSPACE Fun Day at Esplanade Park, and the public White Ribbon Day installation coordinated by The Fremantle Legal Centre.

The City of Fremantle (CoF) Library team took part in a new Aboriginal Trainee pilot program, along with The Department of Communities (DoC), testing a new approach to facilitating the learning and development of young First Nations employees. This new structure allowed participants to learn a variety of skills and roles by rotating across 3 teams, between both organisations, while also completing a TAFE course in Business Administration, culminating to employment within one of these organisations. CoF hosted 2 trainees in the library, while participants also had placements at Department of Communities and in other CoF departments. These trainees recently graduated, with one securing employment at DoC in the Aboriginal Outcomes team, and another at CoF, in the Walyalup Aboriginal Cultural Centre team, as an Aboriginal Education Officer.

Children's Programming

Program	Number of sessions	Total attending	Sessions Apr – Sep 2022	Attending Apr – Sep 2022
Better Beginnings Kindy Visits	8	255	15	367
Story Time	16	341	17	291
Rhyme Time	16	483	18	494
Buster sessions	37	2,153	29	1,584
CoderDojo	16	247	19	254
Play4Life VR Sessions	3	38	-	-
Play4Life Gaming Zone Tournaments	3	26	-	-
LibraryCraft Social Sessions	2	30	-	-
Buster @ FAC Bazaar	2	575+	-	-
Children's Christmas Party	1	80	-	-
Buster @ Freo Carols	1	150	-	-



Toy Library programs				
Hilton creatives	19	129	-	-
Toy Library marquee	3	450+	-	-
Toy Library Bonanza day event	1	200+	-	-
Christmas crafts sessions	3	77+	-	-
Total	131	5,234	98	2,990
Gaming Zone	NA	737hr 38m	-	-
LibraryCraft	454 registered players	6,787 hrs of play	425 registered players	6,286 hrs of play

Children's programs in the library have enjoyed another increase in numbers, with the weekly programs up 16.3% from 2,990 to 3,479 for the six-month period. School holiday programs have also been well attended, with many additional appearances from Buster and the Toy Library team to various experiences.

The Gaming Zone continues to be a key success in the library, with the space filling up after school and on the weekends with youth, and LibraryCraft has enjoyed continued growth.

Occupancy of Bookable rooms (hours)

Room	Type	Oct	Nov	Dec	Jan	Feb	March	Total
Quokka	Internal	80.75	58.75	48.25	49.25	40.5	39.25	316.75
	External	127.5	8.25	27.5	32	6.75	17.25	104.5
Yonga	Internal	133.5	131.5	116.5	16	130.5	162	690
	External	0	7.75	5.75	1.5	0	3	18
Mardoo	Internal	43.75	49.25	35	19	42.25	54.5	243.75
	External	16.25	0	9.75	1	0	0	27
Wanjoo	Internal	2.5	2.5	0	8	20.5	22.5	56
	External	0	0	0	0	0	0	0



Freo Toy Library

Freo Toy Library	TOTAL	East Fremantle
Membership at March 2023	312	22
New members at March 2023	78	1
Loans	7,018	421
Visits TOTAL	4,608	

The Fremantle Toy Library remains one of the City's outstanding services and in the Voice of the Customer survey rated as 100 percent in customer satisfaction. In the survey almost three out of four respondents expressed views that the Toy library added much value to their family. It was also rated highly by customers as making them live more sustainability due to being able to borrow a wide range of toys and return them without having to purchase them themselves.

The next 6 months

The library continues to improve services and facilities for library customers and the wider community. The two surveys that were held have identified areas that need improvement and will be worked on over the next six months.

This includes the introduction of new programs such as the Be Connected Digital Literacy sessions for people who need help with computer literacy, online services and how to use Library based eResources. The introduction of new programs including more author talks and collaboration with Fremantle Press to host two 'Great Big Book club Tea Parties', which will promote local authors and book publishers are also taking place soon.

The introduction of an ESL drop-in English class for people who would like to practice speaking English in a safe comfortable environment is also underway and a call for volunteers will be advertised via the City's media channels.

The library also has a 3D printer on site which can be used by the public for a small fee. Some 3D printing workshops will take place over the next 6 months to allow people to learn how to do 3D print and design.

In collaboration with St Pats, staff from both the Fremantle Library and St Pats will participate in site visits and how we can work more collaboratively more to help the growing number of disadvantaged people in the City of Fremantle and surrounding areas.



An area that was identified for improvement in both surveys was the library book collection. More focus will be spent on the floor layout, making the collection visible and improving our supplier select collection services, making sure that all the popular authors identified are current and up to date. We will also be purchasing stock directly from local book suppliers.

The Fremantle library plans to unveil its zine collection in the third quarter of 2023. A zine is a non-commercial, often homemade publication usually devoted to specialized and often unconventional subject matter.

The collection will consist of a loanable display of high-quality zines hand selected by our librarians. This curated part of the collection will feature both local and national contributors and will be available for loan by library members. The project also includes a community-driven 'swap-shelf', designed to aid in the distribution of zines throughout the local community in a way that is more flexible for both zine makers and consumers. Local creators will be encouraged to submit multiple copies of their zine to be displayed in an area that is free for the public to take from or exchange. This two-tiered structure lends itself to running supporting programs such as zine-making workshops and competitions as a way to promote and showcase the zine collection, which would be the first of its kind in Western Australian libraries.

"The library will be regularly hosting Zine workshops so local writers and artists can create and share their own self-published works, adding to our collection. In April we will be hosting a workshop with Sophie Smith and the Youth Pride Network which will be zine making for LGBTQIA+ Young people, this workshop will be part of the KickstART Youth ArtsFestival.

We're also hosting two other workshops the first one as part of the KickstART Youth Arts Festival, taking place in Youth Week in April, firstly a DJ workshop aimed for BIPOC (Black, Indigenous & People of Colour) females and gender diverse peoples, facilitated by *Club Jewelz*, an emerging DJ Collective. The second is a DnD (Dungeons & Dragons) presentation, introducing the game and benefits, leading into a small workshop to give young people a glimpse of how to play DnD. The conversation will be hosted by *DnD Live*, discussing how to blend your arts career with your gaming skills, how your role playing skills can help apply to a career in acting, or how your organisational skills as a DM (dungeon Master) can to translate over to Arts Management."

Library spaces were also identified as an issue in the Culture counts survey, such as not enough study spaces, spaces for neurodiverse customers and school groups.



The current local history area in the library is now being used more as a study space as well as the upstairs ground floor area near the local history display. We welcome any school groups to use the library spaces for collaborative workshops or to visit and see what services we have available.

COMMITTEE DECISION FPOL2304-1
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Receive the information report for the period from October 2022 to March 2023.**
- 2. Approve the Bi-Annual report, to be forwarded to the Town of East Fremantle as agreed in the Service Level Agreement for the provision of Library services to the Town.**

Carried: 7/0

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



ITEMS APPROVED "EN BLOC"

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

COMMITTEE DECISION

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

FPOL2304-5	Tender FCC625/22 – Voice Communication System Replacement
FPOL2304-6	Tender WFCC107/23 Microsoft Enterprise Licensing

Carried: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin

FPOL2304-5 Tender - FCC625/22 - Voice Communication System Replacement

Meeting date: 12 April 2023
Responsible officer: Manager Information Technology
Decision making authority: Committee
Attachments: 1. FCC625.22 Voice Communication System Replacement –Evaluation Spreadsheet - *Confidential attachment*
Additional information: Nil

SUMMARY

The purpose of this report is to consider Tender FCC625/22 for Voice Communications System Replacement. This report recommends that Council accepts the tender submitted by Split Horizon in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle is seeking a new provider for its existing voice communication system, which is over seven years old and currently utilises the Telstra IP Telephony platform with all phone services and numbers currently held with Telstra. The city is currently using 99% soft phones utilising the Telstra Business Connect software application.



The customer contact Centre receives 57,000 calls annually from a residential customer base of approximately 30,000 residents. The software application often freezes causing calls to drop and staff to experience intermittent issues in hearing the customer enquiry due to the call freezing or words and sentences breaking up. The application also does not clearly alert a user that a call is coming through resulting in calls either abandoning or not being answered, resulting in a poor customer experience.

The communications system must accommodate remote working and the existing telecommunications equipment in use at the City.

FINANCIAL IMPLICATIONS

The table below summarises the available budget for this system.

Budget Account	Account Description	Amount
100012.6833	Maintain Business Systems – Other (Telephone Expense)	\$190k OPEX
200797.6823	IP Activity Project 200797 – Purchase Telephony System	\$95k CAPEX (Yr1 Cost Only)
Total per annum		\$190,000
Total once off cost		\$95,000

Sufficient funding provision has been allocated in the 22/23 budget to deliver the voice communications system replacement within budget.

The City currently pays Telstra \$16,000 per month, on average, for the existing telephony system. With the award of this tender, these funds will be diverted to paying for the proposed telephony system. The IT Business Unit currently holds \$190k in Operational Expenditure (OPEX) for these payments. The Customer Service team have an approved project for the replacement of the existing Contact Centre software which is proposed as part of this tender. This project carries a Capital Expenditure (CAPEX) budget of \$95,000 which will be used for the implementation costs of this solution.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the *Local Government (Functions and General) Regulations 1996*.



CONSULTATION

Nil

OFFICER COMMENT

Detail

The Tender request was advertised on 2 December 2022 on the Tenderlink Portal and on the Council Website, LinkedIn, Council Library leaflet and Freo Weekly Newsletter as per the requirements of clause 1.7 of the Local Government Act 1995.

Essential details of the contract are outlined below:

Contract duration	2 Years with 3 x 1 Year Extension Options
Commencement date	May 2023
Completion date	Maximum contract period would end May 2028

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

1. Black Box Technologies Australia Pty Ltd
2. Callscan Australia Pty Ltd
3. Concentrix Services Pty Ltd (*Non-Conforming Tender Response*)
4. CCSTech
5. Essential Data and Voice
6. NEC Australia Pty Ltd
7. R Group International Pty Ltd
8. Split Horizon Pty Ltd
9. Telstra
10. VoIP Pty Ltd

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.



The tender evaluation panel comprised:

Name	Organisation	Job Title	Voting / Non-Voting Member
Joel Hurst	CoF	Manager Information Technology	V
Jay Ellis	CoF	Manager Customer Experience and Learning	V
Ian Wilson	CoF	IT Operations Team Leader	V
Julian Collie	CoF	Procure to Pay Team Leader	NV
David Benbow	CoF	Procurement Officer	NV

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

Item No	Description	Weighting
1	Relevant Experience	20%
2	Key Personnel, Skills	20%
3	Resources	10%
4	Demonstrated Understanding	20%
5	Sustainability	10%

Nine tender submissions received were conforming, and one tender submission received was non-conforming.

The non-conforming submission was not evaluated as requested detailed pricing information was not submitted in a timely manner.

The tender submitted by Split Horizon Pty Ltd and CCSTech scored the highest rating with 68 points, followed by R Group International Pty Ltd with 63 points. The remaining tender submissions received lower scores.

Split Horizon, the recommended tenderer, was assessed as being able to deliver the best outcome for the City. The Cisco solution they proposed is fully cloud based and would result in minimal administrative overheads for the City's IT department.



Further to this the product offered is by a very well-known brand in the IT Industry, one which is used extensively by the City in the IT Infrastructure and software space currently. The evaluation panel believes that Split Horizon can safely undertake the delivery of this project to the specifications and requirements as described in the specification, in accordance with the terms of the tender document.

The evaluation process determined that the tender from Split Horizon is a conforming tender. Reference checks indicate that Split Horizon have provided satisfactory service delivery to their customers on similar projects, and will be a suitable supplier to the City of Fremantle

Environmental considerations

Each tender submission was assessed against sustainability.

Risk consideration

Split Horizon are a WALGA preferred supplier and as such this would indicate that they have the financial capacity to undertake the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Comment

The evaluation panel individually reviewed and scored each submission before meeting and averaging the panels scores. After the evaluation concluded, the panel determined that the top four scoring submissions will be invited to provide a in person demonstration on their solution to the evaluation panel. A post demonstration review is provided below.

CCSTech Mitel Demo 03/03/2023

Good overall solution, it was observed that there was a requirement for four servers to be hosted on premise rather than being a true cloud solution. The consideration was that this would require ongoing management and support by the Information Technology Team.

Split Horizon Demo 08/03/2023

Very Good solution, cloud based and a very well-known global product (Cisco Call centre solutions) with an excellent reputation. Web Ex contact centre solution has a simple GUI and is customisable. Real time reporting with customised reports and wallboards available as required. The admin portal is simple to use, and the product has customer web chat and customised omni channel functionality. This is very simple to enable and incurs additional monthly fees which are in budget. This is a 2024 enhancement. Cloud based product that is far superior to TIPT (current product) and represents better value at \$20-\$30K cheaper.



R-Group Demo 10/03/2023

Good solution, however, the panel confirmed that the solution proposed would require the City to upgrade its existing Microsoft E3 licenses to E5. This equates to a pricing uplift of ~\$144,000 p/a which consequently puts this solution out of budget.

VoIP Demo 16/03/2023

Good solution that appeared to be able to deliver to the City's requirements. The only concern was that the solution consists of multiple providers (Carrier, Call Centre Software, End User Software) which has the potential to result in support issues moving forward.

The qualitative scores received by each Tenderer, during the evaluation are shown in the table below:

3.0	Consensus/Average Score Qualitative Criteria (out of 9)	Relevant Experience of Delivering Similar Services	Key Personnel Skills and Resources & Experience	Demonstrated Understanding	Sustainability and Local Economic Benefit	Total Score
	Black Box Technologies Australia Pty Ltd	5	6	3	6	20
	Callscan Australia Pty Ltd	7	6	7	6	25
	Concentrix Services Pty Ltd	0	0	0	0	0
	CCSTech	5	5	5	6	22
	Essential Data and Voice	4	4	5	4	18
	NEC Australia Pty Ltd	3	3	6	4	16
	R Group International Pty Ltd	7	7	7	6	27
	Split Horizon Pty Ltd	7	7	7	6	28
	Telstra	5	5	7	6	24
	VoIP Pty Ltd	7	6	7	6	26

The tender closed on the 15/01/23 and there were 10 submissions. All the submissions were compliant except for Concentrix Services Pty Ltd who did not submit anything in their pricing schedule. Procurement followed up with the person who submitted the tender and there was no response. Therefore, Concentrix Services Pty Ltd was excluded from the remaining tender process. After the conclusion of the evaluation meeting, the panel agreed that the four highest qualitative submissions would be given the opportunity to present their demonstrations to the panel and covered any questions the panel had.

After the demonstrations concluded, the evaluation panel unanimously agreed that the overall solution offered by "Split Horizon" would deliver the best outcome for the City. The Cisco solution they proposed is fully cloud based and would result in minimal administrative overheads for the City's IT department. Further to this the product offered is by a very well-known brand in the IT Industry, one which is used extensively by the City in the IT Infrastructure and software space currently.

The City currently pays Telstra \$16,000 per month for licensing fees (softphone licenses, Call Centre Agent licenses). There are significant annual savings to be realised as Split Horizon licensing fees are \$13,500 per month (softphone licenses, call centre agents licences and call costs).



The assessment process has determined that the City will receive a superior and more robust Telephony system at a cost saving of \$20,000 per year on licensing.

Subject to acceptance of the tender, the proposed implementation program is scheduled below:

Award contract:	April 2023
Commence implementation:	May 2023
Completion:	June 2023

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION FPOL2304-5 **(Officer's recommendation)**

Moved Cr Jenny Archibald

Seconded Cr Frank Mofflin

Council accept Tender FCC625/22 for Voice Communications System replacement at the rates tendered, to Split Horizon for a period of two years, commencing on or around April 2023, with the option to extend this contract for a further 3 one year options, at the discretion of the Chief Executive Officer.

Carried en bloc: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin



FPOL2304-6 TENDER WFCC107/23 MICROSOFT ENTERPRISE LICENSING

Meeting date: 12 April 2023
Responsible officer: Manager Information technology
Decision making authority: Committee
Attachments: 1. WFCC107.23 – Microsoft Enterprise Agreement Evaluation - *Confidential attachment*
Additional information: Nil

SUMMARY

The purpose of this report is to consider Tender WFCC107/23 for the renewal of the City's Microsoft Licensing Enterprise Agreement.

This report recommends that Council accepts the tender submitted by Crayon Australia in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle's existing Microsoft Licensing Enterprise Agreement comes to the end of its three-year term in April 2023. To ensure continuity of the existing Microsoft licenses, the City issued a request for quotation via the WALGA Vendor Portal against Contract "Information & Communication Technologies – Microsoft Enterprise Agreements (PSP001-025)", on 13 March 2023.

FINANCIAL IMPLICATIONS

Budget Account	Account Description	Amount
100067.6281	Maintain Microsoft SOE Applications – Software License Expense	\$316,000
Total per annum		\$316,000

The City currently holds \$320,000 in the Information Technology Operational Budget for the annual Microsoft Licensing costs. This budget also carries some additional funds to allow for license increases to cover staff movement.

The pretender estimation was based on the fact that the City has been paying between \$300 - \$320,000 per year, for the last three years, on the existing Microsoft Enterprise Agreement.

The pricing submitted by Crayon Australia of \$286,640.41 per annum, exclusive of GST, is below the pre-tender estimation and within adopted budget.



LEGAL IMPLICATIONS

The purchase of the Microsoft Enterprise Agreements is to be procured using a tender exempt purchase method as per Regulation 11(2)(b) of the Local Government (Functions and General) Regulations 1996, which states:

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

(b) the supply of the goods or services is to be obtained through the WALGA preferred Supplier Program.

CONSULTATION

Nil

OFFICER COMMENT

The qualitative assessment was completed by the Evaluation Panel on 22 March 2023. As part of the qualitative assessment, each submission was evaluated against the comparative price schedule, with the qualitative criteria for this quotation being 100% price weighted.

Microsoft licenses can only be purchased through a Microsoft Certified reseller, as such, the City was unable to obtain licenses directly. The procurement of licenses is completely transactional and does not have a services component which is why the qualitative criteria is solely based on price.

The WALGA contract for Microsoft Enterprise Agreements consists of four suppliers who are eligible to provide quotations. Of the four suppliers, the City received responses from three of them.

Respondents were required to provide prices on a Lump Sum basis for each year of the three-year requested contract length, along with a total cost of contract for the entire three-year period. Given that the City's Microsoft licenses fluctuate during the year, the City requested pricing on a granular level based on quantities in use at the time of going to tender. As these quantities increase and decrease, the City is charged accordingly.



A pricing table was provided along with the request for quote to allow for pricing to be broken down to an itemised level, the summary of licenses requested for this agreement can be seen below:

SQL Server Enterprise Core ALng SA 2L	Qty	4
SQL Server Standard Core ALng SA 2L	Qty	16
Visual Studio Pro MSDN ALng SA	Qty	4
Win Server DC Core ALng SA 2L	Qty	112
Win Server Standard Core ALng SA 2L	Qty	12
M365 E3 Unified Sub Per User	Qty	400
CCAL Bridge O365 Sub Per User	Qty	98
O365 E1 Sub Per User	Qty	98
Enterprise Mobility & Security - E3	Qty	98
Visio P2 Sub Per User	Qty	3
Project P3 Sub Per User	Qty	14

The pricing responses from each respondent, for the above quantity of licenses, is provided in confidential attachment 1. As outlined in the confidential attachment, Crayon Australia have provided the quotation that delivers the best value to the City.

The City acknowledges that the values highlighted are subject to change throughout this contract due to the fluctuations in license quantities. The City currently holds an adequate operational budget to cover these changes and will manage the issuance of licenses in line with the budget available.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

COMMITTEE DECISION FPOL2304-6 **(Officer's recommendation)**

Moved Cr Jenny Archibald

Seconded Cr Frank Mofflin

Council accept Tender WFCC107/23 for a Microsoft Enterprise License Agreement at the contract value provided of \$286,640.41 (\$859,921.23 total over a 3-year period), to Crayon Australia, commencing April 2023.

Carried en bloc: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin



FPOL2304-2 FREMANTLE OVAL FINAL DRAFT CONSERVATION MANAGEMENT PLAN

Meeting date:	12 April 2023
Responsible officer:	Manager Strategic Planning and City Design
Decision making authority:	Committee
Attachments:	Nil
Additional information:	1. Draft Fremantle Oval Conservation Management Plan, Griffiths Architects, 2022

SUMMARY

The purpose of this report is to provide Council with a copy of the final draft of the Conservation Management Plan (CMP) for Fremantle Oval and request Council endorse this draft plan for the purpose of community comment. Following community consultation, the plan will be presented back to Council for adoption.

BACKGROUND

Fremantle Oval is a significant cultural heritage place with a long association with recreation and public events as well as important links to the World Heritage listed Fremantle Prison. Over the last twenty-seven years the conservation and management of this place has been guided by the recommendations of the Fremantle Oval Conservation Plan which was prepared by Heritage Conservation Professionals in 1996.

In January 2022 Griffiths Architects were appointed to review, update and expand the conservation management plan (CMP) to ensure that it remained relevant to guide conservation works and potential development in and around the oval precinct over next 20+ years.

FINANCIAL IMPLICATIONS

The consultant fee for the preparation of the CMP for the Fremantle Oval is \$25,605 excluding GST. The contract was awarded in early 2022 and the project is due for completion this year.

LEGAL IMPLICATIONS

There are no legal implications to this report.



CONSULTATION

In February and March of 2022, the City of Fremantle carried out preliminary public engagement to better understand the social and historic significance of Fremantle Oval. The community was invited to comment on their connection to Fremantle Oval and to share stories, maps, photographs, newspaper clippings etc. The public responses were then compiled and presented to the heritage consultant for use in this CMP.

The City now proposes to undertake further engagement with the community and key stakeholders on the draft CMP, before being presented to council for final adoption. Community consultation will be similar to that of other recent CMPs and include:

- My Say Fremantle
- Advertisement in Herald
- Direct contact with key stakeholders with an invitation to review and comment, for example:
 - o South Fremantle Football Club
 - o Fremantle Football Club
 - o Fremantle Society (heritage advocacy group)
 - o Fremantle Inner City Residents' Association (FICRA)
 - o Royal West Australian History Society
 - o Fremantle History Society
 - o Fremantle Prison.

OFFICER COMMENT

After 26 years, the original 1996 CMP for Fremantle Oval needed to be updated to record recent changes and provide guidance to manage future conservation, maintenance and development of the site.

Accordingly, Griffiths Architects have updated the history of the place to include recognition of the:

- Whadjuk Nyoongar connections to the place
- Migrant history
- Archaeology
- Fremantle Dockers and their links to the oval and buildings and structures
- Fremantle Prison's World Heritage Listing and inclusion of Fremantle Oval in the buffer zone for this place
- Conservation and refurbishment work undertaken since 1998.

As Fremantle Oval was an early inclusion on the State Register of Heritage Places the statement of significance required reconsideration and updating to assist with how the whole of the place and its setting are regarded and conserved.



The revised CMP will help the City of Fremantle to understand the place and its cultural heritage significance and will provide recommendations to enable this significance to be retained in its future use, interpretation, and development. It also includes a prioritised programme of staged conservation works to care for significant buildings, structures and landscape elements and provides a framework to consider future changes and development to accommodate modern requirements and ensure its ongoing use as a sporting facility and place for community events.

Consultation with the community and key stakeholders is an important part of the process of preparing a conservation plan.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION FPOL2304-2 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

- 1. Endorses the draft Conservation Management Plan (CMP) for Fremantle Oval for the purpose of community comment, noting that preliminary community input has already occurred in preparation of the draft;**
- 2. Notes that following this second phase of consultation, a final Conservation Management Plan for Fremantle Oval will be presented to Council for final consideration.**

Carried: 7/0

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



FPOL2304-3 PROPOSED LEASE FOR WALYALUP CIVIC CENTRE – RETAIL SPACE

Meeting date: 12 April 2023
Responsible officer: A/Manager Economic Development and Marketing
Decision making authority: Council
Attachments: Nil
Additional information: 1. *Confidential attachment*– For Eyes Optometrist Pty Ltd submission

SUMMARY

The purpose of this report is to seek Council approval for the proposed lease terms that have been negotiated with an applicant for the retail space within the Walyalup Civic Centre.

The applicant proposes a retail optometrist store in a 168m² portion of the Walyalup Civic Centre. The space is located on Newman Court adjacent to the tenancy on the corner of William Street and Newman Court.

This report recommends that Council approve the proposed essential terms and authorise the Chief Executive Officer to finalise a Lease between the City of Fremantle and For Eyes Optometrist Pty Ltd based on the essential terms outlined in this report.

BACKGROUND

The Walyalup Civic Centre retail premises was advertised by way of an Expression of Interest (EOI) which closed on 1 March 2023.

In accordance with Council's Leasing of City Property in a competitive manner policy, the City is obligated to advertise commercial properties in an open and competitive manner when they become available for lease.

The City received one submission from For Eyes Optometrist Pty Ltd which meets the selection criteria of the EOI. The applicant proposes a retail offering in the 168m² tenancy.

Agreed lease terms are now being presented to Council for approval.

FINANCIAL IMPLICATIONS

The proposed rent for the premises is \$38,640 per annum + GST. This is calculated at a rate of \$230m² per annum + GST.



Outgoings for the property have been estimated at \$90/sqm for the first year.

The fit-out contribution from the City requested by the prospective tenant for the lease includes:

- Lessor contribution of up to \$30,000 towards lessee fit out.

There is no rent-free period so rent will be payable from the commencement of the lease.

The requested lease term is five (5) years, with two further five (5) year terms. With the final five (5) year term being on the agreement of both parties. The lease will also include a bank guarantee of \$19,320.

Rent will increase in line with CPI annually on the anniversary of the Lease Commencement Date, with a market rent review to occur at year five and year ten.

The fit-out contribution payment of up to \$30,000 towards lessee fit out has been requested as a contribution from the City. This includes basic fit out to floors, ceiling and walls, electrical and plumbing installation.

The City has already installed air-conditioning and will provide sufficient soundproofing to the wall with the adjoining tenancy prior to the Lease Commencement Date.

Payment of the fit-out contribution will be paid upon completion of the works subject to the lessee providing paid invoices for reimbursement or alternatively directly to the contractor who is completing the works. Milestone payment amounts are still subject to the lessee finalising a detailed design.

Ownership of any works delivered via the \$30,000 fit-out contribution will be retained by the City at the conclusion of the lease.

The fit-out contribution is currently budgeted for in the approved FY2022/23 budget.

The prospective tenant is estimating their own fit out contribution to be between \$250,000 and \$300,000.

Officers forecast that the net income for the terms of the lease, factoring in the fit-out contribution, will be in the vicinity of \$540,000.

LEGAL IMPLICATIONS

Two documents are required to be finalised as part of the proposed lease.



1. Lease: The lease must comply with the requirements of Section 3.58 of *the Local Government Act 1995* and the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.
2. Fit-out Contribution Agreement: The negotiated terms of this lease include a payment made by the City towards the lessee's fit out. The Fit-out Contribution Agreement will outline the agreed terms of how and when payments are made to the lessee for the fit-out contribution amount.

CONSULTATION

The property was marketed via the following methods;

- An open EOI process
- City's website and various media channels
- Advertisement in the West Australian and Fremantle Herald
- Direct approach to potential candidates and use of Economic Development database.

OFFICER COMMENT

The Walyalup Civic Centre offers a substantial opportunity for retail operators to consider establishing a presence within new A-grade commercial space located adjacent to significant numbers of government workers, in the heart of the City centre.

Officers have determined that the proposed tenant is suitable, meets the selection criteria and will complement the existing Walyalup Civic Centre offering.

The presented proposal is for the remaining 168m² of retail space located on Newman Court. The site will be adjacent to the existing corner tenancy providing optimal frontage for a retail store.

The proponent has operated in Fremantle since 2015, is currently located on High Street and has more than 25 years' experience in the optical industry in Western Australia.

The following essential terms have been agreed upon by the City and the Proponent.



Key Lease Terms

Land Description	Land: Known as 16 Newman Court, Fremantle (formerly 8 William Street, Fremantle) and being land more particularly described as Lot 11 on Deposited Plan 412028 Certificate of Title Volume 2958 Folio 794 Building: Walyalup Civic Centre Premises: That portion of the Land and the Building comprising 168m² as outlined in blue on the plan annexed as Annexure 1.
Premises	Retail Portion – 16 Newman Court, Fremantle
Lessor	City of Fremantle
Lessee	FOR EYES OPTOMETRIST PTY LTD ABN 18 607 043 827
Bank Guarantee	6 months rent Bank Guarantee or Bond required.
Site Area	168m ²
Lease Commencement Date	TBA
First Term	5 Years
Second Term	5 Years
Third Term	5 Years (on the agreement of both parties)
Annual Rent	\$38,640 per annum + GST (\$230 per m ² per annum)
Rent Review	Rent will increase in line with CPI annually on the anniversary of the Lease Commencement Date. Market rent reviews will occur at the end of the first and second term.
Incentives/contributions	Lessor to provide a capital contribution of \$30,000 to the Lessee to contribute towards the proposed fit out of the property. Lessor to provide sufficient soundproofing to the wall with the adjoining tenancy prior to the Lease Commencement Date.
Variable Outgoings/Outgoings	Outgoings will be charged at \$1,000 per month and will include but not be limited to; • Water use • Use of communal toilets and end of trip facilities



	• Exterior window cleaning • Building services The following outgoings will be charged on demand: • Electricity (based on sub-meter reading) • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges The recurring monthly variable outgoings charge will form part of the Lease. Invoices are reconciled and audited annually. Outgoings will be capped at \$15,120 plus GST annually.
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Retail
Special Conditions	1. Lessee's Fit Out Fit out to Ground floor and First floor must commence within 90 days of the commencement of the Lease. 2. Lessee's Works (1) Lessee's works definition; (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises. (2) The Lessee must not undertake works unless; (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring



	amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor. (b) Planning approval under the local planning scheme (if applicable) and; (c) A building permit under the <i>Building Act 2011</i> (if applicable). (3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: (a) an application for planning consent; (b) an application for a building permit; (c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. (4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design. (5) The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance. (6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost. 3. Assignment or Sub Letting (1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if: (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the
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	financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. 4. State of Emergency Clause The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation. 5. Use of Confidential Information "Confidential Information" means any information relating to the Lease, including but not limited to the provisions of the Lease. (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: (i) is generally available in the public domain except where such availability is as a result of a breach of this agreement; or (ii) is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order. (c) The obligations imposed will survive the termination of the Lease. 6. Quiet enjoyment Except as provided in the Lease and subject to the performance of the Lessee's Obligations, the Lessee may quietly hold and enjoy the Premises during the
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	Term without any interruption or disturbance from the Lessor or persons lawfully claiming through or under the Lessor. 7. Parties to act in good faith Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party. 8. Maintenance Schedule A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement 9. End of Lease At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.
Premises	

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Moved Cr Jenny Archibald

Seconded Cr Rachel Pemberton

Council authorise the Chief Executive Officer to finalise a Lease between For Eyes Optometrist Pty Ltd and the City of Fremantle for the property at 16 Newman Court, Fremantle based on the following essential terms:

Land Description	Land: Known as 16 Newman Court, Fremantle (formerly 8 William Street, Fremantle) and being land more particularly described as Lot 11 on Deposited Plan 412028 Certificate of Title Volume 2958 Folio 794 Building: Walyalup Civic Centre Premises: That portion of the Land and the Building comprising 168m² as outlined in blue on the plan annexed as Annexure 1.
Premises	Retail Portion – 16 Newman Court, Fremantle
Lessor	City of Fremantle
Lessee	FOR EYES OPTOMETRIST PTY LTD ABN 18 607 043 827
Bank Guarantee	6 months rent Bank Guarantee or Bond required.
Site Area	168m ²
Lease Commencement Date	TBA
First Term	5 Years
Second Term	5 Years
Third Term	5 Years (on the agreement of both parties)
Annual Rent	\$38,640 per annum + GST (\$230 per m ² per annum)
Rent Review	Rent will increase in line with CPI annually on the anniversary of the Lease Commencement Date. Market rent reviews will occur at the end of the first and second term.



Incentives/contributions	Lessor to provide a capital contribution of \$30,000 to the Lessee to contribute towards the proposed fit out of the property. Lessor to provide sufficient soundproofing to the wall with the adjoining tenancy prior to the Lease Commencement Date.
Variable Outgoings/Outgoings	Outgoings will be charged at \$1,000 per month and will include but not be limited to; • Water use • Use of communal toilets and end of trip facilities • Exterior window cleaning • Building services The following outgoings will be charged on demand: • Electricity (based on sub-meter reading) • Council Rates • Emergency Service Levy • Land Tax • Statutory fees and charges The recurring monthly variable outgoings charge will form part of the Lease. Invoices are reconciled and audited annually. Outgoings will be capped at \$15,120 plus GST annually.
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Retail
Special Conditions	1. Lessee's Fit Out Fit out to Ground floor and First floor must commence within 90 days of the commencement of the Lease. 2. Lessee's Works (1) Lessee's works definition; (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out).



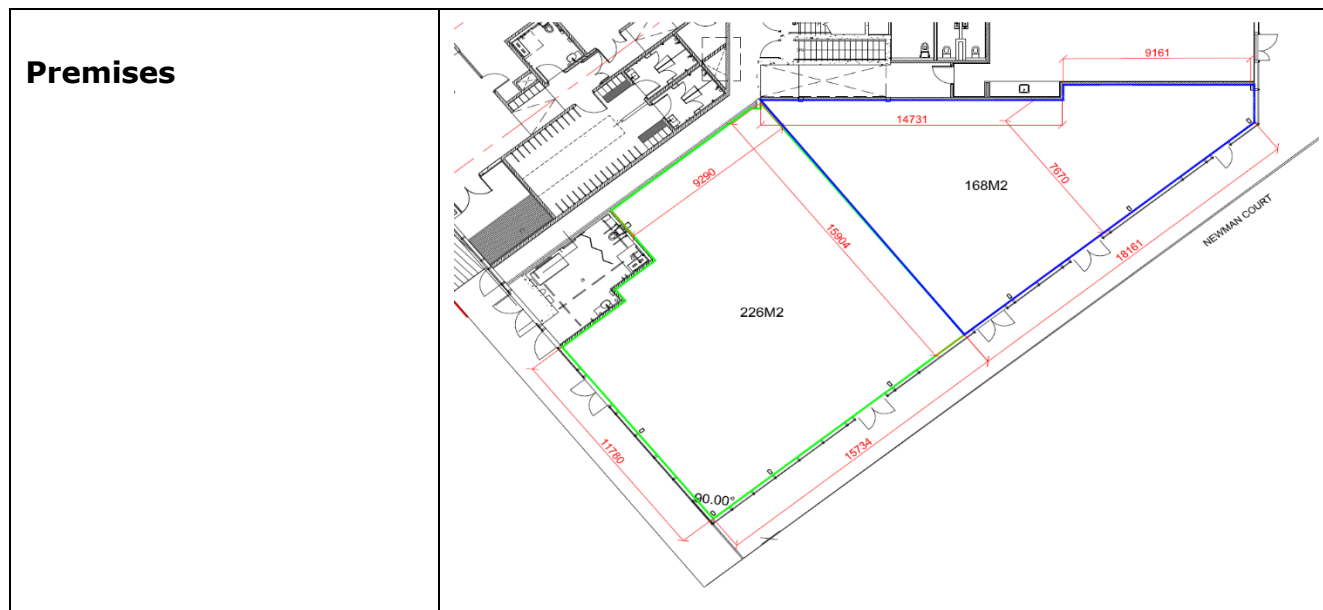
	(b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises. (2) The Lessee must not undertake works unless; (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor. (b) Planning approval under the local planning scheme (if applicable) and; (c) A building permit under the <i>Building Act 2011</i> (if applicable). (3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: (a) an application for planning consent; (b) an application for a building permit; (c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. (4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design. (5) The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance. (6) The parties acknowledge and agree that any Lessee's Works comprising structural
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	improvements shall vest to the Lessor upon Termination of the Lease without cost. 3. Assignment or Sub Letting (1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if: (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease. (c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. 4. State of Emergency Clause The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation. 5. Use of Confidential Information “Confidential Information” means any information relating to the Lease, including but not limited to the provisions of the Lease. (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which:
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	a. is generally available in the public domain except where such availability is as a result of a breach of this agreement; or b. is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order. (c) The obligations imposed will survive the termination of the Lease. 6. Quiet enjoyment Except as provided in the Lease and subject to the performance of the Lessee's Obligations, the Lessee may quietly hold and enjoy the Premises during the Term without any interruption or disturbance from the Lessor or persons lawfully claiming through or under the Lessor. 7. Parties to act in good faith Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party. 8. Maintenance Schedule A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement 9. End of Lease At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.
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AMENDMENT 1

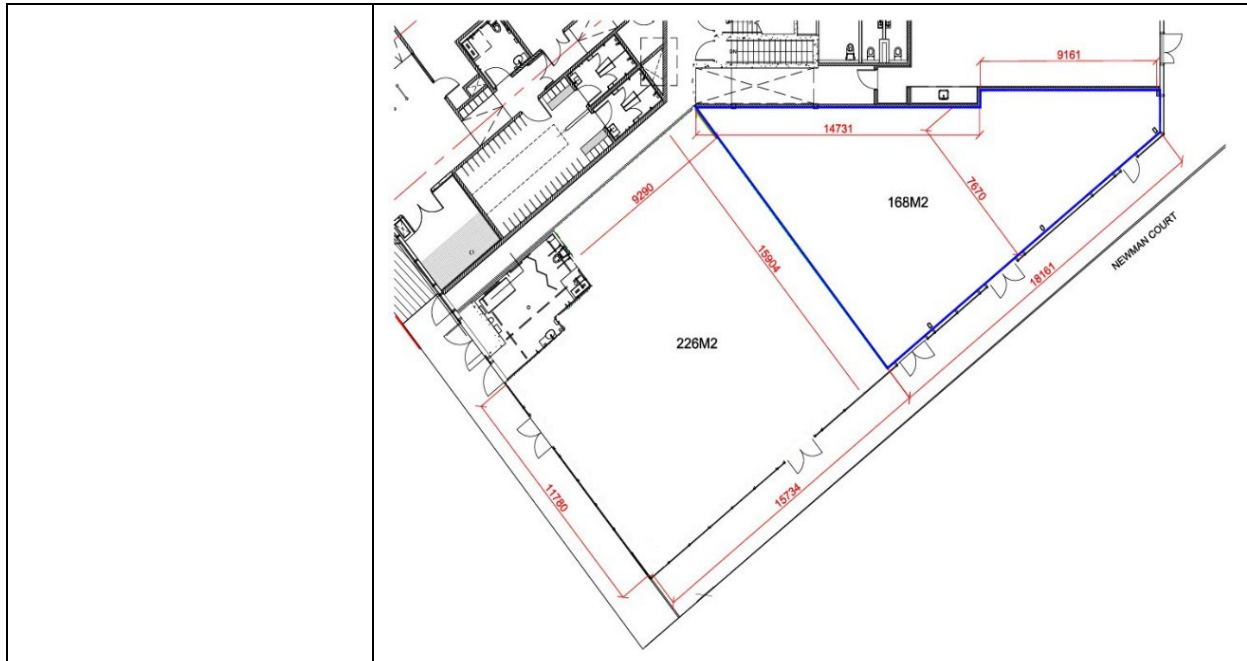
Moved: Cr Rachel Pemberton

Seconded: Cr Jenny Archibald

1. Amend the Variable Outgoings clause of the Lease to read as follows:

Variable Outgoings/Outgoings	<i>A recurring monthly variable outgoing charge of \$1,000 per month will form part of the lease, with invoices to be audited and reconciled annually.</i> <i>These charges will be capped at \$15,120 + GST annually. Variable outgoings will include but not be limited to;</i> <i>• Water use</i> <i>• Use of communal toilets and end of trip facilities</i> <i>• Exterior window cleaning</i> <i>• Building services</i> <i>The following additional outgoings will be charged on demand, in addition to the monthly variable outgoing charge:</i> <i>• Electricity</i> <i>• Council rates</i> <i>• Emergency Service Levy</i> <i>• Land tax</i> <i>• Statutory Fees and charges</i>
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2. Amend the diagram by removing green line to provide clarity on location of premises:



Amendment carried: 7/0

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

Reason for change:

To provide further clarity on the payment of outgoings for this lease and location of premises.



COMMITTEE RECOMMENDATION FPOL2304-3
(Officer's amended recommendation)

Moved: Cr Rachel Pemberton Seconded: Cr Jenny Archibald

Council authorise the Chief Executive Officer to finalise a Lease between For Eyes Optometrist Pty Ltd and the City of Fremantle for the property at 16 Newman Court, Fremantle based on the following essential terms:

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Annual Rent	\$38,640 per annum + GST (\$230 per m² per annum)
Rent Review	Rent will increase in line with CPI annually on the anniversary of the Lease Commencement Date. Market rent reviews will occur at the end of the first and second term.



Incentives/contributions	Lessor to provide a capital contribution of \$30,000 to the Lessee to contribute towards the proposed fit out of the property. Lessor to provide sufficient soundproofing to the wall with the adjoining tenancy prior to the Lease Commencement Date.
Variable Outgoings/Outgoings	<i>A recurring monthly variable outgoing charge of \$1,000 per month will form part of the lease with invoices to be audited and reconciled annually.</i> <i>These charges will be capped at \$15,120 + GST annually. Variable outgoings will include but not be limited to;</i> <i>• Water use</i> <i>• Use of communal toilets and end of trip facilities</i> <i>• Exterior window cleaning</i> <i>• Building services</i> <i>The following additional outgoings will be charged on demand, in addition to the monthly variable outgoing charge:</i> <i>• Electricity</i> <i>• Council rates</i> <i>• Emergency Service Levy</i> <i>• Land tax</i> <i>Statutory Fees and charges</i>
Legal Fees	Each party will be responsible for their own costs.
Public Liability	Minimum of \$20 million
Permitted Use	Retail
Special Conditions	1. Lessee's Fit Out Fit out to Ground floor and First floor must commence within 90 days of the commencement of the Lease.



	2. Lessee's Works (1) Lessee's works definition; (a) Any alteration, improvement or development of the Premises including but not limited to the erection of any building, structure or fixture on the Premises (including tenancy fit out). (b) The excavation or demolition of any part of the Premises; (c) The removal, sale or disposal of any materials from the Premises. (2) The Lessee must not undertake works unless; (a) Prior written consent is obtained from the Lessor which will include the submission of a design of the proposed works. Consent may be withheld at absolute discretion or granted subject to conditions as the Lessor sees fit including but limited to any condition requiring amendment of the plan for the proposed Lessee's Works in a manner deemed appropriate by the Lessor. (b) Planning approval under the local planning scheme (if applicable) and; (c) A building permit under the <i>Building Act 2011</i> (if applicable). (3) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: (a) an application for planning consent; (b) an application for a building permit;
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	(c) obtaining any other statutory approval required, including Water Corporation approval where necessary; (d) construction or installation of the Lessee's Works; and (e) Installation or upgrade of any services. (4) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design. (5) The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance. (6) The parties acknowledge and agree that any Lessee's Works comprising structural improvements shall vest to the Lessor upon Termination of the Lease without cost. 3. Assignment or Sub Letting (1) The Lessee must not assign or sublet any part of the Premises without prior Lessor approval. The Lessee will not unreasonably withhold consent to an assignment or sublease if: (a) The proposed assignee or sub-lessee has been demonstrated by the Lessee, to the satisfaction of the Lessor, has the ability to meet the financial and premises operations obligations under the Lease. (b) All accounts are paid in full up until the date of the assignment or sub lease.
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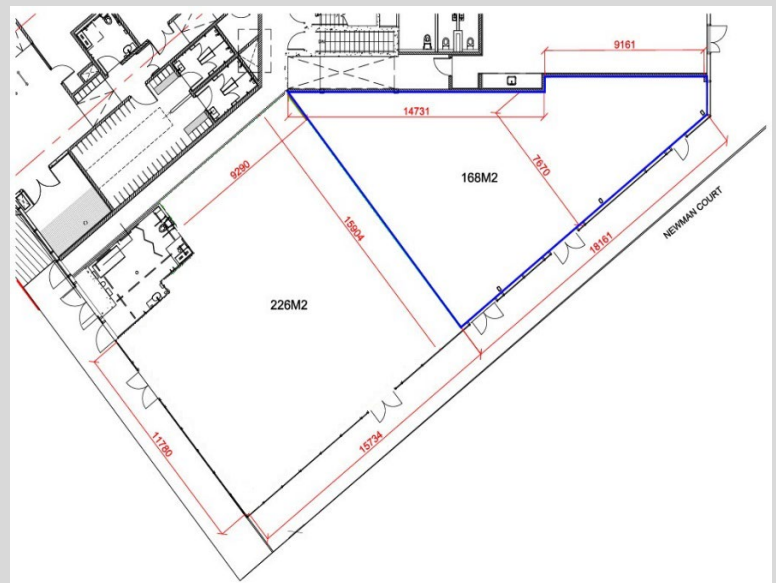


	(c) The Lessee pays all costs associated with an assignment or sublease. (d) The assignee or sublessee (if required) has provided the Lessor with a bank guarantee in an amount equivalent to equivalent to six months gross rental including GST. 4. State of Emergency Clause The Lessor and Lessee will act in good faith to follow all actions determined by State or Federal Government in relation to a State of Emergency situation. 5. Use of Confidential Information “Confidential Information” means any information relating to the Lease, including but not limited to the provisions of the Lease. (a) To the extent permitted by law, both parties agree to keep the Confidential Information confidential and to use such information only for the purposes of performance of their respective obligations under the Lease. (b) The obligations of confidentiality in paragraph (a) will not apply to information which: - is generally available in the public domain except where such availability is as a result of a breach of this agreement; or - is required to be disclosed by an applicable law, including but not limited to the <i>Local Government Act 1995</i> or <i>Freedom of Information Act 1992</i>, or by court order.
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	(c) The obligations imposed will survive the termination of the Lease. 6. Quiet enjoyment Except as provided in the Lease and subject to the performance of the Lessee's Obligations, the Lessee may quietly hold and enjoy the Premises during the Term without any interruption or disturbance from the Lessor or persons lawfully claiming through or under the Lessor. 7. Parties to act in good faith Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party. 8. Maintenance Schedule A Maintenance Schedule, which stipulates responsibilities and obligations regarding maintenance of the Premises, will form part of the Lease Agreement 9. End of Lease At the end of the lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the lease, will be entitled to reapply to lease the premises through the public process.
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Premises



Carried: 7/0

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



FPOL2304-4 TENDER - FCC629/23 - TREE PLANTING AND WATERING SERVICES

Meeting date: 12 April 2023
Responsible officer: Manager Parks and Landscape
Decision making authority: Committee
Attachments: 1. Pricing Evaluation – *Confidential attachment*
Additional information: Nil

SUMMARY

The purpose of this report is to consider tender number FCC629/23 for Tree Planting and Watering Services within the City of Fremantle. This report recommends that Council accepts the tender submitted by Baroness Holdings – T/A Tree Planting and Watering in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle adopted its Urban Forest Plan in 2017 and committed to planting 10,000 new trees over a ten year period with the goal of increasing tree canopy cover to 20% by 2027.

To undertake these works, the City is seeking a single experienced Contractor to plant trees during cooler months and water them over the warmer months during the 2-3 year establishment period. This combined approach of tree planting and watering will benefit the trees as those that planted them will care for them and provide continuity in the service provision. Trees will be planted on verges and reserves throughout the eight suburbs of the City of Fremantle.



FINANCIAL IMPLICATIONS

The table below summarises the available budget for the service:

Budget Account	Account Description	Amount	Amount allocated for this service
100347.6823	Plant trees - Recreation reserves	\$61,500	\$61,500
100349.6823	Plant trees - road reserves and carparks	\$245,000	\$245,000
100316.6823	Maintain medians, verges and street gardens	\$925,000	\$10,000
200815.1606	P12076 Deliver urban forest planting	\$180,000	\$112,587
Total per annum		\$1,411,500	\$429,087

Sufficient funding provision has been allocated in the 2022/23 financial year to deliver the scope of services within budget. This service spans multiple years therefore a commitment to suitable budget provision for future years must be considered.

The tree planting and watering budget is adjusted annually to reflect the targets in the Urban Forest Plan. If sufficient budget is not adopted, the planting targets will be amended to reflect the available budget.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the Local Government (Functions and General) Regulations 1996.

CONSULTATION

The City undertakes community promotion of the tree planting program to create greater awareness of the importance of the Urban Forest Plan, uptake of residential tree requests and how to care for our trees.

The WALGA preferred supplier scheme was considered for this tender, however it was put to the open market to expand the tendering pool.



OFFICER COMMENT

Detail

Tender FCC629/23 for Tree Planting and Watering Services was advertised on 9 February 2023 and closed on 27 February 2023.

Essential details of the contract are outlined below:

Contract type	Schedule of rates
Contract duration	The Contract is for a period of two (2) years with three (3) further one-year extension options available.
Commencement date	On or around 1 May 2023
Completion date	On or around 30 April 2023

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Baroness Holdings – T/A Tree Planting and Watering (ABN: 35 614 676 550)
- Ellenby Tree Farm (ABN: 54 007 280 202)
- Perth Environmental (ABN: 31 119 431 082)
- Total Landscape Redevelopment Service Pty Ltd (ABN: 45 118 479 995)
- ULL WA Pty Ltd (ABN: 78 729 819 091).

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Parks and Landscape
- Team Leader Natural Areas and Urban Forest
- Senior Strategic Project Officer - Sustainability
- Procurement Officer.

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.



Item No	Description	Weighting
1	Price	25%
2	Relevant Experience	20%
3	Key Personnel, Skills and Resources	15%
4	Demonstrated Understanding of the Project	30%
5	Sustainability and Local Economic Benefit	10%

All tender submissions received were conforming.

The results of the tender evaluation for delivery of tender FCC629/23 Tree Planting and Watering Services are shown in the table below.

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
Tenderer	20	15	30	10	25	100
Perth Environmental	3	3	7	6	12	30
Total Landscape	16	12	28	7	21	84
Baroness Holdings - T/As Tree Planting and Watering	19	13	28	9	25	94
Ellenby Tree Farm	10	7	12	6	16	51
ULL WA Pty Ltd	8	5	11	5	13	42

The tender submitted by Baroness Holdings – T/A Tree Planting and Watering scored the highest rating with 94 points, followed by Total Landscape Redevelopment Service Pty Ltd with 84 points. The remaining tender submissions received lower scores.

Baroness Holdings – T/A Tree Planting and Watering, the recommended tenderer, was assessed as having the capacity, resources and experience to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

Reference checks indicate that Baroness Holdings – T/A Tree Planting and Watering have provided a high level of service delivery to other Local Governments and will be a suitable supplier to the City of Fremantle

Environmental considerations

Sustainability and Local Economic benefit were qualitatively assessed in the tender evaluation. Baroness Holdings – T/A Tree Planting and Watering are based in O'Connor which will reduce greenhouse gas emissions due to minimal travel to the City and support the local economy. Their vehicle fleet is new, and they are transitioning to more efficient diesel vehicles. They utilise a GPS system to plan the route for operational efficiency.



They will ensure sustainable water use through an automated water delivery system which dispenses the correct amount of water to the tree avoiding wastage. Procurement of supplies such as soil wetter and amendments are done in bulk to reduce waste. They have a Sustainability Policy and addressed the One Planet framework in their response.

Risk consideration

An assessment will be undertaken by Dun and Bradstreet to confirm that Baroness Holdings – T/A Tree Planting and Watering will have the financial capacity for the works prior to awarding the contract.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Comment

The recommendation of the panel is to engage Baroness Holdings – T/A Tree Planting and Watering for the provision of Tree Planting and Watering Services. Their response achieved the highest scores in the qualitative criteria and provided the best value for money. Their responses indicated they will be able to provide the required services to a high standard due to their long experience, demonstrated understanding of the requirements and good resourcing.

The contract period for this tender is two years with three one-year extension options to be exercised at the discretion of the City. The tenderer can request annual increases to the tendered rates for the value of CPI.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION FPOL2304-4 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

Council accept the tender for Tree Planting and Watering Services (FCC629/23) at the rates tendered, to Baroness Holdings – T/A Tree Planting and Watering (ABN: 35 614 676 550) for a period of two years, commencing on or around 1 May 2023, with the option to extend the contract for a further three individual one year extension options at the discretion of the Chief Executive Officer.

Carried: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin



FPOL2304-7 TRAFFIC CALMING PETITIONS – BIDDLES LANE, OLDHAM CRESCENT AND BROMLEY ROAD

Meeting date: 12 April 2023
Responsible officer: Principal Assets, Engineering and Infrastructure Management
Decision making authority: Committee
Attachments: Nil
Additional information: Nil

SUMMARY

The City received three traffic calming petitions between August 2022 and October 2022 for the following locations:

- 1. Biddles Lane, White Gum Valley**
- 2. Bromley Road, Hilton**
- 3. Oldham Crescent, Hilton (this petition also included suggested footpath modifications around Grigg Park)**

Officers have now completed an assessment of the three locations and their respective petition proposals. The findings and proposed solutions from the assessments are included below.

This report recommends that Council:

- 1. Notes that following Traffic Warrant Assessments by officers, traffic calming measures are not currently warranted at Biddles Lane, White Gum Valley, Bromley Road, Hilton or Oldham Crescent, Hilton as requested in the petitions submitted.**
- 2. Request officers:**
 - a. Monitor each location and reassess if there is a notable change in traffic behaviour.**
 - b. Request that Main Roads repaint the speed humps on Biddles Lane, White Gum Valley.**
 - c. Liaise with Western Australian Police with a view to implement a speed camera programme at Oldham Crescent and Bromley Road, Hilton.**
 - d. Develop a project proposal - to include footpath modifications to improve pedestrian access around Grigg Park - for inclusion in the forward capital works program for consideration as part of the Councils annual budget process.**



BACKGROUND

At the 26 October 2022 Ordinary Meeting of Council, two petitions for traffic calming were presented:

1. Biddles Lane, White Gum Valley - 18 residents requesting traffic calming (additional speed bump and a zebra crossing). Residents' primary concerns were around the proximity of Biddles Lane to a corner playground (Corner of Minilya Avenue and Biddles Lane).
2. Bromley Road, Hilton - 55 residents requesting traffic calming. Residents' expressed concern with excessive speeding down the road and existing traffic calming devices on Collick Road potentially diverting traffic down Bromley Road.

At the August 24, 2022 Ordinary Meeting of Council, a petition was presented for Oldham Crescent, Hilton. The petition was signed by 38 residents requesting traffic calming (speed bump, island for road narrowing and signage); the petition also requested footpath improvements around Grigg Park.

FINANCIAL IMPLICATIONS

There are no financial implications in respect to the traffic calming requests. Potential access improvements at Grigg Park would have a financial implication, these would need to be developed and included for consideration by Council as part of the annual budget process.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil in respect to the traffic calming requests; potential access improvements at Grigg Park may benefit from community engagement and feedback.

OFFICER COMMENT

Analysis of the three petitions has been conducted using the City's Traffic Warrant system in accordance with the City's Traffic Calming Policy.

The warrant system is an assessment that utilises travel speed, traffic volume, crash data, activity areas, amenity, and existing road design to develop an overall quantitative score. This scoring technique has been applied to each petition / area of assessment and has been compared against the threshold levels for (potential) intervention. See table 1 below.

Table 1.

Total Score	Category	Typical Intervention
Over 70 Points	1	Suitable solutions to be considered for funding and implementation in future budgets.
50 to 70 Points	2	Suitable solutions to be considered for funding and implementation in future budgets.
30 to 50 Points	3	No capital works solutions required. Consider low cost non-capital works solutions (e.g. signage and line marking improvements) if appropriate.
Under 30 Points	4	No further action required.

The assessment scores for each petition are as follows:

Biddles Lane, White Gum Valley (warrant score 12 / category 4)

A traffic count was conducted on Biddles Lane in February 2023. Vehicles did not exceed 30km/h during the survey. The average daily traffic volume was 23.

The view driving out of Biddles Lane at the Minilya Ave intersection is quite clear with a chain-link mesh fence on the sump side of the road and a very low wall on the adjacent residential property. Sight lines for motorist and pedestrians to view each other appear to be sufficient.



There are four existing asphalt speed humps along this laneway as per the aerial extract below.



As a result of noting the poor condition of the Main Roads WA line marking on the speed humps, officers require Main Roads to repaint the piano keys on the humps to make them more distinct.

The traffic calming warrant assessment for the site resulted in a score of 12 because of low speeds and low traffic counts.

Bromley Road, Hilton (warrant score 25 / category 4)

A traffic count was conducted on Bromley Road, Hilton in February 2023. The average daily traffic was 334. It was found that 85% of vehicles travelled at or less than 51.3km/h. 15.62% of drivers travelled at speeds between 50-60kmh, with 2.4% going over 60km/h.

Over the past five years, there have been 3 crashes for the entire 0.9km length of the street (2 Property Damage; 1 Medical). In regard to the petitioners concerns around traffic calming measures on Collick Street potentially diverting vehicles down Bromley Road, traffic data on Collick Street identifies a daily traffic count of 2,348 vehicles per day. When compared against the average daily traffic count on Bromley Road being 334, the large gap in traffic count volumes suggests further investigation and analysis is required.

Whilst the traffic warrant score for this road is 25, officers note the petitioners concerns and the high volume of petitions received and will continue to monitor the road.

Oldham Crescent, Hilton (warrant score 24 / category 4)

A traffic count was conducted on Oldham Road, Hilton in August 2022. The average daily traffic volume was 585. It was found that 85% of vehicles travelled at an average speed of 55km/h. Therefore, the petitioners accounts of speeding is correct and above the legal limit. This has been assessed as mainly a product of poor driver behaviour.



The traffic warrant score for this road is 24 primarily due to the low daily traffic volumes and lack of activity such as a commercial or retail node and low crash rate.

Officers note the average speed and in addition to monitoring the road, will liaise with WA Police to request the use of speed cameras on Oldham Crescent as an immediate attempt to reduce speeds.

The City notes that the petition also included several proposals for specific treatments for traffic calming. Responses to these requests are as follows:

- Speed cushions on a bus route are not favoured due to the disruption to the public transport service and the passengers on the bus. Installing devices that can be navigated by a bus with minimal disruption are also less effective at slowing regular passenger vehicles and provide very little in value in terms of effectiveness at traffic calming.
- A crosswalk would not be recommended with the low traffic volumes and anticipated pedestrian crossing numbers also quite low. Current industry best practice recommends that a crosswalk be frequented by pedestrians with regularity such as those found within a busy activity centre. An example would be the zebra crossings on Marine Terrace near Essex Street and Collie Street. These locations experience frequent pedestrian activity and drivers are expecting the crossing in a relatively traffic calmed environment. Oldham Crescent by contrast, despite the community park, would be unlikely to generate consistent pedestrian crossings and most likely result in sporadic and unpredictable crossing patterns. This would present a risk to all road users as drivers may not anticipate a crossing and pedestrians may not consider additional care when crossing relying on the right of way given by the zebra crossing.
- The available traffic data would suggest there are ample gaps in traffic to allow the crossing of Oldham Crescent by pedestrians. The gaps between individual vehicles traveling on Oldham Crescent offer ample time to cross the road.
- While medians and kerb extensions can be used, the absence of any controls is also acceptable due to the low volume and negligible wait times as typical of Oldham Crescent.
- Regulatory signage for use on public roads simply indicating for drivers to slow down are the responsibility of Main Roads and would be very unlikely to be considered for use in isolation.

The petition has also sought enhanced connectivity to and within Grigg park through improvements to the footpath network in the immediate vicinity of the park.



Officers have assessed the paths in this precinct and would accept there are numerous opportunities to improve accessibility and footpath connections. A project proposal to address this will be developed for Council consideration as part of the forward works program.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Moved Cr Jenny Archibald

Seconded Cr Frank Mofflin

Council:

1. Note that following Traffic Warrant Assessments by officers, traffic calming measures are not currently warranted at Biddles Lane, White Gum Valley, Bromley Road, Hilton or Oldham Crescent, Hilton as requested in the petitions submitted.
2. Request officers:
 - a) Monitor each location and reassess if there is a notable change in traffic behaviour.
 - b) Request that Main Roads repaint the speed humps on Biddles Lane, White Gum Valley.
 - c) Liaise with Western Australian Police with a view to implement a speed camera programme at Oldham Crescent and Bromley Road, Hilton.
 - d) Develop a project proposal to include footpath modifications to improve pedestrian access around Grigg Park, for inclusion in the forward capital works program for consideration as part of the Councils annual budget process.



AMENDMENT 1

Moved: Cr Jenny Archibald

Seconded: Frank Mofflin

Amend part 2b) of the Officer's recommendation to read as follows:

Council:

- 1. Note that following Traffic Warrant Assessments by officers, traffic calming measures are not currently warranted at Biddles Lane, White Gum Valley, Bromley Road, Hilton or Oldham Crescent, Hilton as requested in the petitions submitted.**
- 2. Request officers:**
 - ~~e) Monitor each location and reassess if there is a notable change in traffic behaviour.~~
 - a. Request that Main Roads repaint the speed humps on Biddles Lane, White Gum Valley and install a stop sign and painted lines at the edge of the footpath; and**
 - b. Progress to install an additional speed hump immediately east of the footpath on Minilya Ave at the entrance to Biddles Lane.**
 - ~~f) Liaise with Western Australian Police with a view to implement a speed camera programme at Oldham Crescent and Bromley Road, Hilton.~~
 - ~~g) Develop a project proposal to include footpath modifications to improve pedestrian access around Grigg Park, for inclusion in the forward capital works program for consideration as part of the Councils annual budget process.~~
 - b. Further engage with the Community in respect to Bromley Road, Hilton and Oldham Crescent, Hilton prior to reporting to the FPOL Committee on the outcomes of the assessment.**

Amendment carried: 7/0

Mayor Hannah Fitzhardinge, Cr Fedele Camarda, Cr Jenny Archibald, Cr Marija Vujcic, Cr Bryn Jones, Cr Rachel Pemberton, Cr Frank Mofflin

Reason for change:

The narrow intersection of the footpath at the Minilya Ave and the entry to Biddles Lane has limited visibility for motorists exiting Biddles Lane in passenger vehicles or pedestrians, including children. The risk of an accident is considerably increased given the adjacent pocket park next to the Biddles Lane exit onto Minilya Avenue.

The photograph in the FPOL Agenda was taken from a much higher position than normal passenger vehicles and is not an accurate reflection of the visibility of the exit area from a lower level. In addition, there are no visual indicators that the road is then crossing a footpath.



A stop sign and clearly marked stopping line on the roadway at the eastern exit of the lane would be much more appropriate and clearly mark out where a vehicle must stop before safely proceeding. An example of the proposed works can be found at the exit of Farrier Lane, also in White Gum Valley.

COMMITTEE DECISION FPOL2304-7
(Officer's amended recommendation)

Moved: Cr Jenny Archibald

Seconded: Cr Frank Mofflin

Council:

- 1. Note that following Traffic Warrant Assessments by officers, traffic calming measures are not currently warranted at Biddles Lane, White Gum Valley, Bromley Road, Hilton or Oldham Crescent, Hilton as requested in the petitions submitted.**
- 2. Request officers:**
 - a. Request Main Roads repaint the speed humps on Biddles Lane, White Gum Valley and install a stop sign and painted lines at the edge of the footpath; and**
 - b. Progress to install an additional speed hump immediately east of the footpath on Minilya Ave at the entrance to Biddles Lane.**
 - c. Further engage with the Community in respect to Bromley Road, Hilton and Oldham Crescent, Hilton prior to reporting to the FPOL Committee on the outcomes of the assessment.**

Carried: 7/0

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



FPOL2304-8 FUTURE NORFOLK STREET EXTENSION AND ITALIAN CLUB REDEVELOPMENT

Meeting Date: 12 April 2023
Responsible Officer: Manager Strategic Planning and City Design
Decision Making Authority: Committee
Attachments: Nil
Additional information: 1. Draft Fremantle Harbours Master Plan Map
2. Memorandum of Understanding

SUMMARY

In recent years, the City has established an intention in strategic planning documents to extend Norfolk Street through to Mews Road, to allow for a logical connection between the Fremantle City Centre and Fishing Boat Harbour. In addition, the Fremantle Italian Club in the same location has expressed an interest to redevelop their facility to ensure the long-term viability of the Club through diversified uses and offerings.

The extension of Norfolk Street would require the City to pursue an amendment of the Metropolitan Region Scheme (MRS) with the Western Australian Planning Commission (WAPC) as well as a Local Planning Scheme amendment in parallel. The MRS amendment process presents an opportunity to facilitate the redevelopment of the Fremantle Italian Club through changes to the current MRS Zoning over the site from 'Parks and Recreation' to 'City Centre'. Change in zoning would enable development of residential and complementary commercial land uses appropriate for a prime City Centre location neighbouring the waterfront.

The purpose of this report is to:

1. Seek in-principle support to prepare a request to amend the MRS of the subject site for consideration by the WAPC.
2. Seek in-principle support to prepare a Local Planning Scheme (LPS) Amendment in parallel with the MRS Amendment process.
3. Request officers:
 - a) gather background information, reports and investigations to prepare a justification report.
 - b) engage with stakeholders including landowners, surrounding residents, service agencies, DPLH, WAPC etc regarding the potential of an MRS amendment and future development of this area.

BACKGROUND

Subject site

The site area impacted by the potential extension of Norfolk Street and redevelopment of the Fremantle Italian Club is within land reserved as Parks and Recreation under the Metropolitan Region Scheme (MRS).

Social clubs (e.g. Fremantle Italian Club) and associated car parking, are uses consistent with the purpose of land reserved under *State Planning Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space*. However, the Fremantle Italian Club is pursuing further uses (e.g. Residential and Commercial) on the site, which would require an amendment to the MRS reservation.

The amendment would seek an MRS Zoning of 'City Centre' from the current MRS Reservation of Parks and Recreation. A subsequent Local Planning Scheme amendment to support development would also be required.

The MRS amendment would need to demonstrate comprehensive reasoning and include background reports and investigation to provide sufficient planning justification. Additionally, the City would need to undertake preliminary community engagement with stakeholders in the area on the amendment principles and intent.

Land Tenure

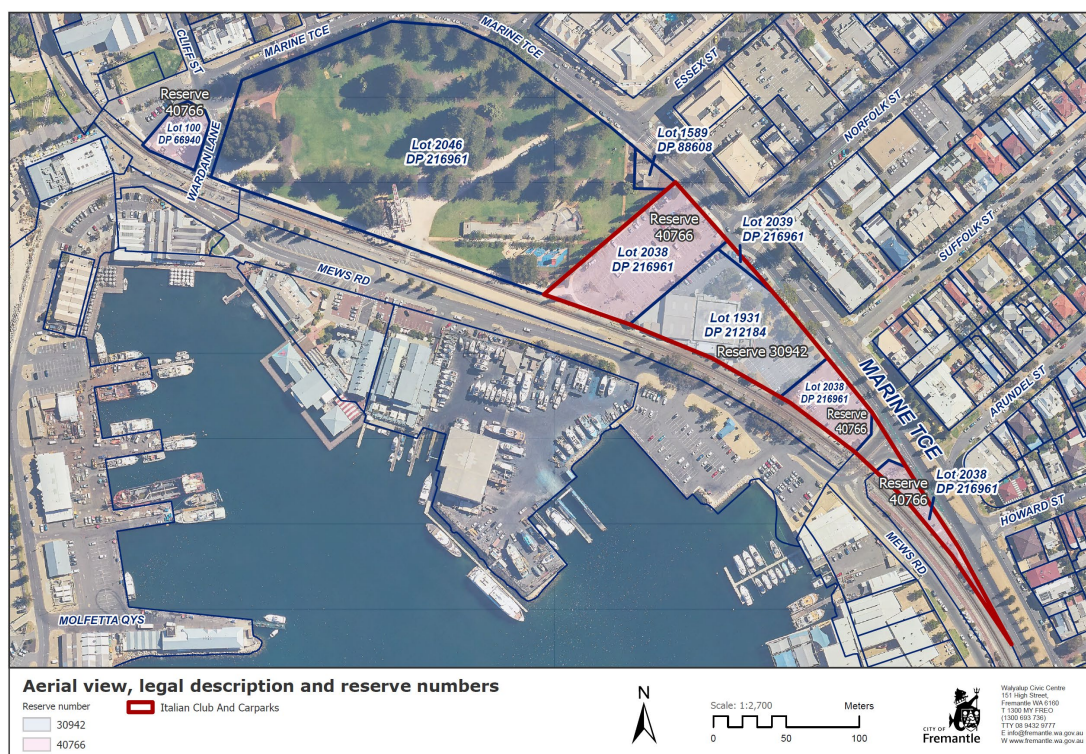


Figure 1. The land subject to this proposal outlined in red



The sites subject to this proposal are shown outlined in red on the map above in Figure 1. The subject sites are located next to (south of) Esplanade Park in the Fremantle City Centre, in between Fishing Boat Harbour, Mews Road and Railway reserve to the west and Marine Terrace to the east. The site is within the 800m 'ped-shed' of the Fremantle Train Station.

The subject sites consist of three lots over several properties:

Lot & Reserve #	Land tenure	Comment
Lot 2038 on DP 216961 Reserve 40766	Crown Land. Reserved for the purpose of Vehicle parking Care Control & Management - Land Admin Act – City of Fremantle	Three separate carparks with the Italian Club and road reserve separating each (refer to map).
Lot 2039 on DP 216961 Reserve 30942	Crown Land. Reserved for the purpose of club and club premises. Care Control & Management - Land Admin Act – City of Fremantle	This lot forms part of a small triangle on the Italian Club's property
Lot 1931 on DP 212184 (65 Marine Tce) Reserve 30942		Italian Club and associated car parking 6488 sqm

In total the subject site is approximately 1.5 hectares comprising of 3 lots.

Note Esplanade Park (Reserve 9399, 1 & 45 (Lot 2046) Marine Terrace) is outside of the amendment proposal. Esplanade Park is crown land, vested in the City, and includes such amenities as the Youth Plaza, Ferris Wheel, Carriage Coffee and two toilet blocks on site. Similarly, Reserve 13410 (Lot 1589 on DP 88608; Current purpose: Sewerage) is also outside of the proposal.

Zoning

The sites subject to this report are Parks and Recreation Reserve under the Metropolitan Region Scheme (MRS) and do not have a reservation or zone under the City's Local Planning Scheme No. 4.

The sites are bounded by Esplanade Park reserve to the north, Marine Terrace Road Reserve (MRS Central City zone) along the eastern side and MRS Railway Reserve to the west (refer to figure 2 map).

While the subject sites are Parks and Recreation Reserve, they contain no land that is traditionally considered usable park or reserve land. Instead, the subject sites comprise of car parking (Reserve 40766), road reserve (through to Mews Road) and the Italian Club development (Reserve 30942) as shown on the map in figure 1 and 2.

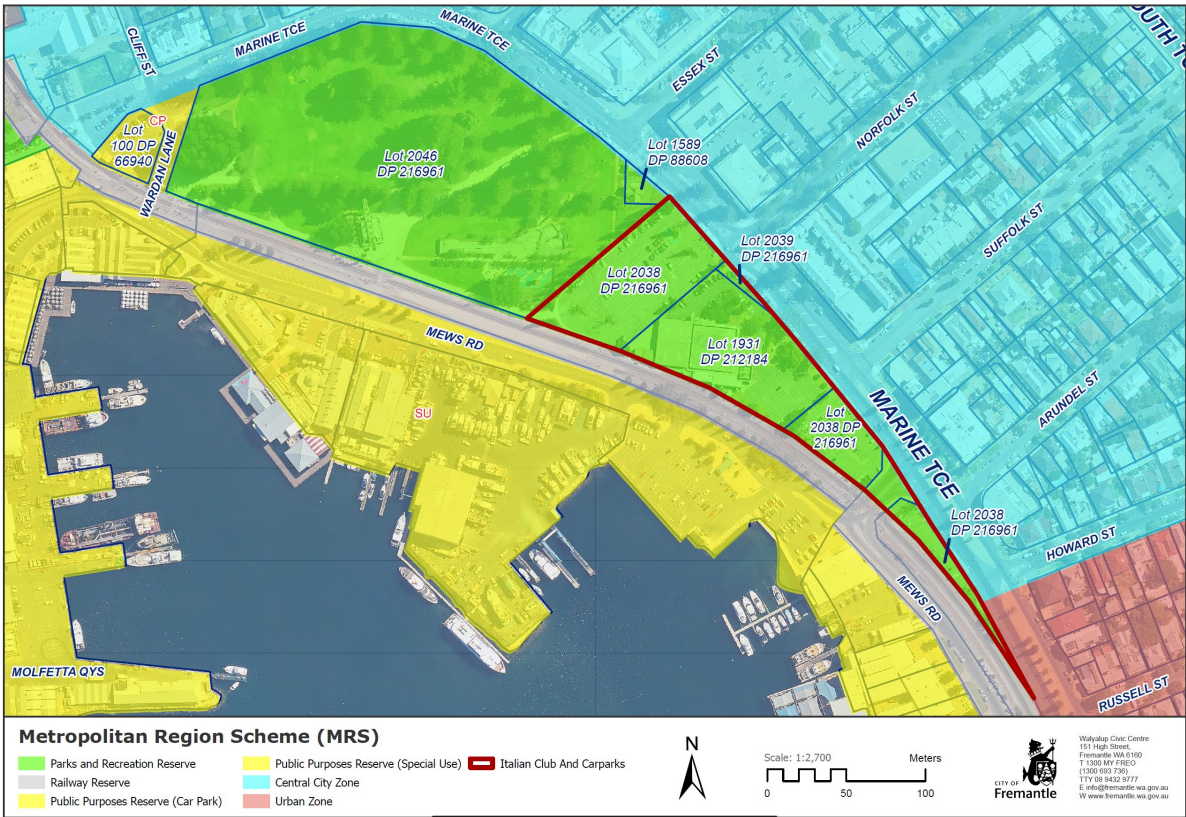


Figure 2. MRS reservation and zoning

Zones and reservations in the MRS are broad categories to define how land can be used and developed:

Parks and Recreation Reservation	Central City Area Zone
Land of regional significance for ecological, recreation or landscape purposes.	Strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Local and State Strategic planning

The extension of Norfolk Street from Marine Terrace through to Mews Road has been a desire of the City of Fremantle Council in position statements and local strategic documents as well recognised in State documents (i.e. Draft Fremantle Harbours Master Plan) for some time. A summary of the relevant local and state planning documents is provided below:



State documents

<i>Perth and Peel @ 3.5 Million and Central Sub-Regional planning Framework</i>	These documents estimate an additional 7,030 additional dwellings and an additional population of 15,470 people in Fremantle by 2050. The City is planning to achieve this by: • Focusing, promoting and supporting development of the City Centre as a Strategic Metropolitan Centre supporting a wide diversity of land use, employment and services. • supporting intensified development and land use diversity within activity centres to support economic development, housing diversity and access to services. • accommodating transport-oriented development around railway stations and established nodes on high frequency bus routes (where consistent with heritage values and infrastructure capacity).
<i>Metropolitan Region Scheme (MRS)</i>	The DRAFT Local Planning Strategy as an action under the MRS whereby it identifies: <i>"Planning for extension of Norfolk Street and the potential redevelopment of the Italian Club site."</i>
The following state planning policies would also be relevant to this proposal: <i>State Planning Proposal 5.4 - Road and Rail Noise</i> <i>Development Control Policy 1.9 - Amendment to Region Scheme</i> <i>Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space</i>	
<i>Draft Fremantle Harbours Master Plan</i> (Department of transport)	In September 2022 the Department of Transport (DoT) released the draft Fremantle Harbours Master Plan. The intent of the document is to guide the future development of the Fremantle Fishing Boat Harbour and adjoining Challenger and Success harbours for the next 40-50 years. Central to the plan is the retention of the working harbour with opportunities for long-term urban renewal, enhanced public spaces and improved connections to the city centre and Victoria Quay. A key aspect of the plan is integrating the City's concept for Norfolk Street extension. Refer to item in additional information 1. The City's submission on the Plan provided support for the extension of Norfolk Street.



City of Fremantle documents

<i>The City's Strategic Community Plan 2015-2025</i>	The proposal would meet several of the outcomes and objectives of the six strategic focus areas: Economic development, Environmental Responsibility, Transport and Connectivity, Character, Culture and Heritage, Places for people, Health and Happiness and Capability.
<i>Freo 2029: Transformational Moves</i>	Developed as part of the Future Freo community visioning exercises undertaken in 2013-15, this document identified the Fishing Boat Harbour as a key part of Fremantle's waterfront. It recommends reinvigoration and reconnection to the City, including: <i>"Extending Norfolk Street across the rail line to Mews Road would provide a better connection of the city's road network to the fishing boat harbour than the Arundel Street crossing (which would be closed). The current carpark would be integrated into a redevelopment of the Italian Club and possibly decked to increase its capacity. This would enable the Esplanade Reserve to be increased in size by more than 4500 sqm."</i>
<i>Fremantle Esplanade Master Plan</i>	The spatial plan identifies: • <i>"Potential future extension of Norfolk Street to Mews Rd for vehicles, pedestrians and cyclists. Two-way traffic plus on - street parking with priority for buses and service vehicles"</i> • the potential redevelopment of the Italian Club (including commercial at ground level) and public parking facilities • increased reserve land for additional passive and recreation facilities including a full-size basketball court where carpark 11 is relocated.
<i>DRAFT Local Planning Strategy</i>	The DRAFT Strategy identifies, under each of the following, actions: MRS <i>"Planning for extension of Norfolk Street and the potential redevelopment of the Italian Club site."</i> DC Policy 5.3: <i>"Review reservation of Italian Club site in conjunction with WAPC, Department of Transport and Italian Club to facilitate extension of Norfolk Street extension and associated Freo 2029 outcomes."</i> Esplanade Masterplan <i>"Review zoning Italian Club site as part of a coordinated development proposal to achieve extension of Norfolk Street and expansion of Esplanade."</i> Freo 2029 Transformational Moves <i>"Advocate for extension of Norfolk Street, improved waterfront connection, redevelopment of Fremantle Station forecourt Review zoning Italian Club site as part of a coordinated development proposal to achieve extension of Norfolk Street and expansion of Esplanade"</i>
<i>Position statement on Fishing Boat Harbour</i>	On 25 September 2019, Council considered a report on the Fishing Boat Harbour, in light of a potential significant private development proposal on the boat lifters site.



	The council adopted a position statement to guide discussions with Department of Transport regarding any specific development proposal as well as any re-examination of the overall vision and future planning for the harbour. Council resolution: 1. <i>Adopts the following as a statement of its current position in respect of the future of Fremantle Fishing Boat Harbour:</i> j. <i>Key connections and vistas should be retained and reinforced. Connection to the Esplanade, Bathers Beach and to the waterfront should be improved and made more legible. Extension of Norfolk Street should be pursued as a primary entrance to the harbour, along with conversion of Warden Lane (leading to Cliff Street/Marine Terrace) to two-way traffic flow to allow improved vehicular circulation and temporary road closures to facilitate special events.</i>
<i>Memorandum of Understanding (MOU) between the City, the Italian Club and Fini (now known as Hesperia)</i>	In June 2019, the City, the Italian Club and Fini (now known as Hesperia), an experienced property developer and hospitality operator, signed an MOU to enter into an agreement to record their common intentions and indicative commercial terms in relation to the Redevelopment Project. The MOU enabled Fini to initiate a concept development. This concept anticipated the Club Development Area would include new commercial and community uses as well as residential apartments. The MOU included a sunset clause of 36 months and has now expired.

MRS amendment process

The Western Australian Planning Commission (WAPC) is responsible for maintaining the MRS, including reviewing and initiating changes where necessary. The amendment process is regulated by the *Planning and Development Act 2005 (The Act)*. The Act requires an amendment to be consistent with both the Swan River Trust Act 1988 and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

The Act contemplates that amendments may be categorised as “major” and “minor”. Through case law (*Helena Valley/Boya Association v Minister for Planning (1992)*), *Development Control Policy 1.9 - Amendment to Region Scheme* provides the matters WAPC should consider when forming its opinion about the substantiality of an amendment to the Metropolitan Region Scheme. The City would hope a proposed amendment could be made under the provisions of section 57 which is often referred to as a minor amendment.

The minor amendment process includes (also see figure 3. below):

- Request submitted and considered by the WAPC.
- WAPC determines to either progress or reject application, classifying it as either a major or minor amendment.

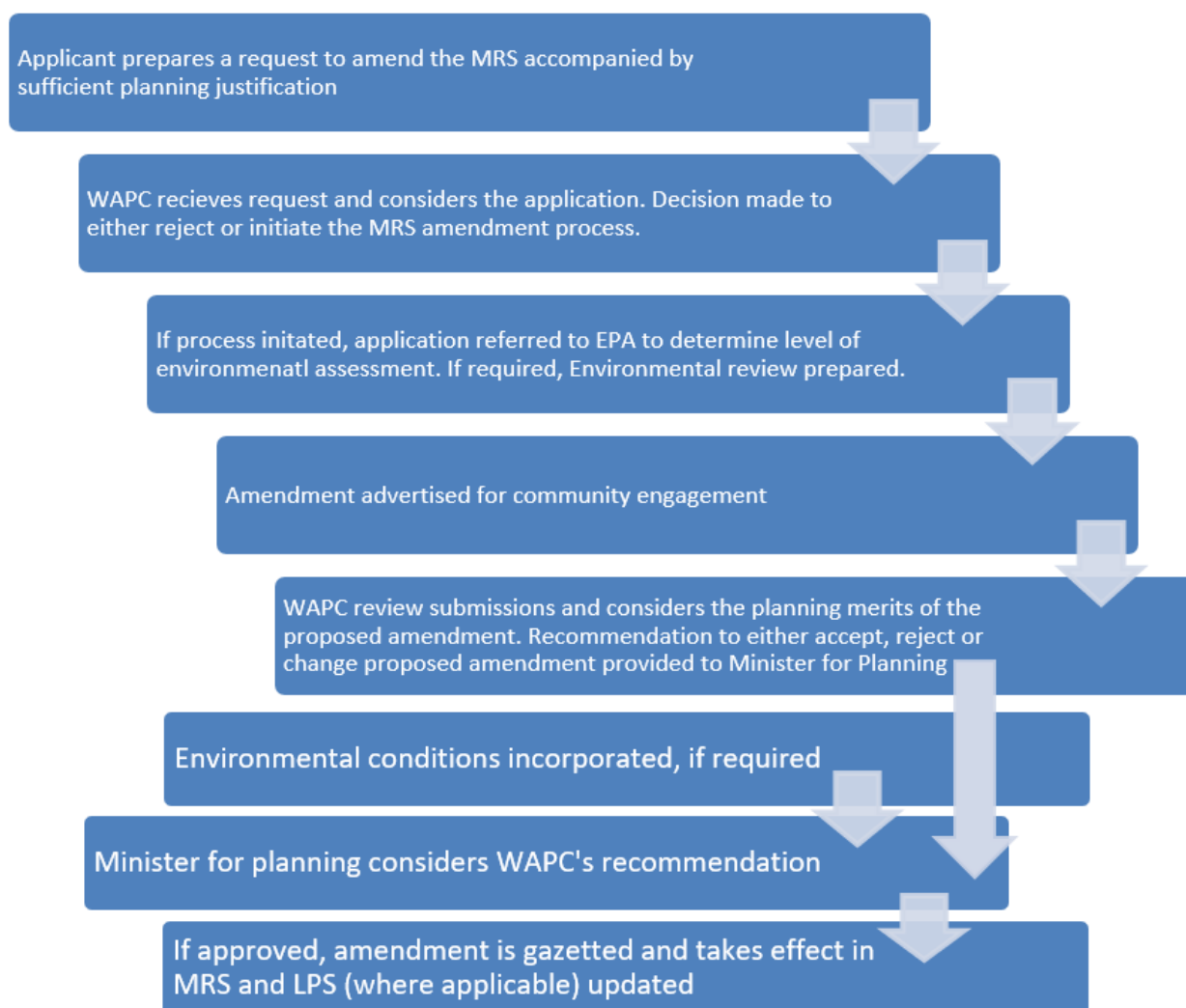


Figure 3. MRS amendment process

WAPC can, concurrent to an MRS amendment, change the Local Planning Scheme zone where the MRS is proposed to be zoned to Urban and the Local Planning Scheme Zone goes to Development zone to allow for further structure planning over the site, as per S126(3) of the Act:

126. Local planning scheme, amendment of due to region planning scheme

(3) If a region planning scheme delineates, or it is proposed that a region planning scheme delineate, land comprised in a local planning scheme as land in an Urban zone, the Commission may publish in the Gazette a notice amending the local planning scheme, insofar as it operates in relation to that land, so that the land is zoned in the local planning scheme in a manner that is consistent with the objectives of the delineation or proposed delineation under the region planning scheme.



CONSULTATION

In preparing a request to amend the MRS community engagement will be required by the City, with landowners, key agencies, local stakeholders and the community.

OFFICER COMMENT

In recent years, the City has established an intention in strategic planning documents (refer to background), to extend Norfolk Street through to Mews Road, to allow for a logical connection between the Fremantle City Centre and Fishing Boat Harbour.

In addition to the extension, the Fremantle Italian Club in the same location has expressed an interest to redevelop into family dining and social and co-working spaces to ensure the long-term viability of the club and enhance community use.

Accordingly, in 2019 the City, the Italian Club and Fini (now known as Hesperia), an experienced property developer and hospitality operator, signed an MOU to enter into an agreement to record their common intentions and indicative commercial terms in relation to the Redevelopment Project (refer to background).

Under the current Parks and Recreation Metropolitan Region Scheme (MRS) Reservation, with WAPC approval, the City could consider pursuing extension of Norfolk Street over the carpark in this area and the Italian Club could expand, as sporting and social clubs and community groups and associated car parking, under *State Planning Policy 5.3 Use of Land Reserved for Parks and Recreation and Regional Open Space*.

However, as proposed by the Italian Club and Hesperia, the extension of Norfolk Street and redevelopment of the Club would present the following opportunities:

1. **Re-position highly underutilised State land** at no cost or risk to the State Government, delivering key urban, public and landscape spaces to the community.
2. **Creation of jobs** throughout both the project delivery and long-term operational phase (hospitality, tourism).
3. **Creates residential housing diversity and density**, which will increase the permanent population of the Fremantle Town Centre, supporting local business and the Fremantle economy.
4. **Delivers a generational and City shaping project** in this primary Western Australian tourism and recreation destination.
5. **A reimagined Italian Club** which will provide a modern, engaging and sustainable club facility that will foster significant community engagement amongst the Italian community and wider public.



6. ***Extension of the Esplanade Reserve public open space***, which will provide additional community engagement and recreation opportunities.
7. ***Critical extension of Norfolk Street*** to unite the Fremantle City Centre with the Fishing Boat Harbour, in line with the City's longstanding Freo2029 and Masterplan for the Esplanade Reserve.

Other uses (e.g. Residential and Commercial) on the site, outside of a cultural club and car parking, would require a change to the MRS Reservation. A subsequent Local Planning Scheme amendment to support development would also be required. Indicatively, officers propose an MRS amendment from Parks and Reserve to City Centre zone in the subject area, retaining the Parks and Reserve reservation over the northern portion of the carpark (Lot 2038 on DP 216961 Reserve 40766) abutting Esplanade Park.

To change the MRS reservation a request must be made to the WAPC (refer to process in background). In making a request to the WAPC to amend the MRS, a case would need to be made for the amendment by providing sufficient planning justification.

The request would require background documents, assessments and investigation which may include:

- Context analysis
- Heritage Assessment
- Indicative concept plans
- Noise and or vibration report – due to site's proximity to the working harbour and railway
- Climate response – e.g. to Sea Level Rise and increased temperatures
- District Water Strategy
- Traffic Impact assessment
- Strategic transport assessment including assessment of different modes of transport
- Environmental assessment
- Land tenure arrangements
- Bushfire (potentially).

If the MRS amendment is progressed, a Local Planning Scheme amendment would be required to allocate land uses, density code(s) and built form requirements under the City's Local Planning Scheme No. 4. It would be prudent to draft this amendment to the Local Planning Scheme early in the MRS amendment process to make a commitment to the built form planned for the area.

Additionally, as part of the MRS amendment request, the City would need to undertake preliminary community engagement with stakeholders including landowners, surrounding residents, service agencies, DPHL, WAPC etc, on the amendment idea and principles.



Figure 3. The current site (top) and indicative concept of potential outcomes for the site (bottom). Source: Hesperia

FINANCIAL IMPLICATIONS

Budget will be required for specialist reports during the MRS amendment process.
Indicative estimate: \$20,000.



LEGAL IMPLICATIONS

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION FPOL2304-8 **(Officer's recommendation)**

Moved Cr Jenny Archibald

Seconded Cr Frank Mofflin

Council:

- 1. Provides in-principle support to prepare a request to amend the MRS of the subject site for consideration by the WAPC.**
- 2. Provides in-principle support to prepare a Local Planning Scheme Amendment in parallel with the MRS Amendment process.**
- 3. Request officers:**
 - a) gather background information, reports and investigations to prepare a justification report.**
 - b) engage with stakeholders including landowners, surrounding residents, service agencies, DPLH, WAPC etc regarding the potential of an MRS amendment and future development of this area.**
- 4. Notes a further report will be provided giving an update of project progress.**
- 5. Notes that should this process result in a viable project, a further process will be initiated seeking development.**

Carried: 7/0

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



10.2 Council decision

FPOL2304-10

PARKLET POLICY REVIEW

Meeting date:	12 April 2023
Responsible officer:	Principal Assets, Engineering and Infrastructure Management
Decision making authority:	Council
Attachments:	1. Parklet Policy (Amended)
Additional information:	Nil

SUMMARY

This report provides the revised Parklet Policy following the February Council decision, to refer the item to the next appropriate Finance, Policy, Operations and Legislation Committee, to include an additional clause relating to compliance reviews of parklets every 2 years and an additional redevelopment clause. The amended Parklet Policy, is provided in Attachment 1 for Council consideration.

BACKGROUND

In Local Government policies reflect the leadership and decision-making role of Council and are a way for Council to give expression to preferred solutions to problems or matters of concern.

Policies are developed to be clear, simple statements of how an organisation plans to conduct its services, actions, or business and to meet strategic and operational needs and comply with statutory and legislative requirements.

Policies provide Council with the ability to make fair, consistent, and transparent decisions affecting the community and are a guide for officers and elected members when making decisions. They are implemented by way of administration policies, procedures, and processes.

The existing Parklet Policy was adopted by Council on 27 November 2013 (Council item number - SSGS1311-5).

The Parklet Policy provides a framework of parameters and requirements to assist officers in assessing the suitability of the street / road environment in respect to proposals or submissions for the installation of parklets.



Officers commenced a review of the Parklet Policy with a view to re-examine the parameters and requirements and simplify and update the document. Workshops and assessments have taken place with internal stakeholders as part of this process, as a result number of minor revision inclusions and exclusions have been identified and included.

On 22 February 2023, the Parklet Policy was resubmitted to FPOL to address several prescribed amendments. In this Committee meeting, an additional amendment was requested to detail how the City could withdraw or review an approved parklet to better manage third party tenures.

OFFICER COMMENT

In simplifying the existing Parklet Policy the operational activities undertaken by employees in the administration and processing of applications have been removed and placed in a Parklet Procedure (see attachment 2). In addition, any repetitive subject matter has been amalgamated and clarified.

The following items list the key changes that were initially made to the Parklet Policy:

1. That Adelaide Street, Queen Street and Newman Court removed from the list of streets excluded by the policy.
2. Approval granted for a parklet installation will be for periods of 2 years.
3. Parklet hours of use included and restricted to between 7am and 10pm.
4. The principle of User Pays for use of a parking embayment in accordance with the annual fees and charges schedule.
5. The use of a Parklet for the purposes of outdoor dining shall be in accordance with the provisions of the Alfresco Dining Policy.
6. Definition of Parklet and Access Road included.

Officers have now also reviewed the request from the February FPOL Committee and are satisfied that the amendment is practical and effective – the change has been included with the amendment of part 1.8 of the Policy to read as follows:

"Upon granting approval for a parklet, a review will be undertaken by the City every 2 years thereafter to assess compliance in line with this parklet policy and any other policy relevant to the use of the parklet including but not limited to the alfresco dining policy. Parklets found to be non-compliant as part of that review will have a two month period to achieve compliance before approval is granted for the parklet to remain in situ".



A further amendment was made following additional feedback from the committee in relation to the City's ability to access parklet locations in the event that substantial works or redevelopment are planned for the area. A clause was added that makes granting of permission for the installation of a parklet subject to a standard redevelopment clause, enabling the City to request the removal of the parklet and access the site for works if required and adequate notice (6 months) is given.

Subject to Council endorsement and adoption, it is proposed that the policy be next reviewed in 4 years (2026).

FINANCIAL IMPLICATIONS

An annual charge for use of a ticket, and timed parking bays will be included in the 2023-24 Fees & Charges schedule.

LEGAL IMPLICATIONS

Legislative - The Local Government Act 1995, section 2.7(2)(b) provides Council with the power to determine policies.

Fees & Charges - Section 6.38 of the Local Government Act 1995 and Regulation 54(c) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose rates and service charges.

CONSULTATION

The review has been previously workshopped internally with stakeholders / impacted Business Units and technical staff; the proposals have been circulated and discussed with Elected Members and the Executive Team. The Parklet Policy review was also put out for public comment in November 2022.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved Cr Jenny Archibald

Seconded Cr Rachel Pemberton

Council adopt the amended Parklet Policy as provided in Attachment 1.



AMENDMENT 1

Moved: Cr Rachel Pemberton

Seconded Mayor Hannah Fitzhardinge

Amend part 1.8 in Parklet Policy to read as follows:

Council:

- 1.8 Upon granting approval for a parklet, a review will be undertaken by the City **at least** every 2 years thereafter to assess compliance in line with this Parklet Policy and any other policy relevant to the use of the parklet including but not limited to the Alfresco Dining Policy. Parklets found to be non-compliant ~~as part of that review~~ will have ~~a two-month period~~ **60 days** to achieve compliance ~~before or~~ approval will be withdrawn **and the Parklet must be removed at the owner's expense.** ~~is granted for the parklet to remain in situ.~~

Amendment carried: 7/0

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

Reason for change:

If a parklet is non-compliant at any time, it should be dealt with immediately, not just at the time of inspection, for example if a complaint is received or safety / compliance issue is noted. A timeframe of 60 days to comply is clearer than 'two months' as is the consequence of not bringing the parklet into compliance.

COMMITTEE RECOMMENDATION FPOL2304-10 **(Officer's amended recommendation)**

Moved Cr Jenny Archibald

Seconded Mayor Hannah Fitzhardinge

Council adopt the amended Parklet Policy as provided in Attachment 1 including the following amendment:

- 1.8 Upon granting approval for a parklet, a review will be undertaken by the City *at least* every 2 years thereafter to assess compliance in line with this Parklet Policy and any other policy relevant to the use of the parklet including but not limited to the Alfresco Dining Policy. Parklets found to be non-compliant will have *60 days* to achieve compliance *or* approval will be withdrawn *and the Parklet must be removed at the owner's expense.***

Carried: 7/0

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



11. Motions of which previous notice has been given

Nil

12. Urgent business

Nil

13. Late items

Nil

14. Confidential Items

Nil

15. Closure

The Presiding Member declared the meeting closed at 7.15pm.