



Minutes

Finance, Policy, Operations and Legislation Committee

Wednesday 8 June 2022 6pm



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1. Official opening, welcome and acknowledgement

The Presiding Member declared the meeting open at 6.00pm.

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	Deputy Mayor/Hilton Ward (<i>Attended electronically</i>)
Cr Marija Vujcic	South Ward
Cr Bryn Jones	North Ward
Cr Adin Lang	City Ward (<i>Observing only</i>)
Mr Glen Dougall	Chief Executive Officer
Mr Graham Tattersall	Director Infrastructure
Ms Michelle Brennand	Director Community Development
Ms Kylie Lamb	Manager Financial Services
Ms Charlie Clarke	Manager Governance
Mr Ryan Abbott	Manager Parks and Landscape
Mr Tony Strickland	Manager Facilities and Environmental Management
Mr Vitor Martins	Manager Waste and Fleet
Ms Melody Foster	Executive Assistant
Ms Donna Ross	Meeting Support Officer

There were no members of the public in attendance.

2.2. Apologies

Nil

2.3. Leave of absence

Cr Doug Thompson

3. Disclosures of interests by members

Cr Fedele Camarda declared an impartiality interest in item number FPOL2206-10 as he is a member of the South Fremantle Football Club.



4. Responses to previous questions taken on notice

Questions by Mr Andrew Luobikis

FPOL2205-3 Advertising of the proposed Differential Rate for the 2022/23 financial year

Wanting to highlight that this increase proposed is also on top of Landgates 3 yearly review of GRV which most likely will push values upwards, hence an even higher increase for the next 3 years. This on top of 10 years plus of above CPI increases. Just compounding each year with no respite.

Question 1

Being told year after year that individuals can apply for hardship does not cut it. Considering this council has used provisions of COVID to waive rates and charges for certain inner city businesses, when are individual residential ratepayers going to see some respite to alleviate household expenses and pressure on family budgets?

Response 1

Council is proposing to increase rates in line with CPI increases to address the increasing cost of materials, fuel, machinery, equipment and utilities. The Valuer General has advised that the GRV revaluation for 2022/23 has been postponed by 12 months.

Question 2

Are these increase due to the sell off of assets for the Kings Square/Walyalup development and that the city finances are drained?

Response 2

A rate rise of 6 per cent (compared with inflation levels at around 7.6 per cent) has been proposed to combat the increasing cost of materials, fuel, machinery, equipment and utilities.

WALGA has forecast that councils can expect most key local government expenses to cost at least 5.7 per cent more than they did last year.

Question 3

What is being implemented to ensure ratepayers are not continually burdened with hefty increases?

Response 3

If ratepayers are unable to meet any of the payment options included on their rate notice, under certain circumstances, the City can offer alternative payment arrangements. If ratepayers are experiencing financial hardship, they can also apply for support under the City's Financial Hardship Policy which is available on the City's website.



FPOL2205-6 Review of Elected Member Related Policy

Regulation 34D Local Law & Not Policy now written into the LG Act 1995 as an amendment. Apparently, City of Fremantle is the only Local Government with only a policy and not a local law as required to bring in line with the LG Act 1995.

Question 1

Is the City of Fremantle in the process of implementing this as a local law?

Response 1

The Local Government Act 1995 does not require that a Local Government has a Meeting Procedures Local Law in place. It is customary but is not a requirement.

Not currently, Council has previously expressed an interest in developing a meeting procedures local law, consistent with other local governments.

However, following the recent news of proposed local government reform and the possible introduction of a set of meeting procedures meant to apply State-wide, it is not considered time or cost effective to continue until the outcome of the proposed reform is known.

Question 2

Can the policy just be converted to a local law?

Response 2

Theoretically yes, as it was based on the format of the model local law. However, the policy would need to be reviewed to ensure currency before any attempt to convert it.

Question 3

What are the implications of doing/not doing this?

Response 3

The only impact on not having a Meeting Procedures Local Law in place is that there are no applicable penalties and sections 10(d) and 13(1)(a)(ii) of the City's Council Members, Committee Members and Candidates Code of Conduct are not applicable. Meaning that a complaint about an elected members behaviour at a meeting cannot be dealt with under minor breach provisions of the local government act at this time. Complaints can still be considered under the Council code of conduct Division 3 Complaint Handling Policy.

5. Public question time

Nil



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 Rachel Pemberton

The Finance, Policy, Operations and Legislation Committee confirm the minutes of the Finance, Policy, Operations and Legislation Committee meeting dated 11 May 2022.

Carried: 7/0

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

9. Elected member communication

Nil



10. Reports and recommendations

10.1 Committee delegation

FPOL2206-1 SOUTH BEACH PUBLIC FACILITIES

Meeting date:	8 June 2022
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Committee
Attachments:	1. Bernard Seeber Pty Ltd, Schematic Design Report, 24 March 2022.
Additional information:	Nil

SUMMARY

The replacement of the South Beach Public Facilities was planned following significant deterioration in the condition of the existing facilities. A consultant architect commenced the design of the new facilities in November 2021. The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan. The new public facilities will provide improved amenity for the contemporary requirements of the community.

This report provides an update on the schematic design of the South Beach Public Facilities that has been developed with consideration of the community engagement feedback and seeks approval to progress to detailed design and construction procurement.

BACKGROUND

Since the late 1890s South Beach has been used as a beach and place for recreation by the local and wider Perth community.

The existing public facilities were built in the early 1970s and comprise of changerooms with toilets and showers and a leased café located on the north end of the building. The public facilities located adjacent to the more recently created sports area in the southern half of the reserve.

The discovery in 2021 of significant deterioration of the concrete, including spalling which has exposed reinforcement in several locations, has triggered this decision to demolish and replace the changeroom portion of the building.

FINANCIAL IMPLICATIONS

The schematic design is aligned to the City's total budget allocation of \$2,150,000 for the project.



The estimated project cost includes allowances for design and construction contingencies and cost escalation to tender (expected September 2022) to allow for the current overstimulated construction market, which is being impacted by supply chain and labour issues. The design and budget will be monitored during the completion of the design and documentation process to ensure that when tendered for construction the project can be delivered on budget.

The budget has been structured as follows to allow for the design and construction to fall over 3 years:

- 2021/22 financial year: \$150,000
- 2022/23 financial year: \$650,000
- 2023/24 financial year: \$1,350,000

A portion of the current financial year's budget has been used for the engagement of the architect and quantity surveyor. This is forecast to be carried forward and added to the 2022/23 financial year budget to complete the design documentation and provide support through construct.

LEGAL IMPLICATIONS

Nil

CONSULTATION

The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan. The schematic design has been developed from feedback received during the community engagement process for the South Beach Place Plan which included a dedicated Reference Group.

The South Beach Place Plan Reference Group informed the design and was formed from a diverse stakeholder group including:

- South Fremantle Precinct Group
- South Beach Community Group
- South Beach Café (Beachside)
- Access and Inclusion Working Group
- Walyalup Reconciliation Action Plan representatives
- Fremantle Sailing Club
- Community members
- Elected Members
- City Officers



The integration of the design with the community engagement process enabled feedback from the community to be utilised in the development of the schematic design response by:

- Developing 3 potential site locations and design concepts for the new facilities from feedback received from the first community engagement drop in event at South Beach.
- Presenting and reviewing the 3 site options and 3 design concepts (a range of communal spaces, toilets, showers/changing and unisex/universal/family areas) to the Reference Group during the community engagement workshop 2.
- Presenting the final schematic design to the Reference Group at the third community engagement event, Workshop 3.
- The final site location and schematic design depicted in the schematic design report incorporates feedback received from the Reference Group during Workshop 3.

OFFICER COMMENT

The design process for the new public facilities has been undertaken in conjunction with and informed by the community engagement process for the South Beach Place Plan. The South Beach Place Plan guides the delivery of future services, programs, and infrastructure in and around the area. It consists of a vision, place principles, and an action list formed through a considered internal and external engagement process. This process ensures the facility has been designed with a considered view of the South Beach Precinct and the community requirements and is aligned with the future planning of South Beach. The Place Plan is currently being finalised and will be presented to Council when completed.

Bernard Seeber Architects were appointed in November 2021 to provide full architectural services for the new public facility and has produced the schematic design report attached to this item. The new public facility accommodates a range of community needs including those in association with access and equity. Providing the new facility will contribute to the objective of providing accessible and inclusive facilities as part of the City's Access and Inclusion Plan 2021-25.

Site

The site for the new public facility is slightly to the south of the existing facility. This location was tested during the community engagement and was confirmed as the preferred option. This site has easy access to the existing electrical and hydraulic services, allows for future redevelopment of the café and is near the playing court area.



Schematic Design

The design of the new public facility includes provision:

- Male and female changerooms
- Family Rooms
- Universal Access Facilities
- External communal facilities

Key features of the design include:

- Access to all internal facilities through the external breezeway.
- Provision of toilets, showers, handbasins and changing areas to the internal facilities
- Provision of showers, hand basin and drink fountain are to the external communal area.
- Provision of toilet, shower, handbasin, bench and changing area to the universal facility which includes additional space to accommodate the turning circles of beach wheelchairs and carers.
- Provision for the inclusion of a Changing Places facility which can be incorporated as part of the construction contract for the new facility or a later date if required.

Changing Places

A key action of the South Beach Place Plan engagement process was "to improve inclusion and access throughout South Beach parklands for all users." The reference group supported the inclusion of the Changing Place facility. This facility improves access and inclusion for visitors who might not be able to participate in South Beach without this amenity.

At the Finance, Policy, Operations and Legislation Committee meeting on 11 May 2022, Council noted the following Committee decision Item FPOL2205-2:

- a) An Expression of Interest has been submitted to the Department of Communities requesting the maximum funding contribution of \$150,000 towards a standalone Changing Place facility at South Beach Reserve.
- b) Should the City be successful, Council would need to allocate \$140,000 as a co-contribution towards the construction of a standalone Changing Place at South Beach Reserve, as part of the 2023/2024 budget process.

Based on the above decision, provision has been made for a Changing Place facility to be located on site as part of this design. The Changing Places facility is proposed to be located adjacent to the new public facility enabling it to be accessed 24 hours a day. The proposed location is adjacent to the wheelchair store and will have clear continuous access from the accessible parking bays.



This location has been developed in conjunction with the Access and Inclusion officer. The South Beach Place Plan also proposes improved equitable access to the car park, around south beach and onto the beach to support this facility.

Planning

As the works are consistent with the intent of the Parks and Recreation reserve, they are classified as Public Works and therefore exempt from the need to obtain planning approval.

South Beach Café'

The South Beach Café' is well patronised by visitors to South Beach. The Café' was recently refurbished and will be retained and continue to be leased for operation in its current configuration. The structural condition of the café has also been recently assessed and the items identified as critical for repair are being programmed for remediation. The Café can continue to operate for the duration of demolition and construction of the new facilities.

Contract Documentation

Following approval of this schematic design, Bernard Seeber Architects will develop the schematic design into a package of contract documentation. The contract documentation package which will include architectural and engineering drawings, schedules and specifications and will be used by the City to tender the works for construction.

Tender Award

Following tendering, the project will come back to Council for approval of the construction contract prior to construction commencing.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Approve the South Beach Change Facility Schematic Design Report, as per Attachment 1, and request officers progress with the detailed design and construction of the facility as depicted and described within the Schematic Design Report dated 24 March 2022.**
- 2. Note that if the Changing Places funding request is successful, it will be incorporated in the design documentation package and tendered for construction as part of the contract for the construction of the new public facilities.**

PROCEDURAL MOTION

COMMITTEE DECISION

Moved: Mayor Hannah Fitzhardinge Seconded: Cr Rachel Pemberton

This item be deferred to the next Finance, Policy, Operations and Legislation Committee on 13 July 2022 to allow for further briefing of elected members.

Carried: 7/0

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



10.2 Council decision

FPOL2206-7 ADOPTION OF THE CITY OF FREMANTLE CAT MANAGEMENT AMENDMENT LOCAL LAW 2022

Meeting date:	8 June 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Proposed City of Fremantle Cat Management Amendment Local Law 2022 - showing DLGSC minor edits in red text. 2. Table of Submissions 3. Australian Pet Welfare Foundation Submission
Additional information:	1. Consolidated Cat Management Local Law with changes indicated in red and green text

SUMMARY

This report is for council to consider the adoption of the City of Fremantle Cat Management Amendment Local Law 2022.

It is recommended that Council consider the submissions received and adopt one of two, City of Fremantle Cat Management Amendment Local Law 2022.

BACKGROUND

On 13 May 2020 Council adopted the City's Cat Management Local Law 2020 which came in effect in June 2020 following its Gazettal on the 25 May 2020.

At the Ordinary Council Meeting held on 24 November 2021 council supported a motion moved by Cr Lang as follows:

"Council supports current initiatives to improve cat and wildlife safety by amending the City of Fremantle Cat Management Local Law to expand cat prohibited areas on all City owned and managed property and consider including nuisance provisions that are consistent with the controls provided by the Cat Act 2011."

At the Finance, Policy, Operations and Legislation Committee held on 9 February 2022, Council resolved to give notice of its intention to make a City of Fremantle Cat Management Amendment Local Law 2022 and to consider the submissions received.



The City's local law already contained provisions in respect to areas from which cats may be prohibited by the City and it was proposed that these areas be expanded through amendment of Schedule 3.

The City's local law does not currently include provisions relating to nuisance and it was proposed that, in addition to including a new clause dealing with nuisance that an interpretation on nuisance be included.

FINANCIAL IMPLICATIONS

Increases to service levels required by the Community Safety Team may occur to accommodate oversight of larger numbers of cat prohibited areas. Increased service provision will incur additional staffing costs for the City.

LEGAL IMPLICATIONS

Section 3.5 of the Local Government Act 1995 confers the legislative function of local government to make local laws under the Local Government Act 1995 in addition to the legislative power to make local laws conferred on local governments by any other written law. A local law made under this section, is inoperative to the extent that it is inconsistent with the Local Government Act 1995 or any other written law.

Regulation 3 of the Local Government (Functions and General) Regulations 1996 requires that for the purposes of Section 3.12 of the Local Government Act 1995, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

If Council resolves to amend a local law, the procedure is the same as the procedure for making a local law and is set out in Section 3.12 of the Local Government Act 1995, as summarised below:

- Council initiate process - s3.12(2)
- Public notice – s3.12(3)
- Notification to Minister - s3.12(3)(b)
- Considering Submissions – s3.12(4)
- Gazettal notice – s3.12(5)
- Public notice – s3.12(6)
- Explanatory Memoranda – s3.12(7)
- Commencement of local law - s3.14
- Review by government (Joint Standing Committee) - s3.17



CONSULTATION

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

- Fremantle herald on 19 February 2022
- My Say Freo 18 February – 11 April 2022
- City notice boards from 18 February – 11 April 2022
- Sent to the Minister for Local Government 24 February 2022

At the closing date for receipt of public submissions on Monday 11 April 2022, **114** public submissions on the proposed amendment local law had been received. Of those submissions 73 (64%) submissions supported the proposed amendment and 39 (34.2%) submissions did not support the proposed amendment.

A total of **103 of the 114** submissions received were made by Fremantle residents, of which 59 (57%) supported the proposed amendment and 36 (35%) did not support the proposed amendment (the remaining 8% were unclear submissions from Fremantle residents).

Attached to this report is a copy of all submissions received during the consultation period, listed by suburb. A copy of an additional letter of submission from the Australian Pet Welfare Foundation is also attached for consideration.

OFFICER COMMENT

Of those submissions that oppose the proposed amendment some supported the objectives of the amendment and suggested that the provisions should be less restrictive.

Some common themes among submissions are as follows:

- Should only apply to newly registered cats going forward
- Cats should be managed in the same way that dogs are
- How is cat to be transported to vet if they cannot be on roads and footpaths under any circumstances
- Concern over increased instances of rats in the city if cats cannot catch them
- Calls for even stronger controls than those proposed
- That the confinement proposals are too broad and should only apply at night/in natural areas and not on footpaths/verges.
- That there is very little wildlife living in such urban areas.
- That the proposals are cruel and too stressful for cats used to roaming.
- That cats are perfectly content to live within the boundaries of a property.
- That cat owners who cannot afford to confine their cats or live in rented accommodation and cannot make changes to the property may be unfairly impinged.
- The City should offer financial support for cat owners to comply if the proposal goes ahead.



- Alternatives to confinement such as 'catbibs' or large colourful 'bird-safe' collars and bells to prevent hunting should be considered.

As required by the Act, the Department of Local Government, Sport and Cultural Industries was provided with a copy of the proposed amendment local law, and has provided the following feedback:

1. A recommendation that minor typographical changes be made. These changes will have no impact on the application of the local law and have been included as recommended.
2. A suggestion that the City change the proposed amendment local law to remove its clause to ban cats from all areas owned or controlled by the City or alternatively that the City reduce the number of City properties to which the local law is intended to apply:

"Banning cats from public areas

The Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- *ban cats from all public areas;*
- *place conditions on when a cat may be permitted in a public area; or*
- *attempts to restrict all cats in the district to their owner's premises.*

Clause 7 appears to amend the City's local law so that instead of banning cats from a list of specific areas, it will instead ban cats from all areas owned or controlled by the City.

Depending on how this phrase is interpreted, this could include any land managed by the city including facilities, parks and even public road reserves. It is highly likely that the Committee will interpret this as an attempt to ban cats from public areas.

It is suggested that clause 7 be deleted and the relevant item removed from Schedule 3. If this clause isn't removed, it is likely the Committee will request an undertaking to delete it.

Alternatively, the City might consider limiting the clause to only apply to City facilities or consider adding additional properties to the list in the original local law.'

In the report to the Finance, Policy, Operations and Legislation Committee held on 9 February 2022, for Council to propose the amendment to this local law, it was noted that previous attempts by local government to ban cats from public areas had been unsuccessful and therefore it was not clear if the format of the city's proposed amendment would raise objections with the Joint Standing Committee on Delegated Legislation.



As shown above, the Department of Local Government and Cultural Industries has provided similar feedback.

In response to this advice and the suggestion made by the Department, an alternative recommendation to the proposed Cat Management Amendment Local Law 2022 is provided below to reduce the areas to be included as "Cat Prohibited Areas" in its proposed amendment local law to include the City's 'green' areas.

It is suggested that the alternative schedule of cat prohibited areas include all of the parks in the City (the orange shaded areas shown those natural areas currently listed as Cat Prohibited Areas).

The alternative recommendation can be considered a minor change to the intention of the local law as it does not create any greater restriction or impact than the original proposed amendment, and therefore will not cause council to have to re-start the process of advertising.

ALTERNATIVE OFFICER RECOMMENDATION:

Council:

1. considers the submissions received during the consultation period for the proposed City of Fremantle Cat Management Amendment Local Law 2022
2. adopt the proposed City of Fremantle Cat Management Amendment Local Law 2022 as shown in attachment 1 with the amended Schedule 3 Cat prohibited Areas as shown below.

The purpose and effect of which is as follows:

Purpose: To exercise the control of cats, powers which exist under the Cat Act 2011.

Effect: To better control nuisance cats and expand the prescribed areas in which cats are prohibited.

Schedule 3 Cat Prohibited Areas		
Places where cats are prohibited –		
#	Common Name	Location
1	Alfred Park	Alfred Rd, North Fremantle
2	Bathers Beach Reserve/ Arthur Head Reserve	Phillimore St, Fremantle
3	Beach Reserve	Beach St, Fremantle
4	Beacy Park	McCleery St, Beaconsfield



5	Booyeembara Park	80 Montreal St, Fremantle
6	Bruce Lee Reserve	South St, Beaconsfield
7	Burford Reserve 1	1 Burford Pl, North Fremantle
8	Burford Reserve 2	17 Burford Pl, North Fremantle
9	Cantonment Hill Reserve	Queen Victoria St, Fremantle
10	Collick Reserve	Collick St, Hilton
11	Coral Park	Coral St, South Fremantle
12	Cypress Hill	64 Harvest Rd, North Fremantle
13	Cypress Hill POS	6 Cypress Ln, North Fremantle
14	Davies Reserve	Amherst St, White Gum Valley
15	Davis Park	Edgar Ct, Beaconsfield
16	Douglas Park	Douglas St, Fremantle
17	Dublin PAW	The Cutting, North Fremantle
18	East Street Jetty	Beach St, Fremantle
19	Edmund Reserve	Edmund St, Fremantle
20	Edwards College Reserve	College Cnr, O'connor
21	Everybody's Park	Jackson St, North Fremantle
22	Florence Park	Marine Terrace, South Fremantle
23	Frank Gibson Park (G)	Forrest St, Fremantle
24	Fremantle Oval	Ellen St, Fremantle
25	Fremantle Park	4 Ellen St, Fremantle
26	Fremantle Primary School Park	19 Brennan St, Fremantle
27	Fremantle Public Golf Courses	Montreal St, Fremantle
28	Gilbert Fraser Reserve	21 John St, North Fremantle
29	Gold Park	19 Francisco St, South Fremantle



30	Gordon Dedman Park	6 Thompson Rd, North Fremantle
31	Griffiths Park	Nicholas Cr, Hilton
32	Grigg Park	Snook Cr, Hilton
33	Harvey Beach	Harvest Rd, North Fremantle
34	Hicks Park	Hicks St, North Fremantle
35	Hilton Park	311 Carrington St, Beaconsfield
36	Hines Park	Hines Rd, O'Connor
37	Holland Park	Holland St, Fremantle
38	Hollis Park	South Beach Promenade, South Fremantle
39	Horrie Long Reserve	Forrest St, Fremantle
40	Jarvis Park	30 Jarvis St, O'Connor
41	Knutsford Reserve	Knutsford St, Fremantle
42	Leighton Beach	14 Leighton Beach Bvd, North Fremantle
43	Leighton Beach Reserve	Port Beach Road, North Fremantle
44	Leighton Park 1	1 Leighton Beach Bvd, North Fremantle
45	Leighton Park 2	25 Leighton Beach Bvd, North Fremantle
46	Lillydale Park	Dale St, South Fremantle
47	Lookout Park	12 College Cnr, O'connor
48	McCabe Park	16 Harvest Rd, North Fremantle
49	Mills and Wares Park	17 Jenkin St, South Fremantle
50	Minilya Park	10 Minilya Av, White Gum Valley
51	Monument Hill Memorial Reserve	249 High St, Fremantle
52	Moorni Boorn Park	32 Paget St, Hilton
53	Naylor Reserve	18 Naylor St, Beaconsfield
54	North Fremantle Foreshore Reserve	Johannah St, North Fremantle



55	Parmelia Park	50 Commercial St, South Fremantle
56	Peace Grove	311 Carrington St, Beaconsfield
57	Pensioner Guard Park	21 Pensioner Guard Rd, North Fremantle
58	Petterson Reserve	Petterson Ave, Samson
59	Phillimore Gardens	Phillimore St, Fremantle
60	Pioneer Reserve	1 Short St, Fremantle
61	Plane Tree Reserve	Bayleaf Rtt, O'connor
62	Point Direction Reserve	431 Harvest Rd, North Fremantle
63	Port Beach reserve	Port Beach Road, North Fremantle
64	Prawn Bay	Johanna St, North Fremantle
65	Princess May Park	92 Adelaide St, Fremantle
66	Queens Square	High St, Fremantle
67	Railway Reserve	28 Phillimore St, Fremantle
68	Rocky Bay Reserve	Rule St, North Fremantle
69	Royal Fremantle Golf Course	359 High Street, Fremantle
70	Rule Park	36 Rule St, North Fremantle
71	S.E.W. Park	465 Thompson Rd, North Fremantle
72	Salentina Ridge POS	11 Moran St, Beaconsfield
73	Sardelic Park	30 Butterworth Pl, Beaconsfield
74	Signal Station Reserve	4 Burt St, Fremantle
75	Sir Frederick Samson Park	McCombe Av, Samson
76	Soroptimist Rose Garden	High St, Fremantle
77	Sorrell Park	483 Bruce St, North Fremantle
78	Sorrell Park	Doepel St, North Fremantle
79	Sorrell Park	482 Bruce St, North Fremantle



80	South Beach Reserve	Ocean Dr, South Fremantle
81	South Beach	Ocean Rd, South Fremantle
82	South Beach Promenade	South Beach Pde, South Fremantle
83	Stevens Reserve	1532 Stevens St, Fremantle
84	Tangney Reserve	Tangney Crescent, Samson
85	The Esplanade Reserve	45 Marine Tce, Fremantle
86	Tuckfield Oval	70 Tuckfield St, Fremantle
87	Tyrone Reserve	Tyrone St, North Fremantle
88	Un-named park	2 Nanine Av, White Gum Valley
89	Valley Park	26 Mulberry Farm Lane, White Gum Valley
90	Virginia Ryan Park	Watkins St, Fremantle
91	Walyalup Koort	3 Adelaide St, Fremantle
92	War Memorial Park	Harvest Rd, North Fremantle
93	Westmeath Park	Westmeath St, North Fremantle
94	Wilson Park	South Tce, South Fremantle

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2206-7 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Bryn Jones

Council:

- 1. considers the submissions received during the consultation period for the proposed City of Fremantle Cat Management Amendment Local Law 2022.**
- 2. adopt the proposed City of Fremantle Cat Management Amendment Local Law 2022 as shown in attachment 1.**



The purpose and effect of which is as follows:

Purpose: To exercise the control of cats, powers which exist under the Cat Act 2011.

Effect: To better control nuisance cats and expand the prescribed areas in which cats are prohibited.

Carried: 7/0

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



10.1 Committee delegation

FPOL2206-2 PROPOSED CITY OF FREMANTLE PARKING AMENDMENT LOCAL LAW 2022

Meeting date:	8 June 2022
Responsible officer:	Manager Governance
Decision making authority:	Committee
Attachments:	1. Parking Amendment Local Law 2022 2. CONFIDENTIAL - Additional information relating to clause 4.13 (Parliamentary privilege)
Additional information:	1. Parking local law 2020 with amendments shown in red and green

SUMMARY

This report is to initiate an amendment of the City's Parking local law 2020 in accordance with section 3.16(1) of the *Local Government Act 1995*.

This report recommends that Council initiates the adoption of the City of Fremantle Parking Amendment Local Law 2022 to address undertakings made to the Joint Standing Committee on Delegated Legislation.

BACKGROUND

On 28 July 2021 Council adopted the City's Parking Local Law 2021 which came in effect on 20 September 2021, following its Gazettal on the 6 September 2021. Following the laws adoption, the Joint Standing Committee on delegated Authority (JSCDL) requested that the Council agree to undertake amendments to the local law.

At the Ordinary Council Meetings held on 24 November 2021 and the 19 January 2022 council adopted the following motions:

- 24 November 2021
 - "1) *Within 6 months, amend the City of Fremantle Parking Local Law 2021 to:*
 - a. correct the typographical error in clause 1.1*
 - b. correct the typographical errors in clause 1.5*
 - c. delete the unnecessary definitions in clause 1.5*
 - d. correct the incorrect clause references in clause 1.5*
 - e. amend the definitions of 'ticket issuing device' and 'ticket issuing machine' in clause 1.5*
 - f. correct the typographical error in clause 2.3(1)(c)*
 - g. correct the typographical error in clause 2.5(2)(c)*



- h. amend clause 3.11*
 - i. amend 4.13*
 - j. correct the typographical error in clause 5.8*
 - k. correct the formatting errors in clauses 5.18-5.20*
 - l. amend clause 6.2 to replace the words 'local government' with 'Council'*
 - m. correct the typographical error in clause 6.2(a)*
 - n. amend the incorrect clause reference in clause 6.14*
 - o. insert a full stop at the end of clause 6.15(2)*
 - p. insert a definition of 'valve stem reading' for the purposes of clause 7.1(1)(b)*
 - q. make all necessary consequential amendments.*
- 2) Until the local law is amended in accordance with undertaking 2.1:*
 - a. not enforce the local law in a manner contrary to undertaking 2.1;*
 - b. any consequential amendments arising from undertaking 2.1 will be made; and*
 - c. where the local law is made publicly available, whether in hard copy or electronic form, (including on the City's website), ensure that it is accompanied by a copy of these undertakings."*
- 19 January 2022:
 - "a. Within 6 months, amend the City of Fremantle Parking Local Law 2021 to remove the definition of 'symbol' in clause 1.5 and reference to 'Australian Standard 1742.11-2016'."*

Officers have also taken the opportunity to review the local law and to recommend additional amendments to aid clarification, to amend the schedule of penalties and to correct any typographical errors.

FINANCIAL IMPLICATIONS

No financial implications were identified as a result of this report.

LEGAL IMPLICATIONS

If Council resolves to initiate an amendment to the local law, the procedure is the same as it would be for making a new local law. As set out in Section 3.12 of the *Local Government Act 1995*, and summarised below:

- **Council initiate process** - s3.12(2) of the *Local Government Act 1995* (the Act) & Regulation (3) *Local Government (Functions and General) Regulations 1996*
- **Public notice** – s3.12(3) of the Act
- **Notification to Minister** - s3.12(3)(b) of the Act



- **Considering Submissions** – s3.12(4) of the Act
- **Gazettal notice** – s3.12(5) of the Act
- **Public notice** – s3.12(6) of the Act
- **Explanatory Memoranda** – s3.12(7) of the Act
- **Commencement of local law** - s3.14 of the Act
- **Review by government (Joint Standing Committee on Delegated Legislation)** - s3.17 of the Act

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* requires that for the purposes of Section 3.12 of the *Local Government Act 1995*, the purpose and effect of any proposed local law must be included in the agenda and minutes of a meeting.

CONSULTATION

In accordance with Section 3.12(3) of the *Local Government Act 1995*, the City is required to give local public notice of the proposed City of Fremantle Parking Amendment Local Law 2022, inviting submissions for a period of no less than six weeks after the notice is given.

OFFICER COMMENT

Amendments recommended to the Parking Local Law, in response to the City's undertakings to the JSCDL, are included in the first table. Additional information relating to the recommended amendments to clause 4.13 is included under separate cover, as it includes quotes from the correspondence with the JSCDL which requires that confidentiality be maintained.

The second table includes amendments recommended by officers, primarily intended to tidy up typographical errors and to add clarification.

Table 1 – Undertakings to the JSCDL	
Undertaking – clause 1.1	
1.	Correct the typographical error in clause 1.1
2.	This is the City <i>City of Fremantle Parking Local Law 2021</i> .
Undertakings - clause 1.5	
3.	Correct the typographical errors in clause 1.5
4.	Correct the incorrect clause references in clause 1.5
5.	Delete the unnecessary definitions in clause 1.5



6.	Amend the definitions of 'ticket issuing device' and 'ticket issuing machine' in clause 1.5
7.	Insert a definition of 'valve stem reading' into clause 1.5 for the purposes of clause 7.1(1)(b)
disability parking permit has the meaning given in the Local Government (Parking for People with Disabilities) Regulations 2014 <i>Local Government (Parking for People with Disabilities) Regulations 2014</i>; eating area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public; edge line, for a carriageway, means a line marked along the carriageway at or near the far left or the far right of the carriageway; Electric Vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle. electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle; electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility or other public place and includes any instrument, display panel or transmitting apparatus associated with the device; parking app fee means the parking fee, specified in the parking app, that applies to a parking stall or other place where a vehicle is to be parked or is being parked; parking meter means a machine or device that, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remained remain parked in a metered stall to which the machine or device relates; parking permit, or permit, means – (a) a parking permit issued under this local law; and (b) a parking permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.3 1.2; parking region means the area to which this local law applies, as described in clause 1.3 1.4; parking ticket means a ticket, whether printed or electronic, that is – (a) is issued from a ticket issuing machine or a ticket issuing device; (b) authorises the parking of a vehicle in a parking stall or a parking station or part of the parking station; and	



(c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

~~**permissive parking sign** means a sign inscribed with—~~

~~(a) the word 'parking', but excludes a sign inscribed with the words 'no parking'; or~~

~~(b) the letter 'P' with any arrow, figure, letter or words in green;~~

~~**symbol** includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;~~

~~**ticket issuing device** means a mobile device that as a result of payment which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the device relates issues a parking ticket;~~

~~**ticket issuing machine** means a machine that as a result of payment which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the machine relates issues a parking ticket;~~

valve stem reading means a method of recording the position of the tyre valves in relation to the kerb or road surface

vehicle has the meaning given in the ~~Road Traffic (Administration) Act 2008~~ **Road Traffic (Administration) Act 2008**; and

Undertaking – clause 2.3

8. Correct the typographical error in clause 2.3(1)(c)

2.3 Determinations

(1) The Council may determine –

- (a) permitted times and conditions of stopping and parking that may vary within the parking region;
- (b) permitted classes of persons who may stop or park their vehicles;
- (c) permitted classes of vehicles that may stop or **parking park**; and
- (d) the manner of stopping or parking.

Undertaking – clause 2.5

9. Correct the typographical error in clause 2.5(2)(c)



2.5 Approved alternative methods of payment

- (a) The Council may approve an alternative method of payment for parking under this local law.
- (b) An approved alternative method of payment -
is to be on the terms and conditions determined by the Council;
may enable a payment to be made in advance or in arrears; and
may be ~~affected~~ effected by issuing (electronically or otherwise) a permit, invoice, ticket or other record.

Undertaking – clause 3.11

- 10. Amend clause 3.11

3.11 Free parking period

Where, in a fee paying zone (during the period when a fee is otherwise required for parking) a period of free parking is permitted, a person must not move a vehicle within, or return to, the fee paying zone unless the vehicle has been removed from the fee paying zone for at least 4 hours.

Undertaking – clause 4.13

- 11. Amend 4.13

***Note** – more information relating to amendments to clause 4.13 is provided under confidential cover.

4.13 Special event parking

- (1) *In this clause, **special event** means a function or activity characterised by all or any of the following—*
 - (a) *formal organisation and preparation;*
 - (b) *its occurrence is generally advertised or notified in writing to particular persons;*
 - (c) *organisation by or on behalf of a club or a body corporate;*
 - (d) *payment of a fee to attend; and*
 - (e) *systematic recurrence in relation to the day, time and place.*
- (2) *The local government may, ~~by the use of a sign~~—*
 - (a) *by giving local public notice and the use of a sign:*
 - (i) *set aside, for a period not exceeding 4 weeks, ~~the period specified on the signs a~~ parking ~~station~~ facilities for the parking of vehicles by those attending a special event; or*
 - (ii) *establish additional parking facilities on a reserve or local government property, for a period not exceeding 4 weeks ~~any period specified on the sign~~, for the parking of vehicles by those attending a special event.*
 - (2) *by resolution of council and by giving a minimum of 4 weeks local public notice, and the use of a sign:*



(i) <i>set aside parking facilities for a period exceeding 4 weeks for the parking of vehicles by those attending a special event; or</i> (ii) <i>establish additional parking facilities on a reserve or local government property, for a period exceeding 4 weeks, for the parking of vehicles by those attending a special event.</i> (3) <i>A person must not stop or park a vehicle—</i> (a) <i>in a parking station set aside under subclause (2) during the period for which it is set aside; or</i> (b) <i>on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established,</i> <i>unless a permit obtained from the local government with respect to the special event is—</i> (c) <i>in the case of a printed permit, displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in the parking station; or</i> (d) <i>in the case of an electronic permit, the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.</i>
Undertaking – clause 5.8
12. Correct the typographical error in clause 5.8
<i>builder</i> has the meaning given in the Building Regulations 2012 <i>Building Regulations 2012</i> ;
Undertaking – clauses 5.18-5.20
13. Correct the formatting errors in clauses 5.18-5.20
5.18 Verges 5.185.19 Driveways 5.195.20 Reserves 5.205.21 Parking on private land



Undertakings – clause 6.2
14. Amend clause 6.2 to replace the words 'local government' with 'Council'
15. Correct the typographical error in clause 6.2(a)
6.2 Classes of parking permits The local government Council, by resolution, may determine – (a) classes of parking permits, in additional addition to residential parking permits, temporary residential parking permits and multi-purpose parking permits; and (b) the eligibility criteria for each class of parking permit.
Undertaking – clause 6.14
16. Amend the incorrect clause reference in clause 6.14
6.14 Terms used <i>Eligibility Table</i> means the table specified in clause 6.1 6 7;
Undertaking – clause 6.15
17. Insert a full stop at the end of clause 6.15(2)
(2) A multi-purpose parking permit cannot be issued to a person whose place of residence is on a parcel of land that has a common boundary with a road that has adjacent to that boundary, or part of it, a fee paying zone█
Undertaking – consequential amendments
18. Make all necessary consequential amendments.
Consequential amendment to the Schedule 1 - Prescribed offences is included below in officer recommended amendments to avoid duplicating the schedule in this report.



Table 2 – Officer recommended amendments

1. Amend Clause 5.9

Amendments are recommended to better clarify the requirements of this clause and its application.

5.9 Obstruction generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking stall or metered stall.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on an intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway or verge within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway or verge within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked, unless–
 - (i) the vehicle stops or parks at a place on a carriageway, or in an area, to which a parking control sign applies, or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) the intersection is a T-intersection along the continuous side of the continuing road at the intersection;



(f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians; (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway - if the vehicle would obstruct traffic; (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign; (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines; (j) between a single continuous longitudinal line or a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line - unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line continuous line; or within the head of a cul-de-sac.
2. Amend clause 5.6
Amendment recommended to correct a typographical error.
5.6 Movement of vehicles to avoid time limitation Where parking of vehicles in a thoroughfare or reserve is permitted for a limited time, a person must not move a vehicle along, or return to, that thoroughfare so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.
3. Amend clause 5.15
Amendment recommended for clarification.
5.15 Bus stop and pedestrian, children and train crossings (1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the departure side of – (a) bus embayment or a bus zone unless the vehicle is a public bus stopped to take up or set down passengers; or (b) a pedestrian crossing or children's crossing. (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of – (a) the approach side of a bus embayment or a bus zone, unless the vehicle is a public bus stop to take up or set down passengers; (b) the approach side of a pedestrian crossing or children's crossing; or (c) the approach side or departure side of a railway crossing. (3) A person must not stop or park a vehicle in a bus zone unless the person is driving a public bus, or a bus of a type that is permitted by a bus zone sign applying to the bus zone to stop at the bus zone. (4) This clause does not apply if –



- (a) the vehicle is stopped or parked in a marked stall;
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

4. Replace Schedule 1 – Prescribed Offences

Office comment

Amendments are recommended to:

- address consequential amendments from the undertakings to the JSCDL
- clarify phrasing
- correct errors and referencing
- include 2 new penalties consistent with the local law provisions
- remove 1 unnecessary penalty
- update numbering.

Item No.	Clause No.	Nature of offence	Modified penalty
1.	3.2(2)	Failure to pay fee in the a fee paying zone	60
2.	3.4(a)	Parking when meter has expired	60
3.	3.4(b)	Parking in excess of maximum period maximum shown on metered stall	60
4.	3.5	Parking contrary to a meter hood	60
5.	3.6(1)	Failure to display ticket in fee paying zone	60
6.	3.7/4.5	Displaying a ticket that is altered or is otherwise non-compliant	80
7.	3.8(1)	Parking in excess of maximum period in fee paying zone	60
8.	3.8(2), 4.8(2) or 5.6	Moving vehicle to avoid time limitation	60
9.	3.9(1)(a)	Failure to park wholly within metered bay	80
10.	3.9(2)	Failure to park wholly within metered zone	80
11.	3.10	Parking or attempting to park a vehicle in a metered stall occupied by another vehicle	60
12.	3.11	Failure to comply with free parking period restriction	60
13.	4.1	Entering a parking station without permission	80



14.	4.2	Failure to pay parking station fee	60
15.	4.4	Failure to display ticket in parking station	60
16.	4.7	Leaving without paying parking station fee	80
17.	4.8(1)	Parking in excess of maximum period in a parking station	60
18.	4.11(a)	Causing obstruction in parking station	80
19.	4.12(a)	Remaining in a parking station after being required to leave	80
20.	4.12(b)	Loitering in a parking station	80
21.	4.12(c)	Driving in a parking station contrary to a sign	80
22.	4.12(d)	Using a wheeled thing, other than a licenced vehicle or wheelchair, in a parking station	80
23.	4.12(e)	Engaging in unauthorised activities in a parking station	80
24.	5.1(1)(a)	Parking wrong class of vehicle	65
25.	5.1(1)(b)	Parking by persons of a different class	65
26.	5.1(1)(c)	Parking during prohibited period	80
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking or stopping contrary to sign	60
29.	5.1(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
30.	5.1(3)	Stopping without permission in a reserved area	80
31.	5.2(1)(a)	Stopping or parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping or parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking or stopping vehicle in motorcycle only area	80
35.	5.2(1)(fe)	Parking in a transit bus lane	150
36.	5.2(1)(h)	Stopping in a bicycle lane	150
37.	5.2(2)	Stopping or parking in a no stopping parking area	80
38.	5.2(3)(a)	Parking in thoroughfare for purpose of sale	65
39.	5.2(3)(b)	Parking unlicensed vehicle in thoroughfare	65
40.	5.2(3)(c)	Parking a trailer on a thoroughfare	65



41.	5.2(3)(d)	Parking in thoroughfare for purpose of repairs	65
42.	5.3(1)	Failure to park wholly within parking stall	80
43.	5.3(2)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	65
44.	5.3(3)	Stopping or parking a bicycle in a parking stall	65
45.	5.4	Double parking	150
46.	5.5(a)	Failure to park on the left of two-way carriageway	65
47.	5.5(a) or 5.5(b)	Parking against the flow of traffic	65
48.	5.5(b)	Failure to park on boundary of one-way carriageway	80
49.	5.5(c)	Parking when distance from farther boundary less than 3 metres	80
50.	5.5(d)	Causing obstruction on carriageway	80
	5.6	Moving vehicle to avoid time limitation	60
51.	5.7(1)	Parking heavy or long vehicle on carriageway	80
52.	5.9(3)(a)	Stopping or parking a vehicle causing an obstruction on a road	150
53.	5.9(3)(b)	Stopping or parking a vehicle causing an obstruction in a parking facility	80
54.	5.9(3)(c)	Stopping or parking a vehicle on an intersection	150
55.	5.9(3)(d)	Stopping or parking a vehicle within 20 metres of an intersection with traffic control signals	80
56.	5.9(3)(e)	Stopping or parking a vehicle within 10 metres of an intersection	80
57.	5.9(3)(f)	Stopping or parking a vehicle on a prohibited place	80
58.	5.9(3)(g)	Stopping or parking a vehicle near works	60
59.	5.9(3)(h)	Stopping or parking a vehicle on a bridge, tunnel or underpass	80
60.	5.9(3)(i)	Stopping or parking a vehicle where double lines	80
61.	5.9(3)(j)	Stopping or parking a vehicle where double single lines	80
62.	5.9(3)(k)	Stopping or parking a vehicle within the head of a cul-de-sac	65



63.	5.10(1)	Stopping or parking an unauthorised vehicle in a loading zone	65
64.	5.10(2)	Stopping or parking a vehicle in a loading zone in excess of maximum period	65
65.	5.11(1)	Stopping a vehicle, other than a taxi, in a taxi zone	65
66.	5.11(2)	Leaving a taxi unattended in a taxi zone	65
67.	5.12(1)	Stopping or parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65
68.	5.12(2)	Stopping or parking in a charter vehicle zone for longer than the maximum period	65
69.	5.12(3)	Leaving a charter vehicle unattended in a charter vehicle zone	65
70.	5.13	Stopping or parking a vehicle in a shared zone	65
71.	5.14	Stopping or parking a vehicle in a pedestrian mall	65
72.	5.15(1)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
73.	5.15(2)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
74.	5.15(3)	Stopping or parking a vehicle, other than a permitted bus, in a bus zone	65
75.	5.16(1)	Parking within 1 meter of fire hydrant or plug	65
76.	5.16(2)	Parking within 3 metres of public letter box	65
77.	5.17	Parking on a median strip/traffic island	80
78.	5.18	Stopping on verge	80
79.	5.18 5.19	Parking on a driveway	80
80.	5.19 5.20	Driving or parking on reserve	150
81.	5.20(2) 5.21(2)	Parking on land that is not a parking facility without consent	150
82.	5.20(3) 5.21(3)	Parking on land not in accordance with consent	65
83.	6.12(a)	Using a counterfeited or altered parking permit	150
84.	7.1(2)	Removing mark of authorised person	150
85.	7.3	Obstructing or hindering an authorised person	250
86.	7.4(1)	Non-permitted insertion in ticket issuing machine	80



87.	7.6(a)	Marking, setting up or exhibiting a sign	250
88.	7.6(b)	Removing, defacing or misusing a sign	250
89.	7.6(c)	Defacing a sign	250
90.	7.9	Damage to local government property	250
91.	7.11	Leaving vehicle so as to obstruct a public place	150
92.	7.12	Parking contrary to directions of authorised person	250
93.		All other offences not specified	65

5. Amend FORM 2 - PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE

Amendment recommended to remove repeated phrasing.

FORM 2
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
model: ;
registration: ,
you committed the following offence:
.....
.....
contrary to clause of the Parking Local Law 2021.
The modified penalty for the offence is \$
If you do not wish to have a complaint of the alleged offence heard and
determined by a court, the amount of the modified penalty may be paid to an
authorised person at (5) within a period of 28 days after
the giving of this notice.
If you do not pay the modified penalty within 28 days after the date of this
notice, you may be prosecuted, or enforcement action may be taken under the
Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that
Act, some or all of the following actions may be taken –



your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. ~~Failure to do so may result in your driver’s licence or any vehicle licence you hold being suspended without your knowledge.~~

(6)

(7)

Insert:

- (1) Name of alleged offender or 'owner' (as defined in the *Parking Local Law 2021*)
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice



6. Amend FORM 3 - PARKING LOCAL LAW 2021 INFRINGEMENT NOTICE

Amendment recommended to remove repeated phrasing.

FORM 3
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)

It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
model: ;
registration: ,
you committed the following offence:
.....
.....
contrary to clause of the Parking Local Law 2021.
The modified penalty for the offence is \$
If you do not wish to have a complaint of the alleged offence heard and
determined by a court, the amount of the modified penalty may be paid to an
authorised person at (5) within a period of 28 days after
the giving of this notice.
Unless within 28 days after being served with this notice:
(a) you pay the modified penalty; or
(b) you:
 (i) inform the Chief Executive Officer or another authorised officer
 of the local government as to the identity and address of the
 person who was the driver or person in charge of the above
 vehicle at the time the offence is alleged to have been
 committed; or
 (ii) satisfy the Chief Executive Officer that the above vehicle had
 been stolen or was being unlawfully used at the time the
 offence is alleged to have been committed,
you will, in the absence of proof to the contrary, be deemed to have
committed the above offence and court proceedings may be instituted
against you.



If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken –

your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. ~~Failure to do so may result in your driver’s licence or any vehicle licence you hold being suspended without your knowledge.~~

(6)
(7)

- Insert:
- (1) Name of ‘owner’ (as defined in the *Parking Local Law 2021*)
 - (2) Address of owner (not required if owner not named)
 - (3) Time of alleged offence
 - (4) Location of alleged offence
 - (5) Place where modified penalty may be paid
 - (6) Signature of authorised person
 - (7) Name and title of authorised person giving notice

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



COMMITTEE DECISION ITEM FPOL2206-2
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council approve public notice be given, in accordance with the *Local Government Act 1995*, of its intention to make a *City of Fremantle Parking Amendment Local Law 2022*, as shown in attachment 1, with the purpose and effect of which is as follows:

Purpose: To amend the *City of Fremantle Parking Local Law 2021* consistent with the undertakings provided to the Joint Standing Committee on Delegated Legislation and for further correction and clarification.

Effect: To amend the clauses of the City of Fremantle Parking Local Law 2021 listed below:

1.1	1.5	2.3	2.5	3.11	4.13
5.6	5.8	5.9	5.15	5.18	5.19
5.20	6.2	6.14	6.15		
Schedule 1 – Prescribed Offences					
Form 2 - Parking Local Law 2021 - Infringement Notice					
Form 3 - Parking Local Law 2021 - Infringement Notice					

Carried: 7/0

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



FPOL2206-3 PROPOSED PLASTIC FREE JULY 2022 DECLARATION

Meeting date: 8 June 2022
Responsible officer: Manager Waste and Fleet
Decision making authority: Committee
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to provide Council with suitable information pertaining to relevant initiatives supported or undertaken by the City of Fremantle under the Plastic Free July campaign.

This report recommends that Council acknowledges the City of Fremantle's commitment to endeavour to contribute towards the end the use of single use plastics and acknowledges the City of Fremantle's environmentally pro-active role and its initiatives at the forefront of community engagement action with the view to reduce plastic pollution.

The report also seeks that Council resolve to declare July 2022 as 'PLASTIC FREE JULY' in the City of Fremantle.

BACKGROUND

Plastic pollution is a serious problem affecting the marine environment. It threatens ocean health, the health of marine species, food safety and quality, human health and coastal tourism.

Rapidly increasing levels of plastic pollution represent a serious problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development. Most of the marine plastic pollution comes from land-based sources, including urban and storm runoff, sewer overflows, beach visitors, inadequate waste disposal and management, industrial activities, construction, and illegal dumping.

Public concern about the increasing plastic waste and pollution crisis has grown over the last decade. On 2 March 2022, the United Nations Environment Assembly agreed on a [resolution](#) to create a historic global treaty to end plastic pollution.

Plastic Free July® is a campaign led by the Plastic Free Foundation with the objective to work towards the vision of a world free of plastic waste.

Initially a grassroots community behaviour change campaign, it now includes active engagement from businesses (including leading companies and brands), local governments and community organisations, through voluntary contributions towards this vision.



These contributions may take many different forms and levels of engagement, from the refusal to use single use plastics to the elimination of plastic packaging, through the promotion of lasting behaviour change.

The campaign was started in 2011 by a Fremantle resident and is now one of the most influential environmental campaigns in the world. Millions of people across the globe take part every year, with many committing to reducing plastic pollution far beyond the month of July. The campaign is based on the premise that individual effort and local community action provide an important driver for global change. It provides free ideas and solutions, community outreach events and other resources to support lasting behaviour change aimed at reducing plastic waste pollution.

Since its inception, Plastic Free July® has been recognised globally as an annual month where citizens, businesses and governments come together to take action to reduce plastic waste, creating a social change movement.

In fact, the Plastic Free July® campaign is globally aligned with the 2030 Agenda for Sustainable Development. Adopted by all United Nations Member States in 2015, the Agenda provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals ([SDGs](#)), which are an urgent call for action by all countries - developed and developing - in a global partnership. In particular, Plastic Free July® aligns with the following goals:

- Make cities and human settlements inclusive, safe, resilient and sustainable.
- Ensure sustainable consumption and production patterns.
- Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

Since 2020 the City of Fremantle has been participating in the Plastic Free July® campaign, creating awareness among business and residents about the environmental impacts of single use plastics and promoting sustainable alternatives.

Given the City of Fremantle policies' full alignment with the objectives and initiatives of the Plastic Free July® campaign and the SDGs, this report recommends that Council adopts a July 2022 Plastic Free Month Declaration, whereby the City's initiatives and projects are acknowledged and supported at the highest level.

FINANCIAL IMPLICATIONS

The proposed Plastic Free July Declaration does not have any direct financial implications. The City has already committed \$6,000 to promote and support July Plastic Free Month 2022 activities, as detailed below.

In addition, the Plastic Free Foundation® will be the sole beneficiary of donations made at the Fremantle Containers for Change facility for the month of July 2022.



LEGAL IMPLICATIONS

Not applicable.

CONSULTATION

The City has consulted and received support from Rebecca Prince-Ruiz, founder, and executive director of Plastic Free Foundation® about the City's Plastic Free July Declaration.

OFFICER COMMENT

The City of Fremantle has a long history of valuable contributions to community environmental awareness and to the achievement of sustainability goals through practical actions.

The Strategic Community Plan 2015-2025 includes Environmental Responsibility as one of its strategic focus areas. This means working with the community to develop environmentally sustainable solutions for the benefit of current and future generations. Relevant outcomes of this focus area include to increase community awareness of and support for environmentally sustainable lifestyle, as well as the City working with the community to reduce waste and reuse wherever possible. Active engagement of the City of Fremantle in this area is, therefore, a substantive part of the City's leadership to reduce waste, as an act of stewardship of our resources and caring for country. By making a simple choice at the individual and community levels we can reduce plastic pollution and the amount of waste to be disposed of at the landfill.

Additionally, further City of Fremantle contributions in this regard include the use of One Planet Living as a sustainability framework for the City's operations and areas of influence in the community. This framework provides practical opportunities for sustainability implementation working across different business unit boundaries.

In respect to plastic pollution, the City has led a number of successful initiatives, from advocacy to the alignment of internal relevant policies. As a community leader in Environmental Responsibility, the City of Fremantle was at the forefront of the campaign to ban single-use plastic shopping bags in Western Australia, and in 2018 adopted a Sustainable Events Policy that prohibits the sale or distribution of single-use plastics at all City of Fremantle run events.

The City of Fremantle successfully advocated for the reduction of single use plastics since 2012, culminating with development and subsequent adoption of the Plastic Bag Reduction Law in 2017 to reduce the use of single use plastic shopping bags in the City of Fremantle. From 1 January 2019 it is illegal for any retailer in Western Australia (WA) to provide lightweight plastic shopping bags. Currently the Western Australian government is replacing the existing bag ban with a state-wide ban on ALL plastic shopping bags. This is expected to be implemented 1 July 2022.



By adopting its Sustainable Events Policy, the City of Fremantle has committed to improving sustainability practices for all events co-ordinated or approved by the City. As part of this policy the City prohibits single use plastics at large events and strongly encourages alternative products be used at events of all sizes. The policy covers items including single-use plastics such as bottled water, straws, cups, takeaway containers and cutlery, balloons, confetti, polystyrene, Styrofoam food and drink containers, promotional material and decorations. Reusable items are encouraged as first preference alternative to disposable plastic.

As part of its procurement guidelines, the City of Fremantle gives preference to suppliers that minimise environmental and negative social impacts in their business practices, contribute to the local economy and embrace Corporate Social Responsibility. Where practical, it is the City's preference to purchase goods with minimal or no single use plastic in its content or packaging.

Since 2020 the City of Fremantle has been participating in the Plastic Free July® campaign, creating awareness among business and residents about the environmental impacts of single use plastics and sustainable alternatives.

Given the current main focus of the campaign on tackling the estimated 190 million single use coffee cups used in WA alone each year that end up in landfill or litter, this year the City is participating in a three-month trial sponsoring reusable coffee cups in City businesses. This project will be in partnership with Fremantle Ports and the Town of East Fremantle.

The City of Fremantle expects about 19 local cafes will be on-boarded by July 2022. The reusable coffee cups will be given away as keep cups, which are, then, to be returned rinsed to any participating café who will wash them and return them for reuse. This initiative will be used as a valuable learning case study.

Also, as part of Plastic Free July this year, the Walyalup Civic Centre (WCC) will implement a 'Coffee Cup Library' to reduce the consumption of single use coffee cups among staff. The concept is that, as consumers of coffee, staff should lead by example and bring their own keep cup to work. The City of Fremantle will set up a library for staff to borrow keep cups at WCC. Staff will sign the cups in and out. They will return the cup to the dishwasher in the kitchen by the end of each day. The clean cups will be washed overnight and returned to the basket for reuse.

There will be a Plastic Free July morning tea for staff, with a guest speaker that will support Plastic Free July and actively engage staff with valuable insights and plastic-free solutions.

Another initiative in support of the Plastic Free July campaign this year is WA Plastic Free Places, aimed at promoting support options for commercial businesses to navigate single-use plastics ban. WA Plastic Free is an initiative by the Boomerang Alliance and funded by the State Government. It is free for business. The City of Fremantle will be supporting WA Plastic Free Places by using our channels to link the resources.



The City will be handing out flyers, actively sending out information via e-newsletters and visiting several businesses in partnership with WA Plastic Free.

Finally, Plastic Free July Foundation will be the sole beneficiary for donations made at the Fremantle Containers for Change for the month of July.

Given all of the above, it is clear that the City of Fremantle is environmentally pro-active and at the forefront of community engagement initiatives with the view to reduce plastic pollution and an important Plastic Free July® partner. Through practical actions and engagement, the City of Fremantle is thinking global and acting local and is committed to make a positive difference globally.

It is proposed that this active role is acknowledged and supported by Council, by adopting a July Plastic Free Declaration.

The proposed Plastic Free July Declaration will affirm the City's commitment to endeavour to contribute towards the end the use of single use plastics. An Australian Local Government has yet to officially declare July as a Plastic Free month.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE DECISION ITEM FPOL2206-3 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Commits to advocate for the end of single use plastics and continue to promote initiatives at the forefront of community engagement action with the view to reduce plastic pollution.**
- 2. Resolve to declare July 2022 as 'Plastic Free July' in acknowledgement of the City of Fremantle's participation in the 'Plastic Free July' campaign.**

Carried: 7/0

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



FPOL2206-4 ACCEPTANCE OF TENDER - FCC592/22 - PROVISION OF TURF LAYING SERVICES

Meeting date: 8 June 2022
Responsible officer: Manager Parks and Landscapes
Decision making authority: Committee
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to consider tender number FCC592/22 for Provision of Turf Laying Services for turf maintenance at various sporting ovals and reserves across the City.

This report recommends that Council accepts the tender submitted by GTF Pty Ltd T/as Greenacres Turf Group in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle is seeking to appoint a sole supplier contract for the supply, site preparation and installation of block turf, standard turf and turf stolons throughout the City of Fremantle reserves and facility surrounds. The contract also includes the seasonal turfing over of cricket wickets to facilitate winter sports. All works within this contract are inclusive of staff, machinery, OSH, traffic management and administration requirements.

FINANCIAL IMPLICATIONS

The table below summarises the forecast budget allocation for the provision of turf laying services and associated expenses:

Description	Budget
IP100350 Maintain Sports Grounds	\$55,000
IP100320 Maintain Soft Landscaping	\$60,000
IP100351 Maintain Sports Infrastructure	\$32,000
Total budget	\$147,000

Sufficient funding provision has been allocated in the 21/22 budget to deliver the service within budget. A budget submission has been made in the 22/23 financial year for this scope of works. The spend of this contract is not fixed and may be varied to match the City's operational needs and 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 WALGA Preferred supplier program was not used for this tender due to the limited number of service providers on the panel.

OFFICER COMMENT

Detail

Tender FCC592/22 for the Provision of Turf Laying Services throughout the City of Fremantle was advertised on 2 February 2022 and closed on 2 March 2022.

Essential details of the contract are outlined below:

Contract type	Schedule of rates Contract and a lump sum set service schedule component.
Contract duration	The contract is for a for a period of two (2) years with a further three (3), 12-month extension options available.
Commencement date	On or around 27 June 2022
Completion date	26 June 2027

Tender evaluation

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

- The Trustee for Hackshaw family trust & the trustee for HJS trust t/as Allwest Turfing (ABN 21 968 033 550) Beckenham WA 6107
- GTF Pty Ltd T/as Greenacres Turf Group (ABN 69 070 389 507) Serpentine WA 6125
- Profounder Turfmaster Pty Ltd (26 644 815 805) Wangara WA 6065
- The Trustee for The JPD trust T/as West Coast Turf (ABN 40 329 786 439) Sorrento WA 6020.

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 Park and Landscape
- Supervisor Parks Reserves and Landscape
- Parks Coordinator
- Procurement Team Leader (non-voting)

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	15%
2	Key Personnel Skills and Resources	15%
3	Demonstrated Understanding	20%
4	Sustainability	10%
5	Price	40%

All tender submissions received were conforming.

The tender submitted by Greenacres Turf Group scored the highest rating with 88 points, followed by Profounder Turfmaster with 67 points. The remaining tender submissions received lower scores.

Environmental considerations

Greenacres provided a detailed example on their waste management and energy efficient usage, highlighting rainwater tanks and a solar system at the turf farm, low emission vehicles, composting of grass clippings, water and nutrient management on site. Comprehensive details were provided regarding the management of nutrient leaching into the groundwater system with recycling through an artificial wetland to re-use nutrient rich runoff.

Risk consideration

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

Comment



Greenacres are the recommended supplier based on their high scores across experience, resources, personnel and methodology. Their innovative approach to sustainable and environmentally responsible water use is exceptional. The QA systems around turf supply were very well demonstrated.

Greenacres are the current service provider for the City and have provided a high level of service. Reference checks indicate they have also provided a high level of service delivery to their customers and will be a suitable supplier to the City of Fremantle.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COMMITTEE DECISION ITEM FPOL2206-4 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Fedele Camarda

Council accept Tender FCC592/22 for the Provision of Turf Laying Services at the rates tendered from GTF Pty Ltd T/as Greenacres Turf Group (ABN 69 070 389 507) for a period of two years, commencing on or around 27 June 2022, with 3 further 12-month extension options available at the discretion of the Chief Executive Officer.

Carried: 7/0

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



10.2 Council decision

FPOL2206-5 MEETING PROCEDURES POLICY REVIEW

Meeting date:	8 June 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Meeting Procedures policy with proposed changes shown in red and green.
Additional information:	Nil.

SUMMARY

This report is for Council to consider the review of the City's Meeting Procedures and the recommendation that it is amended.

BACKGROUND

The City's Meeting Procedures are reviewed following each ordinary election to ensure that the new Council supports the policies that have been adopted by a previous council and to ensure their currency at the beginning of the term.

This policy may also be amended to reflect contemporary practices, changes in legislation and Council direction, whilst clarifying working requirements. A detailed report is provided below to inform Council where amendments have been recommended.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

There is no legal or statutory requirement for Council to adopt the policies.

Policies are not legally enforceable; however they provide guidance to the City's administration and Council members when considering various matters.

CONSULTATION

Elected Members were given an opportunity to provide feedback during review of the elected member policies.



It is considered that community consultation is unnecessary in this instance as the proposed policies apply to and affect only the elected members and the Chief Executive Officer and not the broader community.

OFFICER COMMENT

The meeting procedures policy contains rules for the conduct of the proceedings at council and committee meetings. Their purpose is to enable council and committees to exercise their decision-making responsibilities in a transparent, inclusive and consistent manner.

The meeting procedures policy provides for

- (a) better decision making by the Council and committees.
- (b) the orderly and efficient conduct of Council and committee meetings; and
- (c) greater understanding by the community of the way in which the Council and its committees conducts its meetings and makes decisions.

This was previously flagged for potential conversion to a local law, however given the State Governments proposal to introduce a standard law to cover all LG's meeting procedures it is not considered time effective at this point to continue down that road.

Council has previously expressed an interest in developing a meeting procedures local law consistent with other local governments. However, given recent news of proposed local government reform and the possible introduction of a set of meeting procedures meant to apply State-wide, it is not considered time effective at this point to continue down that road.

Minor amendments are recommended at this time to ensure the policy continues to meet the requirements of council while awaiting the outcome of reform.

Summary of proposed changes		
Section	Suggested change	Reason
N/A	Update template and formatting and correct any spelling or grammatical errors	To align with City Documents and improve readability and correct grammatical errors
Title	Remove dates from title where relevant	As document is regularly reviewed/amended.
4.3 - Notices of motions	Amend section 4.3(7) as follows: (7) A motion is to be presented in the first instance to an ordinary meeting	This provision is a little unwieldy, and sometimes misunderstood. The



	of council, is to be referred to the appropriate committee for consideration before final determination by council. (a) Unless the presiding member may determine has approved that the notice of motion may be presented directly to council if they consider the subject of the motion to be time sensitive.	intention was that motions presented by elected members are debated at a committee before being determined by council wherever possible. But there are instances when this may not be convenient - for timeliness considerations and for scheduling considerations during reduced meetings over Christmas
Part 5 - Public participation	Amend the title of this section as follows: Part 5- Public participation at meetings not being held electronically	To clarify that electronic meetings will have different provisions relating to them for public participation.
Add to part 5	Include new section 5.15 as follows: 5.15 Petitions (1) A petition is to - (a) be addressed to the Mayor (b) be made by electors of the district; (c) state the request on each page of the petition; (d) contain the name, address and signature of each elector making the request, and the date each elector signed; (e) contain a summary of the reasons for the request; and (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.	To clarify the expected format when submitting a petition and that the CEO will distribute all petitions to elected members, but will determine if a report to council is necessary.



	(2) Upon receiving a petition, the Chief Executive Officer will nominate an officer who will be responsible for investigating the matter. The responsible officer will inform the petition initiator of the action proposed in dealing with their petition and inform Elected Members of the outcome. This may involve preparing a detailed report for Council consideration. (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless: (a) the matter is the subject of a report included in the agenda; and (b) the Council has considered the issues raised in the petition.	
5.7 Other procedures for question time for the public	Amend 5.7(2) as follows: (2) A member of the public who wishes to ask a question or make a statement during question time must – (a) first state their name and Suburb; (b) direct the question or statement to the presiding member; (c) ask the question or make the statement briefly and concisely;	Not necessary or current practise.
9.7 Alternative recommendations and amendments	Delete clause 9.7(4) as follows and renumber the following clauses appropriately: (4) — Amendments or alternative motions that are moved at a committee meeting without notice being given in accordance with section 9.7(2) will be referred to council for final determination.	Unnecessary as delegated committees are authorised to determine motions in the same way that council would and committees without delegation have all motions referred through council.
10 Procedural Motions	Delete clause 10.3(1) as follows and renumber the following clauses appropriately:	Sometimes debate on a substantive motion is



	10.3 Who may move (1) ————— A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.	what leads to a procedural motion.
11.1 Disclosure of Interests	Delete the reference to expired legislation in 11.1(1) as follows: 11.1 Disclosure of interests (1) The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act (s5.60 & 5.61), the Regulations (part 6), the Rules of Conduct Regulations (r11).	Rules of Conduct Regs were repealed when the Model Code of Conduct Regulations came into effect.
16.2 Presentation of Committee reports	Amend clause 16.2 as follows: 16.12 Presentation of committee reports (1) The proposed adoption by council of recommendations of a committee is to may be moved – (a) if the presiding member of the committee is a council member and is in attendance – by the presiding member; (b) if the presiding member of the committee is not a council member or is absent – by a member of the committee who is also a council member; or (c) otherwise – by a council member who is not a member of the	For clarification and to allow flexibility for the chairs and committee members to request that the mayor move the recommendations which allows for a more fluid meeting



	committee the presiding member of the council meeting	
Part 2A Electronic meetings of Council	Insert new "Part 2A Electronic meetings of Council" as follows: Meetings of council may be attended and or held electronically in accordance with the Local Government (Administration) Regulations 1996. The following guide applies primarily when electronic meetings are held. However elected members will be expected to follow the appropriate provisions of the guide when attending a public meeting electronically. 1. Format for electronic meetings (a) The Mayor is to determine the electronic meeting method and is to notify the CEO of this in writing, in accordance with regulations 14D (3) & (4). (b) Notice of the electronic meeting is to be provided on the City's website. (c) Meetings that are ordinarily open to the public will be live Streamed. 2. Public questions time (a) Meetings that are ordinarily open to the public will include a time for public questions and statements. (i) Members of the public are invited to submit questions or statements in writing to the City prior to 1pm on the day of the meeting at which they would like them to be raised. (ii) Questions / statements are to be submitted to the City in a format as specified by the Chief Executive Officer. (iii) Questions / statements at Council Meetings can relate to any matter affecting the City.	Council adopted this wording as its 'electronic meeting guide' at the OCM 23 March 2022. This is intended to formalise and include it within the city's meeting procedures.



	(iv) Questions / statements at Special Council Meetings and Committee meetings must relate to items on the agenda for that meeting. (v) You will be required to attend the meeting electronically to ask a question or make a statement. (vi) Responses to questions will be provided in the next relevant meeting Agenda. 3. Conflicts of interest (a) Elected Members must complete disclosure of interest forms and submit via email, to the Agendas and Minutes Team, by 3pm on the day of the meeting. 4. Procedures for elected members (a) before leaving the electronic meeting an elected member is to raise their hand or indicate in the 'chat' facility of the meeting, wait for verbal acknowledgement from the Presiding Member. (b) Elected members who have disclosed an interest in an item and cannot vote must leave the electronic meeting in the same manner as set out in (a) above. The Presiding Member will verbally confirm that the Elected Member has disclosed a financial or proximity interest in the item and cannot participate in the discussion and / or vote and has left the videoconference for the item. (c) When returning to the electronic meeting, elected members must wait for the Presiding Member to acknowledge their return, by verbally confirming that the elected member has returned to the electronic meeting. (d) Elected Members must raise their hand or indicate in the 'chat' facility	
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	of the meeting and wait for verbal acknowledgement by the Presiding Member if they wish to: (i) request to speak on an item (ii) move, second or vote on an item 5. Matters behind closed doors (a) Council may pass a motion to go behind closed doors. When this occurs any broadcasting of the meeting will cease.	
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VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

OFFICER'S RECOMMENDATION

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

- 1. Adopt the Meeting Procedures at attachment 1.**
- 2. Approve minor amendment that does not change the effect or intent of the policy, (i.e., branding and corrections considered appropriate by the administration) without further approval from Council.**



AMENDMENT 1

Moved: Cr Rachel Pemberton

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Adopt the Meeting Procedures at attachment 1**
 - a. Including amendment to new section part 5.15 (3) to read as follows:**

5.15 Petitions

(3) ~~At any meeting,~~ The Council ~~is not to~~ can only vote on any matter that is the subject of a petition presented to that meeting, if ~~unless~~:

- (a) the matter is the subject of a report included in the agenda; and**
- (b) the Council has considered the issues raised in the petition.**

- 2. Approve minor amendment that does not change the effect or intent of the policy, (i.e., branding and corrections considered appropriate by the administration) without further approval from Council.**

Amendment carried: 7/0

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

Reason for Change:

To clarify understanding by removing a double negative.



COMMITTEE RECOMMENDATION ITEM FPOL2206-5
(Officer's recommendation, as amended)

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

- 1. Adopt the Meeting Procedures at attachment 1**
 - a. Including amendment to new section part 5.15(3) to read as follows:**

5.15 Petitions

- (3) The Council can only vote on any matter that is the subject of a petition presented to that meeting, if:**
 - (a) the matter is the subject of a report included in the agenda; and**
 - (b) the Council has considered the issues raised in the petition.**
- 2. Approve minor amendment that does not change the effect or intent of the policy, (i.e., branding and corrections considered appropriate by the administration) without further approval from Council.**

Carried: 7/0

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



FPOL2206-6 COUNCIL CODE OF CONDUCT DIVISION 3 COMPLAINT HANDLING POLICY REVIEW

Meeting date:	8 June 2022
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Proposed - Council Code of Conduct Division 3 Complaint Handling Policy 2. Complaint about alleged breach form
Additional information:	1. Current - Council Code of Conduct Division 3 Complaint Handling Policy

SUMMARY

This report is for Council to consider the review of the Council Code of Conduct Division 3 Complaint Handling Policy and the recommendation that it is amended.

BACKGROUND

At the Ordinary Council Meeting held on 27 May 2022 Council determined to refer consideration of the review of its Council Code of Conduct Division 3 Complaint Handling to the next Finance, Policy, Operations and Legislation Committee, to be held on 8 June 2022, to enable councillors to have more time to review the policy.

At the Ordinary Council Meeting held on 26 May 2021 Council adopted the City's Council Members, Committee Members and Candidates Code of Conduct, incorporating the model code as required by the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code).

Clause 11 of that Code of Conduct outlines a broad process for dealing with complaints regarding the behaviour of elected members and candidates under division 3. However, the Code leaves it open for council to determine the most appropriate and effective process for how this is undertaken.

The City adopted its current Council Code of Conduct Division 3 Complaint Handling Policy on 23 June 2021 and the policy was first tested when the City received two complaints at the end of 2021.

During the assessment and determination of these complaint reports council raised some concerns about the current policy and requested that some changes were made:

- to encourage attendance at mediation before progressing the complaint through more formal processes and
- to make copies of any investigation reports to be made available to the relevant parties and on the City's web site.



The current policy outlines a process where all complaints are received by the City's Complaints Officer, are investigated by an independent and legally trained consultant (investigator) who will provide an opportunity for mediation between the parties and then a determination on the outcome of the complaint and a recommendation relating to any further action required, to be considered by council.

FINANCIAL IMPLICATIONS

The cost to assess and determine division 3 behavioural complaints as outlined in the current policy would include the appointment of an external complaint investigator to assess each complaint and produce a report for consideration by council.

These external investigations are estimated to cost between \$2000 and \$6000 depending on the nature of the complaint and the cost of officer time to liaise and consult with the investigator

Under the proposed policy it is intended that complaints that are straight forward and of a minor nature will be dealt with by the City's existing complaints officer and/or in conjunction with the Chief Executive Officer and only complex or contentious (i.e. a conflict exists) complaints will be referred to an external investigator.

LEGAL IMPLICATIONS

Clause 11 of the Local Government (Model Code of Conduct) Regulations 2021 includes a complaints mechanism for the council of a local government to consider and determine the outcome of certain behavioural complaints relating to its elected members.

CONSULTATION

Elected Members were given an opportunity to provide feedback during review of this policy.

OFFICER COMMENT

The *Local Government (Model Code of Conduct) Regulations 2021* includes the following basic principles that must form the basis of any policy adopted to deal with Division 3 Complaints.

The City's 'Council Code of Conduct Division 3 Complaint Handling policy' then determines the most appropriate and effective process to apply these principles.

Principles:

Complaint about alleged breach

- A complaint must be made in writing in the form approved by the local government to an authorised person within 1 month of the occurrence of the alleged breach.



Dealing with complaint

- After considering a complaint, the local government must, unless it dismisses the complaint (only if related to behaviour at a meeting) or the complaint is withdrawn by the complainant, make a finding as to whether the breach has occurred.
- The person to whom the complaint relates must be given a reasonable opportunity to be heard, and a finding that a breach has occurred must be based on evidence that it is more likely that the breach occurred than that it did not occur.
- If the local government finds that a breach has occurred, it may —
 - take no further action; or
 - prepare and implement a plan to address the behaviour (in consultation with the person to whom the complaint relates) which may include 1 or more of the following requirements —
 - engaging in mediation.
 - undertaking counselling.
 - undertaking training.
 - other action considered appropriate.
- If the local government makes a finding the person to whom the complaint relates, must be given written notice of its finding and the reasons for its finding; and if its finding is that the breach occurred — what action is to be taken.

Dismissal of complaint

- The local government may only dismiss a complaint if the behaviour occurred at a council or committee meeting; and
 - the behaviour was dealt with by the person presiding at the meeting; or
 - the person responsible for the behaviour has taken remedial action in accordance with the local governments meeting procedures local law.
- If the local government dismisses a complaint, it must give both parties, written notice of its decision and the reasons for its decision.

Withdrawal of complaint

- A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint. The withdrawal must be in writing; and given to an authorised person.

Other provisions about complaints

- A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division



Proposed changes

This policy was recently engaged for the first since adoption and was not considered by officers or elected members (as noted above) to meet expectations in terms of ease of use, financial implications of use and timeliness.

Having considered councils feedback and further amendment in consultation with elected members, it is considered that a replacement policy will better meet the needs of all parties when addressing these minor behavioural complaints. Including concerns relating to timeliness, expense and the preference for mediation.

The proposed policy intends that division 3 complaints will be considered in the first instance by one of the City's complaints officers (Manager Governance and CEO) who will encourage and recommend mediation between the parties as a first step.

In addition, complaints will not automatically be referred to an external investigator and will only incur that, expense and delay, as recommended by a complaints officer who considers the complaint to be of a complex or potentially contentious nature or if the complaints officer has a conflict or perceived conflict of interest.

The outcome of all complaints, regardless of how they are considered, will be reported to council so that council will retain oversight and can make amendments to the process at any time if not satisfied:

- Complaints that are withdrawn through mediation, or otherwise, will be reported anonymously (e.g., "4 complaints were received and successfully mediated to a positive outcome").
- Complaints finalised by the Complaints Officer will be reported for information and oversight purposes (investigation reports will be prepared in the same way an external investigator would prepare a report.
- Complaints assessed by an external investigator will be determined by council.

It is intended that complaints officers will undertake mediation training where it is considered appropriate by the Chief Executive Officer.

It should be noted that there are three processes through which complaints about elected members may be addressed.

This policy is aimed at addressing those complaints that have been determined as "behavioural" and as less serious than either a minor breach complaint or a serious breach complaint under the *Local Government Act 1995*.



1. "code of conduct "Division 3" behavioural breaches" determined by the local government. **(The subject of this policy).**
2. "minor breach offences" determined by the Department of Local Government's three-member Standards Panel.
3. "serious breach offences" determined by the State Administrative Tribunal (SAT) (through the Department of Local Government).

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ITEM FPOL2206-6 **(Officer's recommendation)**

Moved: Cr Jenny Archibald

Seconded: Cr Rachel Pemberton

Council:

1. **Adopt the proposed Council Code of Conduct Division 3 Complaint Handling Policy (Attachment 1)**
2. **Approve the complaints lodgement form (Attachment 2).**

Carried: 7/0

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



FPOL2206-8 WESTGATE MALL UPGRADE OF AWNINGS

Meeting date:	8 June 2022
Responsible officer:	Manager Facilities and Environmental Management
Decision making authority:	Council
Attachments:	1. Attachment 1 Plan Awning Replacement 2. Attachment 2 Existing and Proposed Elevations
Additional information:	Nil

SUMMARY

This report recommends that Council endorse a proposal to progress with works at Westgate Mall to address safety and water ingress issues with the existing awnings, and to improve lighting and remove planters to assist in the reduction of anti-social behaviour.

The report also seeks that Council authorise a budget adjustment to fund these works.

BACKGROUND

The awning structure in Westgate Mall was completed in the 1965. The structure comprises box section steel beams spanning the mall with steel sheeting forming a roof deck draining to box gutters mounted above the shop frontages. The steel box section beams are showing signs of corrosion and require treatment and repainting to prolong life. The roof deck and gutters are showing significant signs of corrosion and have reached the end of their useful life and are causing water ingress issues to adjacent buildings and safety concerns.

Yolk Property Group are currently constructing a new development at the junction of Westgate Mall and Little Lane. The building which formerly stood on the site supported part of Westgate Mall awning, this section was removed by the developer prior to the demolition of the building.

The City agreed that Yolk Property Group could establish a site boundary that included Little Lane and a section of Westgate Mall for laydown and site access, this area has been agreed to be reinstated by the Yolk Property Group to the City's requirements to a maximum value of \$160,000.

The developer had suggested that they would propose an enhanced design for the little lane area affected by the construction works that would improve amenity to the area, this was subsequently articulated and agreed through an MOU.



This agreement included the potential for the City to also contribute subject to the agreement of a suitable and acceptable design; Council approved a matching budget provision of up to \$160,000 subject to suitable design being approved.

The developer has not progressed with an enhanced proposal and has subsequently been asked to progress with the reinstatement of affected areas as per the agreed MOU.

A budget of \$56,780 (IP 300119 Design and Construct Westgate Mall Courtyard) was approved in 21/22 works program to undertake works to improving the awning. This has proved problematic to progress from a funding and structural design perspective. A suitable solution was unable to be determined until the further structural investigations could be completed.

The surrounding shop owners are keen to see a resolution to the issue with the awnings, especially as a result of the problems it can create with both rain penetration and lack of shading on the shop facades.

FINANCIAL IMPLICATIONS

The pre-tender estimate to complete the awning project is \$190,000.

\$16,055 of this budget has been used to replace the soffit of the walkway between Westgate Mall and Cantonment Street.

Officers propose to progress with the awning replacement works as a priority, it is proposed that this be funded from the remaining budget approved in the 21/22 program and the transfer of the unused \$160,000 contribution from the MOU proposal.

Description	Expenditure	Budget
Budget		
IP-300264 City Contribution – Westgate Mall courtyard	\$16,055	\$160,000
IP-300119 Design and construct Westgate Mall Courtyard		\$56,780
Expenditure		
Proposed project cost (estimated)	\$190,000	



LEGAL IMPLICATIONS

Tenders will be invited in accordance with the requirements of Section 3.57 of the *Local Government Act 1995*. The tendering procedures and evaluation complied with the requirements of Part 4 of the *Local Government (Functions and General) Regulations 1996*.

CONSULTATION

Nil

OFFICER COMMENT

It is proposed to upgrade the awning which remains and extend one section by 10m to provide cover for pedestrian's accessing the Mall from Cantonment Street. The proposed upgrade will remove the old steel sheeting, treat, and repaint the box section steel beams and install new awning sheeting with adjustment to the structure to allow rainwater to drain away from the buildings.

Officers also propose to improve the amenity of the mall by improving lighting, removing the raised planters and blast cleaning the existing mall pavers – this would be completed by the City's engineering maintenance team.

If this project does not go ahead the City will need to actively mitigate any risk. The poor condition of the awnings is increasingly susceptible to further corrosion which could lead to water damage to neighbouring buildings, health, and safety risk due to falling debris and complaints about the unsightly appearance of the corroded structure.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required.



COMMITTEE RECOMMENDATION ITEM FPOL2206-8
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Approve Officers progress the project to replace the Westgate Mall awnings and associated works.**
- 2. Approve a budget adjustment of \$190,000 to replace the Westgate Mall awnings and associated works.**

Item	Account #	Account Details	2021/22 Amended Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Proposed Budget
				Revenue	(Expenditure)	
1.1	The budget amendments below reflect the expected increase in expenditure to replace the awnings and associated works on Westgate Mall.					
	300119.1606	Design and construct Westgate Mall	(\$56,780)		(\$160,000)	(\$216,780)
	300264.1606	Contribution-Westgate Mall courtyard	(160,000)		160,000	0
		Total			\$0	

Carried: 7/0

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



FPOL2206-9 BUDGET AMENDMENTS - JUNE 2022

Meeting date:	8 June 2022
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Agenda attachments:	Nil
Additional information:	Nil

SUMMARY

To adopt various budget amendments to the 2021/22 budget account numbers as detailed below in accordance with the Budget Management Policy.

This report recommends that Council approves the required budget amendments to the adopted budget for 2021/22 as outlined in the report.

BACKGROUND

In accordance with the Budget Management Policy, this report provides details of proposed amendments to the 2021/22 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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



Section 6.8 (1) and (2)

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

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

Where expenditure has been incurred;

- (a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
- (b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council.

Local Government (Financial Management) Regulations 1996:

Regulation 33A

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

CONSULTATION

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

OFFICER COMMENT

The following amendments are proposed to be made to the adopted/revised budget for 2021-22.

1. Budget amendments for proposed expenditure for an additional purpose or release of quarantined funds.

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

There are no budget amendments for proposed expenditure this month.



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

Chief Executive Officer (CEO) has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there are insufficient funds allocated, where:

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

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

Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
2.1	In August 2021, the council approved a budget variation for \$41,000 from the library budget to fund the annual contribution for Library Connect, an MOU with St Pats to provide a social worker based at the library. During the mid-year budget review, this budget was removed due to oversight. The below budget amendment is required to reinstate the budget as approved by FPOL 2108-13.					
Exp	100471.5961	Lead community development directorate - Sponsorship	(1,000)		1,000	-
Exp	100482.5961	Operate Fremantle Library - Sponsorship	-		(41,000)	(41,000)
	900520.3911	Retained Surplus B/Fwd	(2,759,894)		40,000	(2,719,894)
2.2	Fremantle Art Centre would like to utilise savings in the operational budget to purchase immediate office furniture requirements.					



Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
Exp	100406.6823	Operate Fremantle Art Centre - Contract Expense - General	43,000		3,550	39,450
Exp	100406.6855	Operate Fremantle Art Centre - Material Expense - Minor Assets < \$5000	3,000		(3,550)	6,550

3. Carried forward projects estimate budget amendments.

There are no proposed budget amendments to the FY 2021/22 budget.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required



COMMITTEE RECOMMENDATION ITEM FPOL2206-9
(Officer's recommendation)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council approve the required budget amendments to the adopted/amended budget for 2021/22 as outlined below:

Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
2.1	In August 2021, the council approved a budget variation for \$41,000 from the library budget to fund the annual contribution for Library Connect, an MOU with St Pats to provide a social worker based at the library. During the mid-year budget review, this budget was removed due to oversight. The below budget amendment is required to reinstate the budget as approved by FPOL 2108-13.					
Exp	100471.596 1	Lead community development directorate - Sponsorship	(1,000)		1,000	-
Exp	100482.596 1	Operate Fremantle Library - Sponsorship	-		(41,000)	(41,000)
	900520.391 1	Retained Surplus B/Fwd	(2,759,894)		40,000	(2,719,894)
2.2	Fremantle Art Centre would like to utilise savings in the operational budget to purchase immediate office furniture requirements.					
Exp	100406.682 3	Operate Fremantle Art Centre - Contract	43,000		3,550	39,450



Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
		Expense - General				
Exp	100406.6855	Operate Fremantle Art Centre - Material Expense - Minor Assets < \$5000	3,000		(3,550)	6,550

Carried: 7/0

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



FPOL2206-10 PROPOSED LICENSE AGREEMENT – SOUTH FREMANTLE FOOTBALL CLUB

Meeting date:	8 June 2022
Responsible officer:	Chief Executive Officer
Decision making authority:	Council
Attachments:	1. Proposed License Agreement between City of Fremantle and South Fremantle Football Club
Additional information:	Nil

SUMMARY

The purpose of this report is to present the proposed license agreement between the City of Fremantle and South Fremantle Football Club, for the Club's occupation at Fremantle Oval for an initial term of twenty years with an option period of twenty years for council consideration.

BACKGROUND

Since the completion of negotiations with the Fremantle Football Club for the surrender of the Head Lease at Fremantle Oval the City has been in discussion with the South Fremantle Football Club (the Club) to secure their tenure going forward.

At a special council meeting held on the 10 July 2017 (item SC1707-1), the City resolved the following;

"Council to authorise the Chief Executive Officer to negotiate a license agreement with the South Fremantle Football Club for access and use of Fremantle Oval post the surrender of the lease with Fremantle Football Club based on the following essential terms;

- The license term of 20 years plus 20 year option, subject to WAPC approval.*
- Ground keeping costs will be covered by the City – with support from FFCL for costs above \$80k.*
- SFFC ground keeper position to be transferred to the City subject to satisfactory background/expertise checks. SFFC to provide dot point outline of duties to the City for consideration:*
 - City will create new duty statement for ground keeper*
- All net parking revenue to be collected and managed by the City, provided to SFFC. Current estimate \$100k.*
- Agreement to include up to 5 opportunities per year to hold events to a maximum of 5 days for SFFC.*
- That the agreement includes recognition of the City's contribution as sponsorship in accordance with the City's sponsorship policy.*
- Redevelopment clause;*



- *Intention to maintain SFFC at the oval*
- *Implied agreement of the benefits of possible future redevelopment*
- *Both parties agree to programmed timing of redevelopment to ensure games can be played at the oval during redevelopment.*
- *Best endeavours to provide revenue opportunities for SFFC.”*

Subsequent to this meeting the Council resolved to modify dot point two of the above resolution by removing the reference of support to ground keeping costs from the Fremantle Football Club at a further special council meeting held on the 7 August 2017 (SC1708-1).

The license agreement and negotiations have centred on the above resolution and providing some modification to some aspects as the details of each point were further considered. The Club is seeking longevity with the agreement and council commitment to maintaining a facility and oval.

The Club, in various forms, has been a tenant at the oval for over 100 years. The Club is a participant in the Western Australian Football League and play up to 22 fixture games per year in this competition, generally half of these at the oval. The continued presence by the Club at the oval will continue a long standing arrangement and association between the City, Club and community.

FINANCIAL IMPLICATIONS

The terms of the proposed license agreement will see the City provide both financial and in-kind support to the operations of the Club and facility for the term of the license. Some of these have been provided as part of past agreements, and a new requirement to maintain the oval which was previously managed by the Fremantle Football Club. The license requires the City to provide for the following;

Parking Revenue – this will see the City forward all net parking revenue received at the oval car park, less a small administration fee. This will result in approximately \$100,000 per year provided to the Club based on current revenue figures. This net revenue has always been provided to the Club in the past so does not represent any change to current practice.

Financial Support – the city will provide a financial sponsorship contribution to the Club of \$50,000 per annum with annual CPI indexation capped to 5%. This is a new element for the City and honours the prior agreement the Club had with the Fremantle Football Club under a sub-lease between the parties.

A suitable sponsorship package acknowledging the City as a major sponsor of the Club. This will include ground signage.

Oval Maintenance – the City will now be responsible for most of the oval and surrounds maintenance. Current cost estimates this to be between \$120,000 to \$160,000 per year. Some of this cost is attributed to other activities the City intends to hold at the oval.

SFFC Events – the license has provided for the Club to hold events on the oval for up to 5 days per year, subject to approval by the City. This will provide means for



the Club to generate “non-game day” revenue. Any associated fees or approval conditions will be subject to consideration with each request.

In kind – the license agreement will not include commercial rent. The agreement will be for peppercorn value, providing an in-kind saving to the Club of at least \$50,000 per year.

Redevelopment – the license includes a clause undertake good faith negotiations to transition to a new agreement if a redevelopment of the oval occurs during the term of this agreement. This includes a best endeavours clause to maintain the playing surface (oval) during the future proposed redevelopment. There may be additional costs to the project to achieve this outcome. There is also an understanding that redevelopment will move the Club to become self-sufficient so financial contributions contemplated under this agreement will not be provided post redevelopment.

The table below provides an indicative assessment of what other local governments are contributing to their WAFL Club.

The details of the table have been provided by officers of each local government and has not been verified beyond that – it provides an appreciation of the level of support the City of Fremantle is providing to the Club, subject to the conclusion of this agreement.

Local Govt	Club	Oval	Capital	Sponsorship
Claremont	Claremont	Nil	Nil	Nil
East Fremantle	East Fremantle	\$120k	\$86k	Nil
Vic Park	Perth	Nil	\$1.5m	\$55k p.a.
Mandurah	Peel	\$100k + lighting	Nil	Nil
Vincent	East Perth & Subiaco	\$140k	\$75k	Nil
Joondalup	West Perth	Nil	\$1.8m This FY	\$40k p.a.



Bassendean	Swans	\$230k+ \$120k Build Maint	\$130k	Nil
East Fremantle	East Fremantle	\$120k	\$86k	Nil

LEGAL IMPLICATIONS

The license is a legal agreement between the City and Club.

The land title for Fremantle Oval is a conditional title and therefore needs Western Australian Planning Commission approval and the Governor's consent.

Without these consents being provided, the license has no legal standing. These consents are listed as a pre-condition to the agreement.

CONSULTATION

Nil, outside the Club and Fremantle Football Club.

OFFICER COMMENT

The attached license is the final piece of the process of the City gaining control of the oval post the surrender by the Fremantle Football Club. It provides a future for South Fremantle Football Club who is a long-standing tenant of the oval and part of the Fremantle community for well over 100 years.

Council previously approved the significant majority of this license agreement in April 2018. The Club and City has been in various communication since this time to finalise aspects to ensure further understanding of what a redeveloped Fremantle oval may provide into the future for the Club and City.

This amended version of the license provides for the interim position and the path forward to redevelopment of the oval and surrounds in the future. South Fremantle Football Club is a significant stakeholder in the oval and will continue to be so. The significant changes since that time are in the redevelopment clause and post redevelopment elements under clauses 8.1 to 8.5.

The attached version includes changes to the original version and due to the elapsed time is better placed before council for re-consideration.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Approves the proposed updated License agreement (from April 2018) for Fremantle Oval between the South Fremantle Football Club and City of Fremantle for the term of 20 years with a 20 year option subject to approval of the Western Australian Planning Commission and consent from the Governor (as attached with the Finance, Policy, Operations and Legislation Committee agenda of 8 June 2022).**
- 2. Authorises the Chief Executive Officer the ability to make minor amendments to the attached Agreement referred to in 1 above in final negotiations between the Club and City.**
- 3. Authorises the Chief Executive Officer formalising the License Agreement referred to in 1 above and subject to any changes to 2 above the required approval from Western Australian Planning Commission and consent from the Governor.**



AMENDMENT 1

Moved: Cr Rachel Pemberton

Seconded: Mayor Hannah Fitzhardinge

Add part 4 to read as follows:

- 4. Notes this agreement with the South Fremantle Football Club includes financial benefits to the value of approximately \$350,000 pa that is to be acknowledged by the club through the below amendment to clause 10.4 of the License Agreement;**

10.4 Acknowledgement of City's Sponsorship

- (a) In consideration of the Sponsor Contribution and the City's maintenance of the Oval, SFFC must acknowledge the City as a major sponsor of the SFFC, including by providing:**

- ~~**(i) appropriate signage at the Grounds;**~~
- ~~**(ii) acknowledgement on the SFFC's promotional materials; and**~~
- ~~**(iii) use of the SFFC's digital sign(s) to advertise Special Events and other City run events or attractions (the time prioritised for the City's use of the digital sign(s) to be negotiated in good faith between the parties);**~~

The City of Fremantle requires recognition from all applicants supported under its Grants and Sponsorship Policy, including:

- Appropriate recognition as a sponsor such as the City of Fremantle logo and/or Fremantle destination brand on any associated marketing or communications material.**
- Recognition in any official speeches.**
- Free tickets (where applicable) to the event for distribution to members of the Fremantle community or for promotional activities including competitions.**
- Signage incorporating the City of Fremantle logo and/or Fremantle destination brand (as appropriate) at events or activations and the logo in a prominent position in printed and digital event material.**
- Opportunities for the City of Fremantle and/or the Fremantle destination brand to be incorporated into any marketing.**
- The opportunity to utilise events to build relationships between the City and stakeholders.**
- Other benefits and conditions as agreed upon and outlined in any applicable funding agreement.**



- (b) In consideration of the Sponsorship Contribution, the SFFC agrees that its digital sign(s) will not operate and will be turned off between the hours of 21:00 and 06:00 on each Day.***
- (c) The parties will use all reasonable endeavours to agree the total amount to be spent by the SFFC each year in recognition of the City's sponsorship and in accordance with the agreed sponsorship acknowledgement package.***
- (d) If an amount cannot be agreed, the minimum amount spent by the SFFC (in accordance with clause 10.4(b)) will be [10%] of the Sponsorship Contribution for that year.***

Amendment carried: 7/0

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

Reason for Change:

To acknowledge the total financial contribution the City makes towards the operations of the South Fremantle Football Club, which is:

Cash sponsorship = \$50k

Rent waived = \$50k

Maintenance = \$120k+

Parking revenue = \$100k +

5 x grounds event hire fee waived = \$20k

Rates waived = \$10k

Total financial benefits package valued at over \$350k



COMMITTEE RECOMMENDATION ITEM FPOL2206-10
(Officer's recommendation, as amended)

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

Council:

- 1. Approves the proposed updated License agreement (from April 2018) for Fremantle Oval between the South Fremantle Football Club and City of Fremantle for the term of 20 years with a 20 year option subject to approval of the Western Australian Planning Commission and consent from the Governor (as attached with the Finance, Policy, Operations and Legislation Committee agenda of 8 June 2022).**
- 2. Authorises the Chief Executive Officer the ability to make minor amendments to the attached Agreement referred to in 1 above in final negotiations between the Club and City.**
- 3. Authorises the Chief Executive Officer formalising the License Agreement referred to in 1 above and subject to any changes to 2 above the required approval from Western Australian Planning Commission and consent from the Governor.**
- 4. Notes this agreement with the South Fremantle Football Club includes financial benefits to the value of *approximately \$350,000 pa that is to be acknowledged by the club through the below amendment to clause 10.4 of the License Agreement;***

10.4 Acknowledgement of City's Sponsorship

- (a) In consideration of the Sponsor Contribution and the City's maintenance of the Oval, SFFC must acknowledge the City as a major sponsor of the SFFC.***

The City of Fremantle requires recognition from all applicants supported under its Grants and Sponsorship Policy, including:

- Appropriate recognition as a sponsor such as the City of Fremantle logo and/or Fremantle destination brand on any associated marketing or communications material.***
- Recognition in any official speeches.***
- Free tickets (where applicable) to the event for distribution to members of the Fremantle community or for promotional activities including competitions.***
- Signage incorporating the City of Fremantle logo and/or Fremantle destination brand (as appropriate) at events or activations and the logo in a prominent position in printed and digital event material.***



- ***Opportunities for the City of Fremantle and/or the Fremantle destination brand to be incorporated into any marketing.***
 - ***The opportunity to utilise events to build relationships between the City and stakeholders.***
 - ***Other benefits and conditions as agreed upon and outlined in any applicable funding agreement.***
- (b) In consideration of the Sponsorship Contribution, the SFFC agrees that its digital sign(s) will not operate and will be turned off between the hours of 21:00 and 06:00 on each Day.***
- (c) The parties will use all reasonable endeavours to agree the total amount to be spent by the SFFC each year in recognition of the City's sponsorship and in accordance with the agreed sponsorship acknowledgement package.***
- (d) If an amount cannot be agreed, the minimum amount spent by the SFFC (in accordance with clause 10.4(b)) will be [10%] of the Sponsorship Contribution for that year.***

Carried: 7/0

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



11. Motions of which previous notice has been given

Nil

12. Urgent business

Nil

13. Late items

Nil

COMMITTEE DECISION

Moved: Cr Jenny Archibald

Seconded: Cr Bryn Jones

That the meeting be moved behind closed doors to consider the confidential items on the agenda.

Carried: 7/0

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

There were no members of the public at the meeting at this time.



14. Confidential Items

FPOL2206-11 RATES DEBTOR WAIVER – RACHELLE WALKER (T/AS WILD TWIG)

Meeting date: 8 June 2022
Responsible officer: Acting Director City Business
Decision making authority: Council
Attachments: 1. Statement of Rates PID 1149
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

- information about the financial affairs of a person

FPOL2206-12 SUNDRY DEBTOR WAIVER – SOLDON PTY LTD (T/AS MEN BEHAVING HANDY)

Meeting date: 8 June 2022
Responsible officer: Acting Director City Business
Decision making authority: Council
Attachments: 1. Statement of Rates PID 1019912
2. Statement of Account Debtor 2090051
Additional information: Nil

REASON FOR CONFIDENTIALITY

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

- information about the business, professional, commercial or financial affairs of a person



COMMITTEE DECISION

Moved: Cr Jenny Archibald

Seconded: Mayor Hannah Fitzhardinge

That the meeting come out from behind closed doors.

Carried: 7/0

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

15. Closure

The Presiding Member declared the meeting closed at 6.45pm.