



Minutes

Ordinary Meeting of Council

Wednesday, 10 June 2020, 6.00pm

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ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held via electronic means
on **Wednesday, 10 June 2020** at 6.00 pm.

1 Official opening, welcome and acknowledgment

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

2.1 Attendance

The Presiding member confirmed that Elected Members were in their approved suitable place to participate in the meeting.

Dr Brad Pettitt	Mayor
Cr Andrew Sullivan	Deputy Mayor/South Ward
Cr Marija Vujcic	South Ward
Cr Doug Thompson	North Ward
Cr Bryn Jones	North Ward
Cr Rachel Pemberton	City Ward
Cr Adin Lang	City Ward
Cr Jenny Archibald	East Ward
Cr Su Groome	East Ward
Cr Geoff Graham	Beaconsfield Ward
Cr Hannah Fitzhardinge	Beaconsfield Ward
Cr Sam Wainwright	Hilton Ward
Cr Frank Mofflin	Hilton Ward
Mr Graham Tattersall	Acting Chief Executive Officer
Mr Glen Dougall	Director City Business
Ms Michelle Brennand	Director Community Development
Mr Paul Garbett	Director Strategic Planning and Projects
Ms Beverley Bone	Manager Community Development
Mr Ryan Abbott	Manager Parks and Landscape
Mr Jay Ellis	Manager Customer Service and Visitor Information
Mr Matt Hammond	Manager Economic Development and Marketing
Ms Phillida Rodic	Manager Strategic Planning
Mr Paul Dunlop	Manager Communications and Events
Ms Tanya Toon-Poynton	Meeting Support Officer

No members of the public attended the electronic meeting.

2.2 Apologies

Mr Philip St John Chief Executive Officer

2.3 Leave of absence

Nil

3. Applications for leave of absence

COUNCIL DECISION

Moved: Mayor, Brad Pettitt Seconded: Cr Andrew Sullivan

Cr Hannah Fitzhardinge's request for a leave of absence from 6 July 2020 to 21 July 2020 (inclusive) is approved.

Carried: 13/0

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

4. Disclosures of interest by members

Cr Su Groome declared an **impartiality** interest in item number C2006-10 - Fremantle Visitor Centre Operating Model. Cr Groome is friends with a staff member at the Visitor Centre. Cr Groome stated that she was confident that she could maintain impartiality during consideration of this item and would remain in the meeting.

5. Responses to previous public questions taken on notice

Nil

6. Public question time

Statements from the following members of the public were received before the meeting and provided to elected members before the meeting:

The following members of the public submitted statements in relation to items on the agenda.

C2006-3 Fremantle Golf Course and Community Building

Ernie Stringer

C2006-5 Consideration of a Motion Carried at the Annual General Meeting of Electors Regarding Livestreaming of Council Meetings

Andrew Luobikis

Nicholas Gurr

Helen Cox

Claudia Green

Elisabeth Megroz Hancock

C2006-7 Local Heritage Survey and Heritage List - Annual Update 2020 and Possible Approach to Greater Recognition of Post-WW2 Heritage

Dylan Wray

C2006-8 Fremantle Cat Bus Service

Sean Hefferon

Bill Johnstone

Ian Ker

Maureen Toyn

Jack Pearson

Celia Andrews

Margaret Ker

Nikki Bowyer

John Rear

C2006-9 Fremantle Markets Essential Works and Lease Extension Proposal

Jamie Murdoch

C2006-10 Fremantle Visitor Centre Operating Model 2020

Linda Wayman

7. Petitions

Cr Su Groome presented a petition with 24 signatures, requesting speed bumps be installed on Hope St White Gum Valley, specifically between Montreal Street and Nannine Street.

8. Deputations

8.1 Special deputations

Nil

8.2 Presentations

Cr Doug Thompson informed the meeting that he attended (remotely) a WALGA Local Government Ministerial round table with Ministers Templeman and Logan. The purpose was to provide information from the Local Government Industry to State Government to assist in the Recovery Process. Statements presented by State Councillors about how Covid 19 had affected operations in their Councils and Regions and some of the positives and negative learnings from the crisis. The session was focussed on Impacts, Challenges and Wins.

9. Confirmation of minutes

COUNCIL DECISION

Moved: Mayor, Brad Pettitt Seconded: Cr Andrew Sullivan

Council confirm the minutes of the Ordinary Meeting of Council dated 27 May 2020.

Carried: 12/1

For

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

Against

Cr Marija Vujcic

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Frank Mofflin

That the minutes of the Ordinary Meeting of Council held on 13 May 2020 be corrected as follows:

Confidential Item C2005-9 Fremantle Visitor Centre Operating Model 2020

1. In the voting record of amendment 2 on page 6 of the confidential minutes, the names in red strikethrough be removed, and the names in green be added:

Mayor, Brad Pettitt, ~~Cr Ingrid Waltham~~, Cr Doug Thompson, Cr Bryn Jones, ~~Cr Jon Strachan~~, Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang, Cr Hannah Fitzhardinge, Cr Jenny Archibald, Cr Sam Wainwright, ~~Cr Jeff McDonald~~, ~~Cr Dave Hume~~ Cr Su Groome, Cr Geoff Graham, Cr Frank Mofflin, Cr Marija Vujcic

2. That the above error also be corrected on page 5 of the confidential agenda of the Ordinary Meeting of Council, 10 June 2020.

Carried: 13/0

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

10. Elected member communication

Nil

11. Reports and recommendations from committees

Nil

12. Reports and recommendations from officers

ITEMS APPROVED “EN BLOC”

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

COUNCIL DECISION

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

The following items be adopted en bloc as recommended:

C2006-1	Adoption of Nyoongar Acknowledgement Policy
C2006-2	Budget Amendments – June 2020
C2006-3	Fremantle Golf Course and Community Building

Carried en bloc: 13/0

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

C2006-1 ADOPTION OF NYOONGAR ACKNOWLEDGMENT POLICY

Meeting date: 10 June 2020
Responsible officer: Manager Community Development
Decision making authority: Council
Agenda attachments: 1. Nyoongar Acknowledgment Policy
Additional information: Nil

SUMMARY

To seek adoption by Council of the updated Nyoongar Acknowledgment Policy as recommended by the Walyalup Aboriginal Reference Group.

This report recommends that Council adopts the Nyoongar Acknowledgement Policy.

BACKGROUND

The Nyoongar Acknowledgment Policy is an update to the previously developed “Welcome to Country and Nyoongar Acknowledgement Statements”, which was developed in response to the City of Fremantle Policy for Respect, Recognition and Conciliation with Aboriginal People document (October 2000). The policy for Respect, Recognition and Conciliation with Aboriginal People became obsolete upon adoption of the Walyalup Reconciliation Action Plan 2019- 2022 (WRAP), and was repealed at the Ordinary Council Meeting on 28 August 2019.

The policy has been developed through consultation with Traditional Owners (the Whadjuk people) and the general Aboriginal and Torres Strait Islander community which includes Traditional Owners and has been endorsed by the Walyalup Reconciliation Action Plan Working Group at its meeting 26 February 2020.

The policy aligns with the Walyalup Reconciliation Action Plan 2019-22:

9.2 Implement and communicate a cultural protocol document (tailored for all local communities we operate in) including protocols for Welcome to Country and Acknowledgment to Country

The policy aligns with strategic focus areas and outcomes of the Strategic Community Plan 2015-25 to “recognise and celebrate Aboriginal heritage and culture” and to provide a “welcoming, safe and caring place that celebrates and actively supports diversity”.

The notable amendments to this new Policy from the previous protocol statement are:-

- Inclusion of reference to the Whadjuk people, the traditional owners of the area
- Clear guidelines that specify when and how acknowledgements should occur
- Clear protocols regarding who can speak for what (eg. a Traditional Owner is required to conduct a Welcome to Country)

FINANCIAL IMPLICATIONS

Costs would apply for Welcome to Country by the Traditional Owners.

LEGAL IMPLICATIONS

Nil

CONSULTATION

This Policy was considered by a meeting of the Walyalup Reconciliation Action Plan Reference Group on 26 August 2019. Feedback from that meeting has informed the policy, which was endorsed by the members on the 26 February 2020.

OFFICER COMMENT

Acknowledgement protocols at public meetings are important as they help promote greater appreciation of Aboriginal culture in the wider community, show respect for Aboriginal people living in Council areas, and can lead to better community relationships to assist the reconciliation process.

It is a symbolic gesture as part of the ongoing reconciliation process and is consistent with Council's commitment to respecting Aboriginal values, protocols and ways of seeing the world by positively promoting Aboriginal heritage making it a visible and integral part of our community.

It is supported by the local Aboriginal community as a welcome addition to the City's journey towards genuine reconciliation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2006-1 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council adopt the Nyoongar Acknowledgment Policy as attached to the Ordinary Council meeting agenda of 10 June, 2020.

Carried en bloc: 13/1

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

C2006-2 BUDGET AMENDMENTS - JUNE 2020

Meeting date: 10 June 2020
Responsible officer: Manager Finance
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

To adopt various budget amendments to the 2019/2020 budget account numbers as detailed below in accordance with the Budget Management Policy. The budget amendments have nil effect to the overall budget.

This report recommends that Council approves the required budget amendments to the adopted budget for 2019/20 as outlined in the report which relate to the leftover funds from the rockwall works at Port Beach.

BACKGROUND

In accordance with the Budget Management Policy this report provides details of proposed amendments to the 2019/2020 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

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

FINANCIAL IMPLICATIONS

The financial implications are detailed in this report.

LEGAL IMPLICATIONS

Local Government Act 1995:

Section 6.2 (1)

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

Section 6.8 (1) and (2)

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

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the 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 to budget account numbers to the adopted budget for 2019/2020 are submitted to Council for approval as outlined below.

1. Budget amendments for proposed expenditure for an additional purpose

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	The early winter May storms, including a major storm associated with ex-tropical cyclone Mangga, has caused exacerbated damage to various coastal assets including the carpark at Port Beach. In response to the impacts of the severe storm damage on Port Beach, the Department of Transport proposed that the City could use any left-over grant funds (\$30,000) previously allocated for the construction of Port Beach Revetment in front of the Coast Restaurant, provided that the City matches the additional grant. The City's Officers propose to increase the budget by \$60,000 for P-11879 -Design and construct - Rockwall Port Beach to undertake works to the undermined section of the carpark, which may include a rock revetment wall, and reinstating at least one beach access point near the SLSC Annexe and Ablution. The City's contribution of \$30,000 will be funded from savings in P-11859 Program – Parks Irrigation.					
	300163.1606	P-11879 -Design and construct -Rockwall Port Beach	(340,000)		(60,000)	(400,000)
	300144.1606	P-11859 Program – Parks Irrigation	(80,000)		30,000	(50,000)
	300163.4226	P-11879 -Design and construct -Rockwall Port Beach - Grant	170,000		30,000	200,000

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

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

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

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

3. Carried forward projects estimate budget amendments

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

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
N/A						

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION ITEM C2006-2 (Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council approve the required budget amendments to the adopted budget for 2019/2020 as outlined below:

Item	Account #	Account Details	2019/20 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2019/20 Amended Budget
1.1	The early winter May storms, including a major storm associated with ex-tropical cyclone Mangga, has caused exacerbated damage to various coastal assets including the carpark at Port Beach. In response to the impacts of the severe storm damage on Port Beach, the Department of Transport proposed that the City could use any left-over grant funds (\$30,000) previously allocated for the construction of Port Beach Revetment in front of the Coast Restaurant, provided that the City matches the additional grant. The City's Officers propose to increase the budget by \$60,000 for P-11879 -Design and construct -Rockwall Port Beach to undertake works to the undermined section of the carpark, which may include a rock revetment wall, and reinstating at least one beach access point near the SLSC Annexe and Ablution. The City's contribution of \$30,000 will be funded from savings in P-11859 Program – Parks Irrigation.					
	300163.1606	P-11879 -Design and construct -Rockwall Port Beach	(340,000)		(60,000)	(400,000)
	300144.1606	P-11859 Program – Parks Irrigation	(80,000)		30,000	(50,000)
	300163.4226	P-11879 -Design and construct -Rockwall Port Beach - Grant	170,000		30,000	200,000

Carried en bloc: 13/0

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

C2006-3 FREMANTLE GOLF COURSE AND COMMUNITY BUILDING

Meeting date: 10 June 2020
Responsible officer: Manager Asset Management
Manager Parks and Landscape
Decision making authority: Council
Agenda attachments: Nil
Additional information: Nil

SUMMARY

Main Roads Western Australia (MRWA) have commenced upgrading the intersection and highway along High Street and Stirling Highway between Carrington Street and Marmion Street, Fremantle. To accommodate the new road alignment along High Street and retain existing significant trees, a portion of the Class A and Class C reserves has been vested to MRWA for the purpose of road reserve. This has resulted in the need for the City to remediate the Fremantle Public Golf Course and to replace the clubhouse and the former Community Facility at 26 Montreal Street.

At the Ordinary Meeting of Council on 13 May 2020, council resolved for Officers to “Provide an updated design brief and schedule of functional areas that is informed by the findings of the Engagement Report and other community input to a June meeting of Council. As part of this process, officers and interested elected members will hold a workshop to clearly frame a plan for engagement with stakeholders and anticipated deliverables.” This report provides an update and the proposed next steps for the project.

This report recommends that Council

1. Request officers update the existing building brief, based on the feedback received during the elected member workshop on 22nd May 2020, to include consideration of:
 - a. A more centralised café designed to service the golf course, community facility and Booyeembara Park.
 - b. The integration and function of an enhanced, centralised community kitchen, noting its relationship with the café above.
 - c. The community facility catering for indoor/outdoor style community activities and events that may be utilitarian/community activities or functions.
 - d. Flexible outdoor spaces connected to the community facility.
2. Request officers progress with stakeholder engagement and community consultation on the building, golf course interface and Booyeembara Park to inform the design process, considering:
 - a. The updated brief as noted in Part 1.
 - b. The spatial planning for Booyeembara Park and the golf course interface to inform and develop the building location.

- c. **Future expansion or upgrade areas for the building, golf operations, additional community facilities / golf opportunities and Booyeembara Park.**
 - d. **Feedback received to date from the Booyeembara Park Reference Group.**
- 3. **Request officers provide a further update to Council, detailing the spatial planning for Booyeembara Park and the golf course interface, including the proposed building location, prior to proceeding to schematic design.**

BACKGROUND

The project has been initiated by the Main Roads Western Australia (MRWA) High Street and Stirling Highway upgrade project. The new High Street road alignment has resulted in the need to remediate the Fremantle Public Golf Course and clubrooms and construct a suitable replacement community facility with similar facilities and functionality. MRWA have made a financial contribution to the City to design and construct these works. A Deed of Agreement between the City of Fremantle and MRWA defines the scope and delivery requirements for the works and how it will be managed and audited.

At the Ordinary Meeting of Council on 13 May 2020 the council resolved the following:

1. *Endorse as the Stage 1 works the proposed golf course design to retain a nine-hole par 34 course as shown in Attachment 1, and request the City progress these works to tender and delivery, noting:*
 - a. *The area of the golf course that coincides with the building node is to be further refined to ensure an integrated outcome inclusive of the first tee, the ninth hole, practice facilities, access, and the driving range tee-off location.*
 - b. *The course design can accommodate improvements that would increase course length and reduce lengthy walks between fairways, most notably at holes 5 and 6. The City will review its capacity to implement these improvements should sufficient funds become available; will investigate additional funding sources; and, if unachievable as part of Stage 1, will include the improvements for consideration as part of any future works.*
2. *Note the progress of the work undertaken by the City and consultant architect to develop the brief for the building node through an iterative design process, including the site analysis and preliminary schematic designs that explore co-locating the replacement facilities.*
3. *Provide an updated design brief and schedule of functional areas that is informed by the findings of the Engagement Report and other community input to a June meeting of Council. As part of this process, officers and interested elected members will hold a workshop to clearly frame.*

This report provides an update as requested on Part 3 of the recommendation above.

FINANCIAL IMPLICATIONS

The project will be entirely funded by the contribution from Main Roads Western Australia. The City has agreed, in consultation with MRWA, for the City of Fremantle to manage the design and delivery of the required works.

At the SPT Committee on 27b March 2019, Council accepted a cash in lieu payment from LandCorp for a value of \$404,075 ex GST for the subdivision of land at Lot 1819 Blinco St Fremantle and supported the expenditure of the payment to work at Booyeembara Park (subject to WAPC/Minister's approval). It is anticipated this money will be used to ensure the joint golf clubhouse and community building is integrated into Booyeembara Park by upgrades to the Olive Grove and surrounding landscape.

LEGAL IMPLICATIONS

The City has entered into a Deed of Agreement with Main Roads Western Australia for the delivery of the remediation of the Fremantle Public Golf Course, clubhouse and community facility.

CONSULTATION

Fremantle Golf Course Clubhouse and Community Facility

The City has held two rounds of community consultation so far. The first stage was held in December 2019 and involved a presentation on the proposed building site followed by MySay Freo feedback on potential users and uses of the community facility. The second stage of community consultation was directed at key groups in the local area. With the restriction of COVID-19, online workshops were held focussing on how the collocated facility related to the site in terms of location, orientation and access.

Booyeembara Park

The City has been regularly engaging with the Booyeembara Park Reference Group on the landscape masterplan for Booyeembara Park. The feedback received to date has generally been about the landscape areas of the parkland to complete the masterplan or complement existing or new uses within the park.

The focus of the next phase of consultation will be to explore the spatial relationship of Booyeembara Park with the building and golf course, test the feedback received from the reference group and to see if there are additional or future uses the community would like to see in the landscape to support existing or future activities that may occur in the community building or park. The feedback received will be used to develop a concept plan that will then be used for further community consultation.

OFFICER COMMENT

As per the Council resolution, a workshop was held with interested elected members, City officers and both building and golf course consultant teams on the 22nd May 2020. The key outcomes from the meeting that are to be explored further in the next phase of the project include:

- A more centralised café designed to service the golf course, community facility and Booyeembara Park.
- Community facility to cater for indoor/outdoor style community activities and events that are able to cater for both utilitarian activities and functions.
- The integration and function of an enhanced, centralised community kitchen, noting its relationship with the café above.
- Flexible outdoor spaces connected to community function space.
- Community consultation should include the building, golf course interface and master planning for the adjacent areas of Booyeembara Park.
- Planning of the golf precinct should provide future flexibility for the upgrades or expansion of golf operations, expansion of the building, integration of other activities for the community or future investment by the City / Lessee.
- Booyeembara Park master planning should consider:
 - Spatial relationship of the building to golf and park function and connections to the building.
 - How the landscaping within the park can be developed to provide functional areas that could complement community use or building function and activities.
 - Future expansion areas for the park or building for community activities such as the playground, youth area associated with the skate park, potential mini-golf or other golf operations, community activities such as the olive harvest or enlarged building.

Officers have used the feedback received at the workshop to update the design brief for the building consultant team. The brief for the upgrades for Booyeembara Park will also be developed further and will include feedback received to date from the Booyeembara Park Reference group.

Material for community consultation will be developed to seek community feedback on connections between the building and landscape, specifically relating to the desired uses and functions of spaces and the features required for these.

The outcomes of the community consultation will be used to refine the spatial planning for Booyeembara Park and the golf course interface including the proposed building location, prior to moving to schematic design.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COUNCIL DECISION ITEM C2006-3
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council

- 1. Request officers update the existing building brief, based on the feedback received during the elected member workshop on 22nd May 2020, to include consideration of:**
 - a. A more centralised café designed to service the golf course, community facility and Booyeembara Park.**
 - b. The integration and function of an enhanced, centralised community kitchen, noting its relationship with the café above.**
 - c. The community facility catering for indoor/outdoor style community activities and events that may be utilitarian/community activities or functions.**
 - d. Flexible outdoor spaces connected to the community facility.**
- 2. Request officers progress with stakeholder engagement and community consultation on the building, golf course interface and Booyeembara Park to inform the design process, considering:**
 - a. The updated brief as noted in Part 1.**
 - b. The spatial planning for Booyeembara Park and the golf course interface to inform and develop the building location.**
 - c. Future expansion or upgrade areas for the building, golf operations, additional community facilities / golf opportunities and Booyeembara Park.**
 - d. Feedback received to date from the Booyeembara Park Reference Group.**
- 3. Request officers provide a further update to Council, detailing the spatial planning for Booyeembara Park and the golf course interface, including the proposed building location, prior to proceeding to schematic design.**

Carried en bloc: 13/0

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

C2006-4 FREMANTLE LOW SPEED CENTRE

Meeting date: 10 June 2020
Responsible officer: Manager Infrastructure Engineering
Decision making authority: Council
Agenda attachments: 1. Nil
Additional information: 1. [Screenshot of temporary speed measuring sites within Fremantle v2](#)

SUMMARY

The City of Fremantle Integrated Transport Strategy outlines Council's approach to establishing a balanced and sustainable transport network, supporting the development of healthy, functional and successful places and communities.

COVID 19 has created an increased focus on the role of streets in accommodating an array of functions, and the need to better manage conflicts between motorised vehicles, pedestrians and cyclists in pursuit of better places and lifestyles. This report outlines work being done to advance a reduction in the speed limit in the Fremantle City Centre and opportunities to advance this more broadly.

The report recommends that Council support these principles and submit an application for a 30km/h speed precinct within the Fremantle City Centre (west of Parry Street) and to continue to investigate and pursue other opportunities for more balanced transport options elsewhere.

BACKGROUND

Streets perform numerous functions. The traditional (and still primary) one is to facilitate movement (be it by car, bus, bike, truck or foot) but they also contribute many other things to our urban fabric, providing a place to meet, to socialise, to recreate, to accommodate nature and provide green relief and to support business, entertainment and activity. They also accommodate public amenities and services.

Conflicts between these functions are common, with increasing dominance of vehicular travel (and associated design standards and priorities) creating an escalating tension between the needs of vehicles and rapid transport with the needs of people and place. This was highlighted in community visioning undertaken by the City in 2013/14 as part of its strategic community plan preparation when one of the top four issues most frequently identified by participants was slowing traffic and making the city better for pedestrians, cyclists and improving public transport.

Network and street design are critical to successfully resolving these tensions and balancing multiple objectives. Management (including in setting of speed limits) is another tool at governments' disposal. This is recognised in the City's Integrated Transport Strategy which provides high level direction on the management of the City's transport network.

The COVID-19 experience has seen an increasing number of pedestrian and cyclist users on our streets; it has also highlighted the complex role of streets, significantly reducing vehicular demand and increasing pedestrian and cyclist usage, but also requiring greater physical separation, all within a short space of time. This has led to increased focus on integrated street design, and calls for reprioritisation of space.

Streets make up a substantial part of the open space available to communities, and can be utilised as places to walk, cycle, exercise, play, socialise, grow food, rest, create and do business. Never has the diverse function of streets been more apparent as during the time of COVID-19.

Streets are playing an increasingly important role in public life, beyond the movement of traffic.

The purpose of this report is to consider opportunities to advance Council's objectives for a low speed environment in the Fremantle City Centre, and to consider opportunities for more wide-spread balanced transport planning and design.

International evidence shows that street environments that promote low car speeds support pedestrians and bike riders, and they improve overall amenity and safety in neighbourhoods.

Research has demonstrated that lower vehicle speeds significantly improve road safety, particularly for pedestrians and cyclists involved in accidents. In areas with high amenity and pedestrian demands, it can also contribute to a better quality environment, and create more attractive (and successful) destinations. High quality pedestrian and cycle environments also contribute to increased active transport and public health outcomes.

As the Heart Foundation has said "Safety, including the speed of vehicles on streets, is a consideration for people in their decision to take part in forms of exercise including walking and cycling, especially on or near busy streets with fast moving vehicles. Speed is an even more important consideration currently, with people of all ages walking and cycling in greater numbers."

The safety targets under the UN Sustainable Development Goals (and taken up in Recommendation 8 of the Academic Expert Group convened to support the 3rd UN Global Conference on Road Safety) recommends implementing a speed limit of 30 km/h for all mixed-use roads in urban areas.

FINANCIAL IMPLICATIONS

Regulatory signage and line marking will be installed and maintained by Main Roads WA (MRWA).

LEGAL IMPLICATIONS

The Commissioner for Main Roads in Western Australia is the sole governing authority for designating speeds on our public roads. Changes to the speed on local roads must be approved through the Speed Zoning Guidelines set out by MRWA. In seeking approval for changed speed limits on local roads, it is important to observe the guidelines set out by MRWA to ensure a positive outcome.

CONSULTATION

Public notification of reduction of designated speeds would be appropriate.

OFFICER COMMENT

Amongst other things, the City's Integrated Transport Strategy recommends management of city centre streets to promote *"a balanced and shared use low speed environment, with a focus on promoting active and public transport modes. The potential to expand the 30km/h speed limit zones and to establish 10km/ hr shared use zones where appropriate will be investigated"*.

The City of Fremantle has an existing 40km/h zone bordered by Parry Street from Marine Terrace to Elder Place/Beach Street. This zone has been present for over two decades with Parry Street offering a clear demarcation for the different speed environments. It also provides a default "city limit".

The City has been consulting with Road Safety Commission and the Department of Transport on a combined 30km/h e-scooter trial within Fremantle as this offered an opportunity to obtain support for both the desired speed reduction and potential expansion of more sustainable transport technologies. However the complexities associated with the e-scooter aspect of this proposal has resulted in delays.

The MRWA guidelines for changes to speed zoning were recently amended. The new guidelines, adopted in April 2020, focus on three key aspects in terms of guidance for the appropriate traffic management measures:

- *Movement and Place*, which describes the Form and Function of road and street environments. 'Movement and Place' is used to identify a potential range for the appropriate Target Speed.
- *Target Speed*, the maximum Operating speed which is generally appropriate or desirable for vehicles to travel. This is used as the basis for all regulatory speed zone selection.
- *Individual Road User Risk and Safe Systems Principles*; various risk factors are also considered in the selection of Target Speeds.

The policy also considers physical changes to the road environment a viable option to control road user behaviour as this has been demonstrated to be as effective (or not more so) than signposting speed restrictions. Local area traffic management (LATM) schemes can ensure target speeds are maintained in areas where the environment would not normally offer to a driver a clear speed to travel at in lieu of default speed limits (currently 50km/h in Western Australia). An example would be a wide open road bounded by park areas with limited pedestrian activity, without traffic calming there would be little incentive for a driver to maintain a low speed.

This aspect is relevant as the inner city streets have compliant speeds between 30-35km/h suitable for a safe pedestrian environment with minor improvements to achieve the target speed of 30km/h. The feeder roads on the periphery of the city centre display higher speeds. This is prevalent on Beach Street, Adelaide Street, High Street, William Street and, to a lesser degree, Cantonment Street and Marine Terrace. All of these roads, except Cantonment Street and William Street, are fed from higher order roads and would benefit from improved street scaping, local traffic calming and activation.

When considering the extent of the 30km/h zone, current traffic speeds would suggest that the streets west of Queen Street are effectively at the target speed of 30km/h while the feeder roads mentioned previously require further refinement to comply with the target speed. However, considering the pedestrian desire lines and activity generated by residential developments (existing and future) along High Street and Queen Victoria Street, the existing Parry Street boundary is ideal to retain as the threshold for the 30km/h zone. Long term, improvements to the street intersections with Parry Street would benefit all road users.

Given the delays being experienced with the e-scooter trial and the change in criteria for speed reduction, advancement of an independent application for a reduction in the City Centre is recommended.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

COUNCIL DECISION ITEM C2006-4
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council:

- 1. Reiterate the benefits of balanced transport planning and management as outlined in the City's Integrated Transport Strategy, including:
 - a. A more functional and sustainable movement network.**
 - b. More amenable neighbourhoods and streets.**
 - c. More successful activity centres and places.**
 - d. Improved public health outcomes.**
 - e. Greater opportunities for social equity and connection.****
- 2. Support the introduction of a reduced speed limit for the City's central business district (CBD) to improve all road users' safety and provide a long term platform for the sustainable growth and prosperity of Fremantle as a key activity centre.**
- 3. Progress a formal application to Main Roads Western Australia to approve a 30km/h zone in the City's CBD.**

Carried: 11/2

For

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

Against

Cr Geoff Graham, Cr Marija Vujcic,

**C2006-5 CONSIDERATION OF A MOTION CARRIED AT THE ANNUAL
GENERAL MEETING OF ELECTORS REGARDING
LIVESTREAMING OF COUNCIL MEETINGS**

Meeting date: 10 June 2020
Responsible officer: Manager Governance
Decision making authority: Council
Agenda attachments: 1. Nil
Additional information: 1. Nil

SUMMARY

This report considers a motion moved at the Annual General Meeting of Electors held on 9 March 2020.

This report recommends council:

1. **Note the following motion carried at the Annual General Meeting of Electors:**

 “That council:
 1. **Resolve to provide live streaming of council meetings including questions and deputations.**
 2. **That these recordings be available to the public via the website for minimum period of 3 months before being archived.**
 3. **That copies of these recordings will be available without restriction; and**
 4. **Authorises the Chief Executive Officer to immediately implement this resolution.”**
2. **Acknowledge that**
 - a) **the North Fremantle Community Hall does not have the required capability to enable livestreaming or to professionally record meetings held there.**
 - b) **the City’s intention is to commence the process to evaluate and implement the practise of recording and or livestreaming meetings as soon as practicable after the move into the Walyalup Civic Centre building.**

BACKGROUND

The City of Fremantle held its 2019 Annual General Meeting of Electors on 9 March 2020 and nine motions were carried at the meeting.

At the Ordinary Meeting of Council held on 15 April 2020 it was resolved that a report on each motion would be brought back to Council individually for consideration before the end of June 2020. This report considers the following motion that was moved by Andrew Luobikis and seconded by Sarah Cole:

That council:

1. Resolve to provide live streaming of council meetings including questions and deputations.
2. That these recordings be available to the public via the website for minimum period of 3 months before being archived.
3. That copies of these recordings will be available without restriction; and
4. Authorises the Chief Executive Officer to immediately implement this resolution.

FINANCIAL IMPLICATIONS

No budget has been allocated to undertake the works required to enable the live streaming of Council meetings at the North Fremantle Community Hall. Given the technical / network restrictions of the North Fremantle Community Hall, the City has not sought an estimate for the cost of these works.

Budget provision has been made within the scope of the fitout of the council chambers in the new Walyalup Civic Centre building to enable the potential implementation of live streaming and recording of council meetings.

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

CONSULTATION

No consultation has been undertaken for this report.

OFFICER COMMENT

Following investigation, Officers have concluded that it is not viable or cost effective to provide a solution to enable live streaming at the North Fremantle Community Hall. The venue is a temporary arrangement for holding Council meetings and it is considered that the financial and resource implications for a service that may only be required for a limited period of time would outweigh the benefits.

The City has made allowances within the new Civic Building Audio Visual fit out schedule to include the infrastructure required to provide the ability to be able to live stream council meetings from the new council chambers.

In preparation for the occupation of the new Civic Building, officers will commence the process to evaluate the software, mechanisms and procedural requirements for recording and or streaming meetings live over the internet. There is budget allocated in the Civic Building audio visual fit out to procure the hardware required to achieve this.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

1. Note the following motion carried at the Annual General Meeting of Electors:

“That council:

1. Resolve to provide live streaming of council meetings including questions and deputations.
2. That these recordings be available to the public via the website for minimum period of 3 months before being archived.
3. That copies of these recordings will be available without restriction; and
4. Authorises the Chief Executive Officer to immediately implement this resolution.”

2. Acknowledge that:

- a) the North Fremantle Community Hall does not have the required capability to enable livestreaming or to professionally record meetings held there.
- b) the City’s intention is to commence the process to evaluate and implement the practise of recording and or livestreaming meetings as soon as practicable after the move into the Walyalup Civic Centre building.

Cr Su Groome proposed an amendment without the required notice being given in accordance with the City’s Meeting Procedures.

PRESIDING MEMBER DETERMINATION

The Presiding Member determined he would allow the proposed amendment to be moved as he considered it to be a minor amendment.

AMENDMENT

Moved: Cr Su Groome

Seconded: Cr Jenny Archibald

To amend part 2, b) by removing the words ‘evaluate and’ as shown below in red strikethrough:

- 2, b) the City’s intention is to commence the process to ~~evaluate and~~ implement the practise of recording and or livestreaming meetings as soon as practicable after the move into the Walyalup Civic Centre building.

Amendment carried: 13/0

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

COUNCIL DECISION ITEM C2006

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

- 1. Note the following motion carried at the Annual General Meeting of Electors:**

“That council:

- 1. Resolve to provide live streaming of council meetings including questions and deputations.**
- 2. That these recordings be available to the public via the website for minimum period of 3 months before being archived.**
- 3. That copies of these recordings will be available without restriction; and**
- 4. Authorises the Chief Executive Officer to immediately implement this resolution.”**

- 2. Acknowledge that:**

- a) the North Fremantle Community Hall does not have the required capability to enable livestreaming or to professionally record meetings held there.**
- b) the City’s intention is to commence the process to implement the practise of recording and or livestreaming meetings as soon as practicable after the move into the Walyalup Civic Centre building.**

Carried: 13/0

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

**C2006-6 CONSIDERATION OF A MOTION CARRIED AT THE ANNUAL
GENERAL MEETING OF ELECTORS REGARDING THE ROUND
HOUSE**

Meeting date: 10 June 2020
Responsible officer: Manager Strategic Planning
Decision making authority: Council
Agenda attachments: Nil
Additional information: National Heritage List Cycle

SUMMARY

This report considers a motion moved at the Annual General Meeting of Electors held on 9 March 2020 which recommended that Council:

- 1. *Seek the Roundhouse be placed on the Australian Heritage List.***
- 2. *Seeks to regularly commit extra funds to the maintenance and restoration of the Roundhouse the interpretation of the Roundhouse and its grounds.***

This report recommends that Council notes:

- 1. The process for national heritage registration and the intention to pursue this in 2021.**
- 2. The update of the Round House Conservation Plan currently in train and the framework this provides for formulating and considering budget proposals for maintenance, restoration and interpretation works, which can subsequently be considered as part of the annual budget process.**

BACKGROUND

The City of Fremantle held its 2019 Annual General Meeting of Electors on 9 March 2020 and nine motions were carried at the meeting.

At the Ordinary Meeting of Council held on 15 April 2020, it was resolved that a report on each motion would be brought back to Council individually for consideration before the end of June 2020. This report considers the following motion moved by Chris Williams and seconded by Mark Woodcock:

Council:

- 1. *Seek the Roundhouse be placed on the Australian Heritage List.***
- 2. *Seeks to regularly commit extra funds to the maintenance and restoration of the Roundhouse the interpretation of the Roundhouse and its grounds.***

OFFICER COMMENT

The Round House, a gaol, was constructed on Whadjuk land in the area known as Manjaree in 1831 almost immediately after the settlement of the Swan River Colony. Although a free colony, the maintenance of law and order, along with the establishment of basic infrastructure, was one of the early concerns for the new colonial administration which is why the first public building of any note in Fremantle, and the Colony, was a place of incarceration.

The Round House has considerable cultural heritage significance for its role in the establishment of the colonial system of law and order when it served as a gaol and as the holding point for Ticket of Leave men from the Imperial Convict Establishment. It was also one of the first buildings in Western Australia to be recognised and protected as a historic site when it was saved from demolition twice in the 1920s. It has now been a historic site longer than it served its original role. It was placed on the State Heritage Register of Heritage Places in 1998. It is also on the City's Local Heritage Survey (as category 1A) and the Heritage List.

Arthur Head Reserve, including the Round House was vested in the City of Fremantle in 1982 and since 1998 the Fremantle Volunteer Heritage Guides Association has been managing the Round House as a heritage tourism site.

The federal *Environment Protection and Biodiversity Conservation Act 1999* ('EPBC Act') makes provision for inclusion of sites on a National Heritage List. These sites must demonstrate "*outstanding natural, Indigenous or historic heritage value to the nation*". The process for inclusion involves nomination (by anyone) outlining the qualities or values of the place that make it of outstanding heritage value to the nation and demonstrating compliance with the at least one of the National Heritage criteria. Nominations are then assessed by the the Australian Heritage Council for a recommendation to the Minister for the Environment. The National Heritage criteria are:

- a) *the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history*
- b) *the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history*
- c) *the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history*
- d) *the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:*
 - i. a class of Australia's natural or cultural places; or*
 - ii. a class of Australia's natural or cultural environments;*
- e) *the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group*
- f) *the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period*
- g) *the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons*
- h) *the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history*

- i) *the place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.*

The list currently contains appropriately 120 places in Australia and its territories, including, in WA;

1. The Batavia Shipwreck site and camp area in the Abrolhos
2. Dirk Harthog landing site
3. Cheetup Rock Shelter
4. Dampier Archipelago (including the Burrup Peninsula)
5. Fitzroy River National Park
6. Fremantle Prison
7. HMAS Sydney II & HSK Kormoran
8. Lesueur National Park
9. Porongurup National Park
10. Purnululu National Park
11. Shark Bay
12. Stirling Range National Park
13. The Goldfields Water Supply Scheme
14. The Ningaloo Coast
15. The West Kimberley
16. Wilgie Mia Aboriginal Ochre Mine

The only historic heritage sites (buildings) in WA are Fremantle Prison and the Mundaring to Kalgoorlie Water Pipeline.

The threshold for listing and the documentary evidence required is very high. As well as assessing a place against criteria for its heritage value, the Australian Heritage Council is also required to apply a 'significance threshold'. This test helps the Council to judge the level of significance of a place's heritage value by asking 'how important are these values?' In the 2010s the City of Fremantle made several unsuccessful attempts to nominate places for the National Heritage List including the Fremantle Arts Centre and Fremantle Inner Harbour.

To reach the threshold for the National Heritage List, a place must have 'outstanding' heritage value to the nation. This means that it must be important to the Australian community as a whole.

To determine whether a place has 'outstanding' heritage values, it is compared to other, similar types of places. This allows the Council to determine if one place is 'more' or 'less' significant compared to other similar places, or if it is unique. The degree of significance can also relate to the geographic area, for instance, the extent of a place's significance locally, regionally, nationally or internationally.

In late 2019, initial discussions were held between officers from Fremantle Prison, Rottnest Island Authority, Department of Planning Lands and Heritage, the office of Premier and Cabinet and the City of Fremantle about the historic connections between the Round House, Fremantle Prison, Rottnest Island and other sites such as Roebourne Prison and the need to interpret the bigger story about the inter relationship of these sites and their role in the colonisation of Western Australia and its impact on its traditional owners. At this time the idea of nominating these buildings to the National Heritage List as a serial listing of places associated with Aboriginal incarceration and dispossession was discussed. This would be similar to the way that Fremantle Prison and other Australian Convict sites were included on the World Heritage List as a serial listing but would not individually have reached the significance for inclusion. At the time however, it was felt that further work was required on establishing the heritage significance of some of the sites before proceeding with further investigation into nominating the group of places to the National Register.

After these discussions the City commenced investigation of the potential for national listing of the Round House as a stand-alone site and reviewed the requirements for this. Because of the high threshold for listing and the additional research and documentation required it was not able to be completed in time for the last call for nominations. The City has instead been prioritising the update of the Round House Conservation Plan (in train) with a view to providing an up to date assessment of the significance of the building and the works required to maintain, conserve and appropriately interpret and manage the site. The draft document is expected to be available for public comment shortly. Pursuit of federal listing remains a high priority for the City, however, and is tentatively planned to be pursued through in the next round of national listings in the coming year.

The update of the Conservation Plan has been undertaken in part to assist the City in properly scoping recommended works, with a view to informing budget proposals (and potentially grant applications) for these. Budget proposals are assessed annually and programed against other priorities. For this reason, it is not possible to pre-commit budget expenditure however the work the City is undertaking on the Conservation Plan reflects its recognition of the importance of this site and the need for appropriate investment. The Conservation Plan can also potentially support grant requests.

Preliminary work on the conservation plan has identified the need to revise the 1998 Statement of Significance prepared when it was nominated for State Listing because it does not adequately reflect all aspects of its significance. In particular it does not reflect the significance of this place to Aboriginal people because of its role in the colonisation of Western Australia and dispossession of the traditional owners - originally as a place of incarceration for Aboriginal people including important leaders such as Yagan and then between 1839 and 1901 as a holding place for Aboriginal Men being transferred to the prison on Rottnest Island. Preliminary consultation with the Whadjuk Working Party confirmed that the Statement of Significance was inadequate but the next stage of consultation with two nominated elders did not proceed due to the escalation of the Covid-19 Pandemic. This work will need to be undertaken when the current situation has improved.

Recognition of, investment in and celebration of the city's character, culture and heritage is a key focus area of the Strategic Community Plan, with it stating "*Fremantle celebrates its history and built heritage through active renewal and adaption*" as a specific outcome to be pursued. Maintaining its assets and operating in a financially sustainable manner to meet the needs of its community is another desired outcome of the plan relevant to this request.

FINANCIAL IMPLICATIONS

Nil if nomination is undertaken in house by City staff.

Budget requests for conservation and other works are assessed on their merits through budget process.

LEGAL IMPLICATIONS

National heritage listing would bring with it additional assessment and referral requirements for developments within the zone of influence.

CONSULTATION

The Round House Conservation Plan has been subject to an initial round of community engagement, with a further round planned on the draft document later this financial year.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority.

COUNCIL DECISION ITEM C2006-6 **(Officer recommendation)**

Moved: Mayor, Brad Pettitt

Seconded: Cr Geoff Graham

Council:

- 1. Notes the process for national heritage registration and the intention to pursue nomination of the Round House in 2021.**
- 2. The update of the Round House Conservation Plan currently in train and the framework this provides for formulating and considering budget proposals for maintenance, restoration and interpretation works, which can subsequently be considered as part of the annual budget process.**

Carried: 13/0

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

**C2006-7 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL
UPDATE 2020 AND POSSIBLE APPROACH TO GREATER
RECOGNITION OF POST-WW2 HERITAGE**

Meeting Date: 10 June 2020
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Subdivided Properties Recommended to be
Removed
Additional Information: Summary Assessments – Officer Nominated
Corrections & Updates

SUMMARY

The purpose of this report is to consider:

- 1) minor changes to the Local Heritage Survey (formerly the Municipal Heritage Inventory or MHI) and Heritage List as part of the periodic update required of the Local Heritage Survey (LHS) under the *Heritage Act 2018* and Council's Local Planning Policy 2.6.
- 2) a broader, longer term approach to giving greater recognition to built heritage and related social history from the Post War and Late Twentieth Century eras, with a particular focus on the contribution made by post war migrants.

In relation to part 1 above, the report recommends a number of changes to Heritage Survey and List, subject to and following owner consultation on these.

In relation to part 2 above, the report recommends Council note the various actions being undertaken by staff including:

- to more fully acknowledge elements reflective of migrant heritage in existing listed places,
- to undertake further research and consultation in relation to additional places identified with a view to recommending further inclusions in the 2021 LHS/Heritage List update,
- preparing a project scope for a broader, longer term research project focussing on investigating this layer of our City's history in more depth and including historic research and the collection of social history rather than just considering built heritage, for consideration through future budget planning processes.

BACKGROUND

Part 1 - Local Heritage Survey and Heritage List Periodic Update

Statutory background relating to periodic update

The *Heritage Act 2018* requires that local governments prepare and maintain a Local Heritage Survey (formerly called a Municipal Heritage Inventory under previous heritage legislation) of places that in its opinion are, or may become, of cultural heritage significance. That survey is required to be periodically updated and reviewed. Places on the LHS are recognised but do not automatically enjoy statutory protection.

The *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') Schedule 2 'Deemed Provisions for local planning schemes' part 3 make provision for the establishment and maintenance of a Heritage List and Heritage Areas which have been identified as of significance and worthy of built heritage conservation. Places on the Heritage List and in Heritage Areas have statutory protection under the planning scheme.

Council adopted its initial Municipal Heritage Inventory (now Local Heritage Survey or 'LHS') in September 2000 and subsequently adopted a Heritage List based on the Inventory through the provisions of Local Planning Scheme No. 4 (gazetted in 2007). Both have been amended since.

The City's *Local Planning Policy 2.6* outlines the process for modification to the LHS and Heritage List, including provisions for dealing with requests from property owners for inclusion, removal or amendment. This includes consideration of requests for modifications annually.

The process to add or remove a place from the Heritage List is set out in the Regulations and includes three steps:

1. Notify each owner and occupier of the place and provide them with a description of the place and the reason for its proposed entry or removal.
2. Invite the owner and occupier of the place to make a submission for a period of not less than 21 days.
3. Following consultation the City is to consider the submissions made on each proposal and resolve if a place is to be added or removed.

The periodic (annual) update of the LHS and Heritage List forms part of the routine maintenance of these documents and complements but doesn't replace broader, more general reviews. These are undertaken every few years, as the need arises and budgets are available.

Places identified for review as part of 2020 Periodic Update

During the past year, the City has:

1. Received 3 requests for removal from the Heritage List and/ or the LHS for the following properties:
 - 96 Marine Terrace, Fremantle (owner)
 - 3 Butterworth Street, Beaconsfield (owner)
 - Jaylu Flats, 34 Queen Street, Fremantle (owner)
2. Received 4 requests for properties to be added to the Heritage List by owners and/or other members of the community
 - 11 Chalmers Street (owner request)
 - 36 Samson Street (owner request)
 - 22 Shepherd Street (descendent of previous long term tenant)
 - 16 Howard Street, Fremantle (community member)
3. Received 1 suggestion that the Classification of a place on the LHS to be modified:
 - 193 South Terrace, South Fremantle
4. Identified the following properties as requiring review during its routine administrative processes:
 - 196 South Street, White Gum Valley
 - 38 Samson Street, White Gum Valley (House)
 - 258 South Terrace, South Fremantle (Shop & House)
 - 10 Douglas Street, Fremantle (House)
 - 162 High Street, Fremantle (Commercial Building)
 - 33 & 35 Attfield Street, Fremantle (House)
 - Commercial Building, 2 & 2B Nelson Street
5. Identified 62 places requiring removal during its routine administrative processes because they formed part of a subdivided heritage listed property but retain no features of heritage significance.

This report considers these requests in accordance with LPP 2.6.

Part 2 - Consideration of Post War and late Twentieth Century era built heritage and social history

It has now been 40 years since the first (non-statutory) heritage list was prepared by the Fremantle Society, and 20 years since the original compilation of the Municipal Heritage Inventory by the City of Fremantle under the legislative requirements of the *Heritage of Western Australia Act 1995*. The compilation of the original MHI drew upon a number of sources, including the Fremantle Society's 1980 heritage list plus historical research undertaken in the preparation of the Fremantle Thematic History 1995. Since initial adoption, the City has undertaken broader reviews of areas of the City but has not undertaken a comprehensive review of the whole city area. With the passage of time, however, the community's opinion on what constitutes heritage

changes, as we gain perspective on the recent past including, currently, the second half of the Twentieth Century.

When the original heritage lists were developed in the 1980s and 1990s they focused on protecting the largely intact late 19th and early 20th century urban and inner residential areas of Fremantle. More recently, Heritage Areas in Hilton and Forrest / Holland Streets have been adopted to protect largely intact areas of (originally) social housing from the Inter-War and the early Post War eras. Generally however the heritage listings have not included more recent buildings partly because it is hard to get perspective on current styles and building types and partly because it is hard to determine which places will become valued by the community in the future. For example, many prize winning buildings celebrated for their architectural excellence are later considered ugly and poorly designed and then even later their reputations are rehabilitated as they are rediscovered by newer generations. This is being proven by the recent 'rediscovery' of buildings from the Post War and Late Twentieth Century periods (with the Perth City Council building providing a high profile case in point). In Fremantle, this is coinciding with a growing interest in recording the contribution to the built environment (including adaptations to earlier buildings) made by Post War Immigrants from Southern Europe.

This contribution is already reflected, but only to a limited extent, by the inclusion of places which have a connection to Southern European migration on the LHS and Heritage List. These listings fall into the following categories:

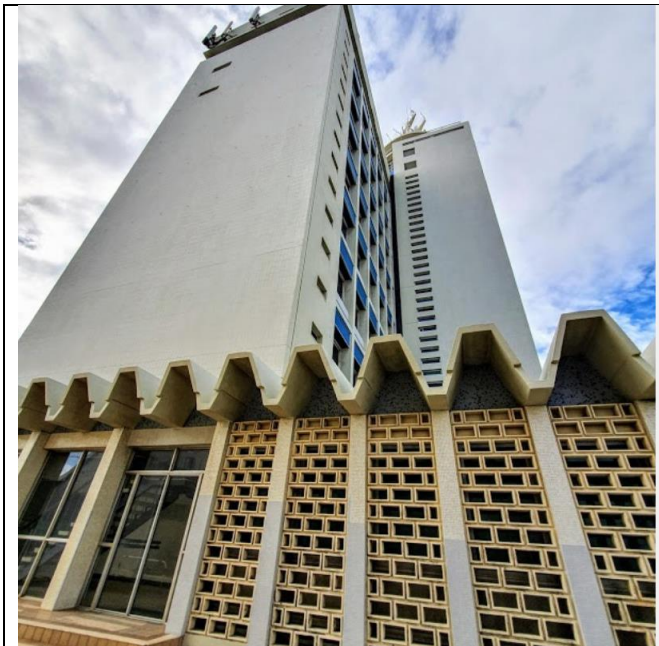
- Community buildings and industrial uses such as the Fishermen's' Co-op, Fishing Boat Harbour, churches, etc.
- Late 19th to early 20th C places (mostly houses) that have been modified usually in the Inter-War era.
- Places included because of some other significant association such as a limestone feature or archaeological site (which coincidentally also have an association with migrant communities).

Examples of such listings include the following:

	16 Daly Street, South Fremantle LHS Level 3 This building is typical of a Late 18th C place which was adapted by owners from Southern Europe that is included on the LHS. This building has received a heritage grant to help control rising damp in the limestone walls.

	8 - 12 Nairn Street, West End LHS Level 2 This building is typical of a Late 18th C place which was adapted by owners from Southern Europe that is included on the MHI. Noted history of place does not extend past 1926.
	45 Wray Avenue LHS Level- Limestone Features This building is typical of places that are included on the MHI for other properties such as a future use or limestone feature.
	96 Marine Terrace LHS Level 3 Contains extensive history which includes information on the Silich family from Yugoslavia who owned the property between 1925 and 1972. The second generation modified the building between 1964 and 1972. It was purchased by the Cicerello family in 1980.

There are few examples of Post War and Late-Twentieth Century heritage listed buildings in Fremantle. Most tend to be government buildings associated with key infrastructure projects such as Fremantle Port.

	Fremantle Port Authority Building - State Heritage List. The Fremantle Passenger Terminal and the Signal Station at Cantonment Hill are also listed together with the Fremantle Traffic Bridge.
	20 Moran Court, Beaconsfield. Perhaps the only Late Twentieth Century house on the LHS, this building has been listed as a landmark in the Beaconsfield area and as a rare example of a residence in the late Twentieth Century International style.

Whilst the larger ‘general reviews’ (as opposed to periodic / annual updates) which these issues would normally be considered within are normally outsourced, and so subject to budget provision, this report considers how the initial work done in this area might be advanced.

Strategic Alignment

The Strategic Community Plan indicates that Fremantle wishes to “*sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history*”. Maintenance of the City’s LHS and Heritage List contribute to this objective.

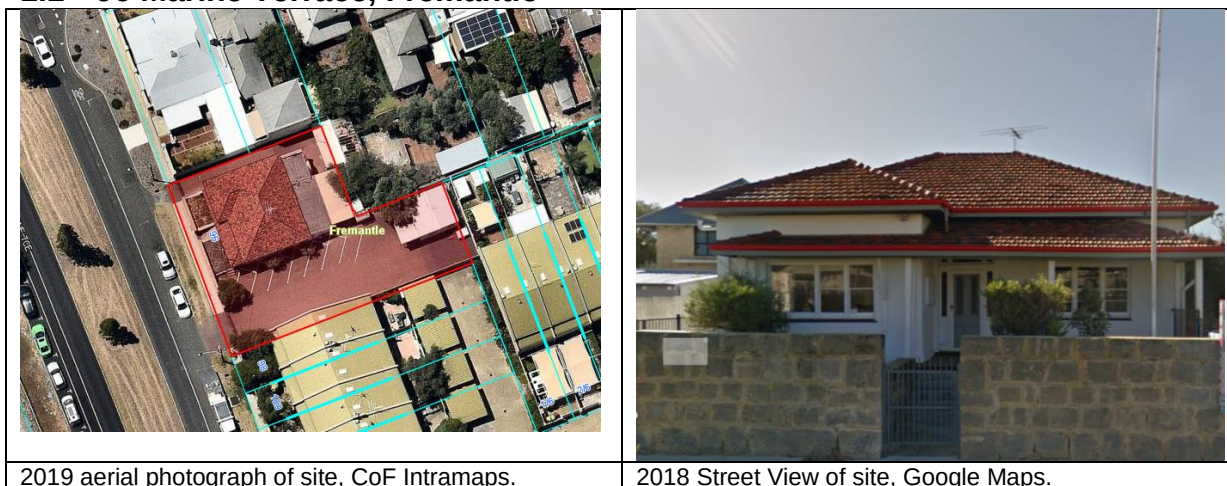
OFFICER COMMENT

Part 1 - Local Heritage Survey and Heritage List Periodic Update

Each place nominated for review has been assessed by the City's heritage staff, with a summary, including the recommendation on its future listing, prepared for each. Whilst the vast majority are uncontentious and represent administrative updates more than anything else, those involving retention of the property on the Heritage List against the wishes of the currently landowner, or involving the addition of a new property nominated by someone other than the landowner, may raise objection. Those stemming from community nomination and those involving addition to the list (rather than removal) are consequently outlined below. The remaining (involving minor correction or removal) are outlined in Additional Information attachment 1.

Consultation with the affected landowners will be necessary prior to a final decision.

1.1 96 Marine Terrace, Fremantle



Why was the property identified for review in 2020?

A town planner contacted the City of Fremantle on behalf of the owner of 96 Marine Terrace regarding the heritage status of the building since being significantly altered.

Current listings

Heritage Place Name	<i>HOUSE AND LIMESTONE FEATURES, 96 MARINE TERRACE</i>
Heritage listed CoF	<i>Yes, 8 March 2007</i>
Management Category	<i>Level 3</i>
Local Heritage Survey listed	<i>Yes, Adopted 18 September 2000</i>

Comment

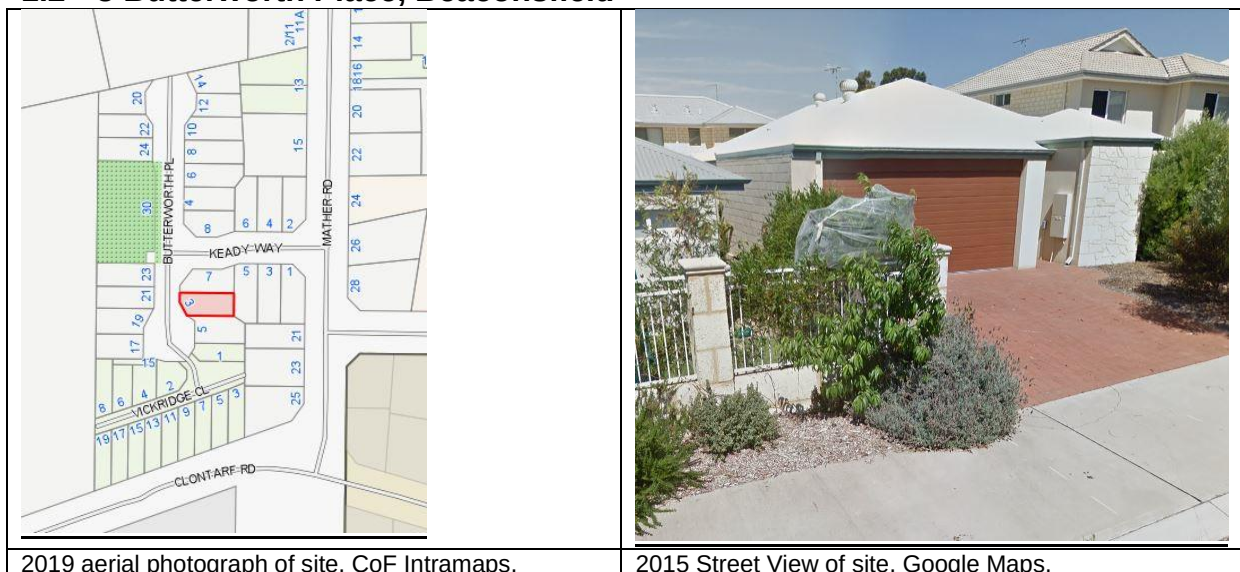
The LHS listing contains an extensive history of this property including its long Inter-War and Post War connections with the Silich family and the Yugoslavian community in Fremantle. The physical description does not adequately explain the layers of history evident in the building fabric and the alterations undertaken by the Silich family. The form of the original c. 1900 house is still clearly expressed and the Post-War alterations are typical of the era and record the contribution to the built environment made by immigrants from Southern Europe. The statement of significance for the place is generic and does not recognise all aspects of its significance.

This place is an example of an already listed place whose statement of significance should be amended to give greater recognition to its connection to Southern European migration.

Recommendation

- Retain place on the Heritage List
- Retain place on the Local Heritage Survey as Level 3.
- Revise the information in the LHS listing including the physical description and statement of significance.

1.2 3 Butterworth Place, Beaconsfield



Why was the property identified for review in 2020?

The owner of the property contacted the City of Fremantle asking to remove the property from the HL and the LHS because the house dates from 2010s. The owner also questioned the listings of surrounding properties also redeveloped at that time when the Market Garden was sub-divided for housing.

Current listings

Heritage Place Name	<i>SITE OF MARKET GARDENS (FMR)</i>
Heritage listed CoF	<i>Yes, 8 March 2007</i>
Local Heritage Survey	<i>Yes, Adopted 18 September 2000</i>
Management Category	<i>Historic / Archaeological Site</i>

Comment

The original 4 hectare market garden run by the Sardelic family from the 1930s until 2006 was subdivided and redeveloped for housing c. 2010s. The only remaining structures from the market garden era are 13 and 15 Mather Road, two c. 1980s brick and tile houses in the style described in Identifying Australian Architecture as “Immigrant Nostalgia”. Neither property is included on the Heritage List or the LHS.

Given the extent of change that has occurred on the former market garden site and the nature of modern demolition and building construction it is highly unlikely that this site has the potential to yield any undisturbed archaeological deposits.

This site was also nominated by staff for review during a search of sites whose heritage status need re-classification following sub-division of a larger listed site.

Recommendation

- Remove the place from the Heritage List
- Change the LHS category from Historic/ Archaeological site to Historic Interest
- Revise the information in the LHS listing including the statement of significance.
- This recommendation also applies to all places in the Sardelic Park subdivision:
 - 3,4,5,6,8,10,12,14,17,19,20,21,22,23,24 Butterworth Place
 - 1-8 Keady Way
 - 1-19 Vickridge Close

1.3 Jaylu Flats, 34 Queen Street, Fremantle

	
2019 aerial photograph of site, CoF Intramaps.	2018 Street View of site, Google Maps.

Why was the property identified for review in 2020?

The owner of the property contacted the City of Fremantle asking to remove the property from the LHS, as it had been significantly altered and has no heritage significance. The following comment was made in their submission *"The building was originally 4 villas, these were converted to 8 flats in 1963, and there have been 2 further refurbishments since. Almost none of the original fabric remains.... The original roof, Dutch gables and chimneys were removed and a new roof built. The new roof sits higher than the original roof, and dividing fire walls of the original villas can no longer be seen. The original wooden verandahs have been removed... the original windows and door frames are larger and more numerous than in the original build"*

Current listings

Heritage Place Name	JAYLU FLATS, 34 QUEEN STREET
Heritage listed CoF	No
Management Category	Level 2
Local Heritage Survey listed	Yes, Adopted 28 September 2011

Comment

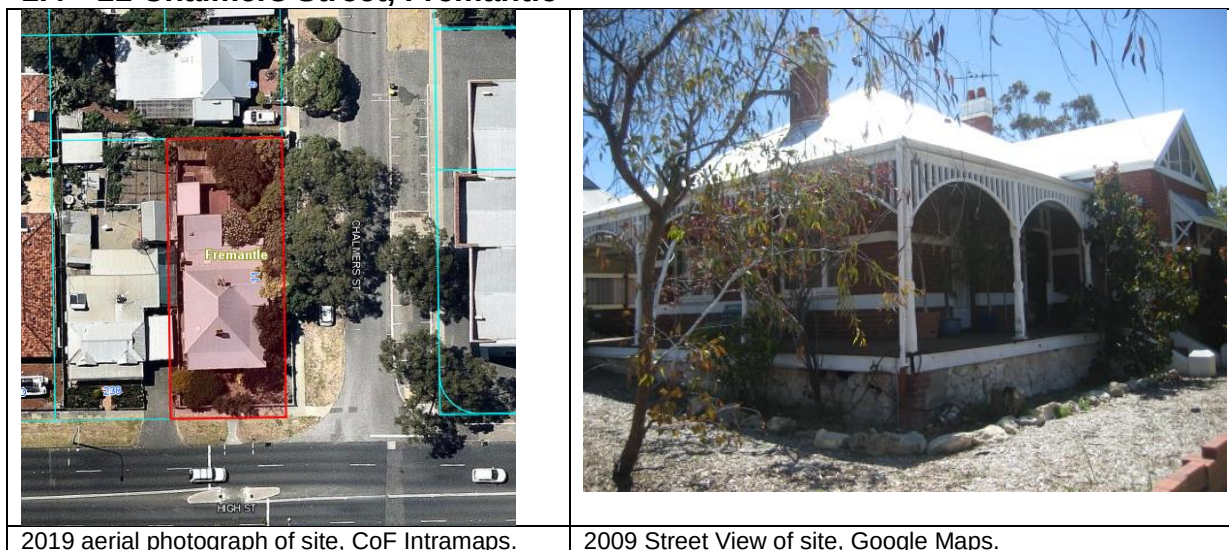
The conversion of this 1890s block of four terrace houses into eight flats in the Post-War era involved such extensive internal and external alterations to the building that the original form is no longer clearly recognisable. This building is below threshold for both Level 2 and Level 3 of the LHS and should be reduced to Historic Record Only to record the history of the site.

The LHS has no statutory weight or controls over the future development of the property; it is a recognition list that records information only. The category Historic Record Only indicates that place has a known history but no physical material worthy of heritage protection. This listing will not affect the future development potential of the site.

Recommendation

- Change the Local Heritage Survey category from Level 2 to Historic Record Only.
- Revise the information in the LHS listing to better reflect the physical condition of the building, to record the extent of change to the original fabric and to amend the statement of significance accordingly.

1.4 11 Chalmers Street, Fremantle



Why was the property identified for review in 2020?

The property owner requested that 11 Chalmers Street be added to the Heritage List and LHS as they thought it was already listed under Management Category Level 3, and would like it to be protected.

Current listings

Heritage Place Name	<i>HOUSE, 11 CHALMERS STREET</i>
Heritage listed CoF	-
Local Heritage Survey	-
Management Category	-

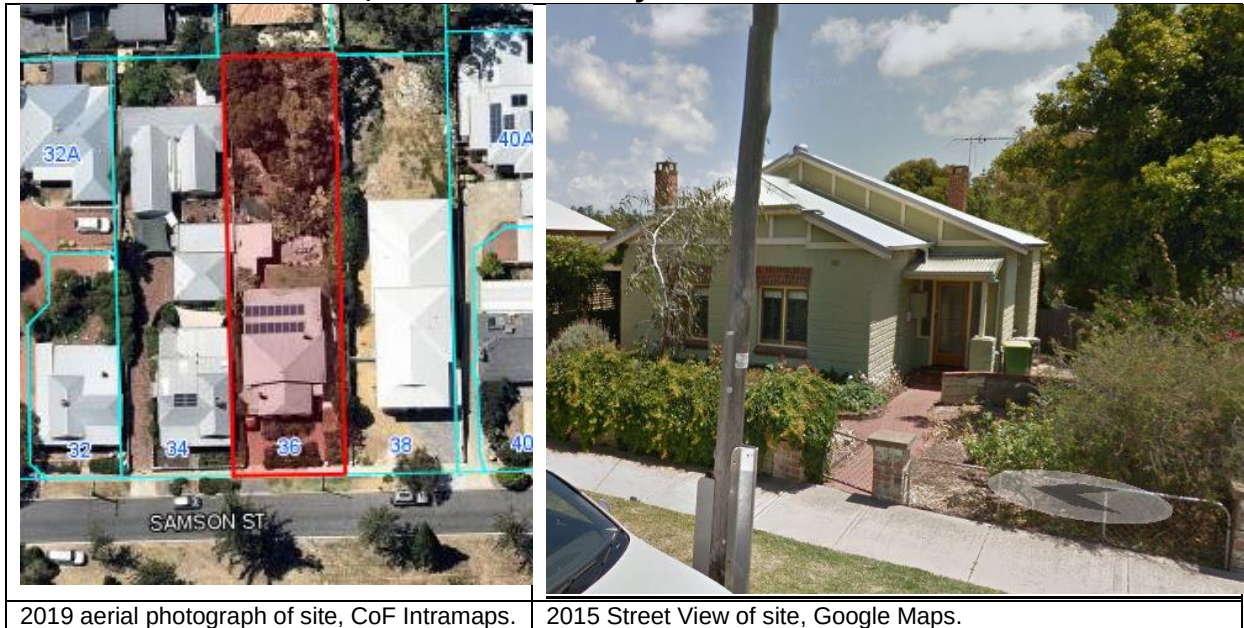
Comment

Historic information and a physical description for the place are included on Inherit under the listing *HOUSE, 11 CHALMERS STREET* because this place was recommended for adoption in 2009 as part of a review that did not proceed. The statement of significance is as follows: *"Aesthetic significance as a good example of a brick residence designed in the Federation Queen Anne style of architecture although built during 1919/20. Historical significance as a residence as an example of the early Post World War 1 development of Fremantle."*

Recommendation

- Add the place to the Heritage List
- Add the place to the LHS as category Level 3

1.5 36 Samson Street, White Gum Valley



Why was the property identified for review in 2020?

The owner has requested that her house be added to LHS and Heritage List because of its age and contribution to the streetscape: *"It was built in 1938. Made from moulded concrete bricks, it has art deco features, moulded ceilings and jarrah floors throughout. It is a charming example of a character home typical of Fremantle. Affording character and a pleasing vista to the street scape along with other character homes in the vicinity."*

Current listings

Heritage Place Name	-
Heritage listed CoF	-
Local Heritage Survey	-
Management Category	-

Comment

36 Samson Street is a good but late example of Inter-War Era house that shows some of the influence of the Californian Bungalow style with its asymmetrical design, half-timbered gables and gambrel and masonry piers supporting timber verandah posts. The use of pre-cast concrete blocks was more common during the Second World War as traditional building materials were scarce.

36 Samson Street is surrounded by nine heritage listed properties (excluding 38 Samson Street) mostly constructed during the Inter-War era. These properties combine to form a strong and coherent streetscape which contributes to the character and heritage values of Samson Street and White Gum Valley.

Recommendation

- Add the place to the Heritage List
- Add the place to the LHS as category Level 3.

1.6 22 Shepherd Street, Beaconsfield



2019 aerial photograph of site, CoF Intramaps.

Corner of Montgomery and Shepherd Streets, Google Maps.



Shepherd Street elevation, Google Maps 2015

Why was the property identified for review in 2020?

A descendant of an original and long term tenant of one of these units contacted the City of Fremantle requesting to have the place added to the Heritage List and LHS because of its social and historic significance as a rare example of Post-War housing constructed by the McNess Housing Trust. The applicant provided considerable historical information and social history connected with this building.

Current listings

Heritage Place Name	-
Heritage listed CoF	-
Local Heritage Survey	-
Management Category	-

Comment

The McNess Housing Trust was established in 1930 to provide low cost housing for people who could not afford to pay a reasonable rental for a home such as the elderly, sick, widows, deserted wives or incapacitated people. Funded largely by

donations from prominent WA businessman Sir Charles McNess, it constructed 447 houses for WA's neediest families until it was amalgamated into the State Housing Commission in 1968.

Prior to WW2 the trust constructed approximately 200, four roomed timber cottages but after the war it constructed only duplexes and small blocks of single storey flats in brick and tile. 22 Shepherd Street, a block of four, single storey flats was constructed between 1953 and 1965. The two houses in the rear yard were constructed between 1985 and 1989.

22 Shepherd Street is a good example of Post-War housing design. It has red brick walls built up on limestone foundations, horizontal format casement sash windows and a gabled tile roof with boxed eaves. Substantial brick chimneys and semi-enclosed brick entry porches are used to define the private entrances to each flat and break up the strongly horizontal lines of the design.

Recommendation

- Add the place to the Heritage List
- Add the place to the LHS as category Level 3.

1.7 16 Howard Street, Fremantle



2019 aerial photograph of site, CoF Intramaps.



2018 Street View of site, Google Maps.

Why was the property identified for review in 2020?

A potential buyer of the property contacted the City of Fremantle with history notes on the property which stated that the house was 'built and finished September 1936' and asking why it was not listed. The property has since been sold to another party.

Current listings

Heritage Place Name	-
Heritage listed CoF	-
Local Heritage Survey	-
Management Category	-
Heritage Area	<i>Howard Street Heritage Area</i>

Comment

Historic information and a physical description for the place are included on Inherit under the listing *HOUSE, 16 HOWARD STREET* because this place was recommended for adoption in 2009 as part of a review that did not proceed.

The history in Inherit records that *“House 16 Howard St was built between 1934 and 1939 by Stephen Cicerello who owned and occupied it.”*

The statement of significance in Inherit is as follows: *“House, 16 Howard Street, is a single storey brick and tile house dating from 1934. The place has aesthetic value for its contribution to the streetscape and the surrounding area. It is representative of the typical building stock located within the residential areas of Fremantle. It is historically significant as a representation of typical workers' houses in the Fremantle area. The place is an example of the Inter-War California Bungalow style of architecture.”* The statement of significance for the place does not recognise all aspects of its significance as it does not record the contribution to the built environment made by Immigrants from Southern Europe in the Inter-War and Post War eras.

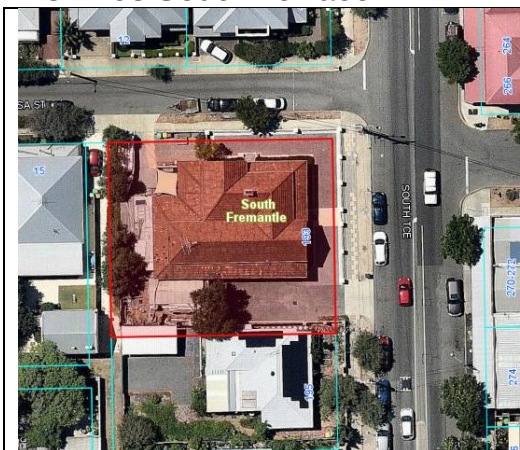
This place is an example of a place whose statement of significance should be amended to give greater recognition to its connection to Southern European migration.

The architect of the recent purchaser of the property has recently been in discussions with the City over redevelopment opportunities. They have been advised that the property is not currently on the Heritage List but is already part of the Howard Street Heritage Area.

Recommendation

- Add the place to the Heritage List
- Add the place to the LHS as category Level 3.

1.8 193 South Terrace



2019 aerial photograph of site, CoF Intramaps.



Corner of South Terrace and Louisa Street, Google Maps 2017.

Why was the property identified for review in 2020?

The owner of a neighbouring property contacted the City of Fremantle requesting that the listing of 193 South Terrace be reviewed because its features did not fit its description as a typical workers cottage.

Current listings

Heritage Place Name	<i>HOUSE, 193 SOUTH TERRACE</i>
Heritage listed CoF	<i>Yes, 8 March 2007</i>
Local Heritage Survey	<i>Yes,</i>
Management Category	<i>Level 3, 18 September 2000</i>
Heritage Area	<i>South Fremantle Heritage Area</i>

Comment

The Statement of Significance for the place in Inherit refers to this large single storey corner house as a '*typical rendered masonry and tile single storey house*' that is '*representative of the typical workers houses in the area*'. A typical workers cottage is a modest house with a simple plan and in the 1890s they were generally designed in the Victorian Georgian style – either with a symmetrical façade and plan with a central door and four main rooms or with a narrow asymmetrical plan with a door to one side and three main rooms. Decorative elements were limited to the façade with simple treatments on side and rear walls even when it was on a corner site.

193 South Terrace has a complex asymmetrical plan and is designed in the more sophisticated Federation Bungalow style. Both street facades are both treated in the same manner with a projecting bay with a gable roof and decorative fretwork bookending a verandah that wraps around the corner.

As a more substantial and ornate house than much of the surrounding houses, 193 South Street makes a considerable contribution to the streetscape of both South Terrace and Louisa Streets. It is a minor landmark on South Terrace and contributes to the quality and presence of the local commercial area opposite.

Recommendation

- Modify the LHS category from Level 3 to Level 2.

1.9 196 South Street, Fremantle



2019 aerial photograph of site, CoF Intramaps. 196 South Street, 2020.

Why was the property identified for review in 2020?

A City Officer identified this limestone cottage as a traditionally constructed limestone cottage which was probably constructed prior to the First World War.

Current listings

Heritage Place Name	-
Heritage listed CoF	-
Local Heritage Survey	-
Management Category	-
Heritage Area	-

Comment

Historic aerial photographs on Intramaps show the house in 1947 surrounded by vacant land prior to its subdivision and residential development. The rear of the site was redeveloped with two houses in the early 1990s.

The house is single storey random rubble limestone house with brick quoins and a hipped roof clad in corrugated metal sheeting. A separate verandah with a concrete floor runs across the front of the façade. The central door with fanlight is flanked by doubled hung sash windows. The place is a good example of a Victorian Georgian style house that was constructed before the surrounding Post-War era development and helps to illustrate the development of the Beaconsfield area.

This place was recommended for adoption in 2009 as part of a draft review of the MHI that did not proceed.

Recommendation

- Add the place to the Heritage List
- Add the place to the LHS as category Level 3.

Various other properties identified for review in the update as part of routine administrative (maintenance) processes are outlined in Additional Information 1. Most relate to new lots created through the subdivision of originally listed sites which have 'inherited' the parent property's listing. All are recommended for minor correction or removal, with a street numbering correction (to ensure that the originally listed building remains protected) also included for a couple.

Part 2 - Consideration of Post War and late Twentieth Century era built heritage and social history

As a part of the 2020 Annual Update, heritage officers have been carrying out further investigations on built heritage from the Post War and Late Twentieth Century eras with a particular focus on places that record our recent history including the contribution made by post war migrants.

This work has had three outcomes:

1. Identification of a number of places already listed whose statement of significance should be amended to give greater recognition to their connection to Southern European migration (see Background above for some examples).
2. Identification of additional places from Post-War and Later Twentieth Century that may merit inclusion on the LHS/Heritage List, or as Heritage Areas, but which require further research including dialogue with owners to better understand their history and cultural/social associations with migrant communities, which will influence the level of cultural heritage significance these places have (and crucially, whether they meet the significance threshold to warrant listing). Officers propose to undertake this further research and engagement over the next 6 months with a view to final recommendations on these places being included in the 2021 LHS/Heritage List update report.
3. Identification of the value in developing a scope of work for a consultancy to consider more comprehensive recognition, celebration and listing of Post-War and Later Twentieth Century buildings in Fremantle. This review could include community consultation to explain the purpose and benefits of the review, to collect stories and connections with places, and to understand what places are valued by the Fremantle community and when and how they should be protected.

In relation to the dozen or so places already listed but without explicit reference to the relationship with Fremantle's European migrant heritage, updates to the statement of significance will occur immediately.

A number of other properties have been identified as potentially meriting addition to the LHS/Heritage List, subject to preliminary engagement with owners and further research. These include examples under the following groupings:

- Community buildings, social and civic activities:
 - Places of worship (such as St Ursula's Convent on Attfield Street),
 - Social clubs (such as the Portuguese and Italian Clubs),
 - Sporting facilities
 - Schools
- Occupations and businesses which have contributed to the growth, development and character of Fremantle:
 - Restaurants and cafes (such as the Roma)
 - Shops
 - Services
- Landmark buildings:
 - Distinctive buildings that have become local landmarks and contribute to the character of Fremantle
 - Migration from Southern Europe and the contribution these people have made to Fremantle
- Post-War contemporary design illustrating contemporary tastes, changing demographics and the evolution of suburban design including the rise of car ownership.
- Post-war suburban development east of Hampton Road:
 - Intact streetscapes with a distinctive character
 - In some cases places that would not individually meet the threshold for inclusion on a heritage list may, when they are part of a cohesive group of similar places, form significant streetscapes or precincts that could be considered for listing as a Heritage Area.

In addition to places with Southern European migrant associations, other Post War and Late 20th Century places that may merit consideration are:

- Good examples of architectural styles from these periods as identified in the sourcebook *Identifying Australian Architecture*, 1998.
 - International Style
 - Stripped Classical, etc.
- Good examples of a popular local style that has been influential in Fremantle e.g. the style typified by the work of Brian Kloppe – reinterpretation of historic building forms, contemporary design and recycled building materials

The engagement process will allow exploration of values and perceptions of significance with landowners and it is hoped that further properties may be identified. A report on the outcomes of this process will be submitted to Council early next calendar year, expanding on existing listings.

FINANCIAL IMPLICATIONS

A comprehensive review of late twentieth century architecture and development of migrant heritage record would likely require specific budget provision, and would be subject to scoping and assessment as part of future budget processes.

LEGAL IMPLICATIONS

The *Heritage Act 2018* requires periodic update and review of the LHS. The requirement is met by this report.

CONSULTATION

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

1. Invite comment from affected landowners on the following proposed modifications to the Local Heritage Survey (LHS) and Heritage List:

Place	Local Heritage Survey	Heritage List	Reason
11 Chalmers Street, Fremantle	Add as Category Level 3	Add	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.
22 Shepherd Street, Fremantle	Add as Category Level 3	Add	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values. Of particular significance as a rare example of Post-War units constructed as social housing by the McNess Housing Trust.
36 Samson Street, White Gum Valley	Add as Category Level 3	Add	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.
16 Howard Street, Fremantle	Add as Category Level 3	Add	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.
196 South Street, Fremantle	Add as Category Level 3	Add	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.
3, 4, 5, 6, 8, 10, 12, 14, 17, 19, 20, 21, 22, 23 & 24 Butterworth Place	Change Category from Level 3 to Historic	Remove	This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No

	Record Only		evidence of the earlier significant use remains.
1, 2, 3, 4, 5, 6, 7 & 8 Keady Way	Change Category from Level 3 to Historic Record Only	Remove	This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No evidence of the earlier significant use remains.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 Vickridge Close	Change Category from Level 3 to Historic Record Only	Remove	This property is part of a former market garden that was subdivided and redeveloped c. 2010s. No evidence of the earlier significant use remains.
38 Samson Street, White Gum Valley	Change Category from Level 3 to Historic Record Only	Remove	The timber cottage described in the heritage listing was burnt down in 2012 and a new house constructed in 2018.
10 Douglas Street, Fremantle	Change Category from Level 3 to Historic Record Only	Remove	The house described in the heritage listing was demolished c. 2010 and a new house constructed
162 High Street, Fremantle	Change Category from Level 3 to Historic Record Only	Remove	The place is below the threshold for inclusion on the Heritage List.
Jaylu Flats, 34 Queen Street, Fremantle	Change Category from Level 2 to Historic Record Only	-	The place is below the threshold for inclusion on in Category 2 or 3 of the LHS.
193 South Terrace, South Fremantle	Change Category from Level 3 to Level 2	Retain on list	The place is of considerable cultural heritage significance in its own right within the context of Fremantle.
258 South Street, South Fremantle	Change Category from Archaeological to Level 3	Retain on list	The shop and house have some significance for their contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values. There is
33 Attwell Street, Fremantle	Add to LHS as category Level 3	Add	35 Attwell Street was subdivided and the new empty block was numbered 35 and retained the heritage listing while the house

			became 33 Attwell. The listing needs to change to reflect this.
35 Attwell Street, Fremantle	Change Category from Level 3 to Historic Record Only	Remove	35 Attwell Street was subdivided and the new empty block was numbered 35 and retained the heritage listing while the house became 33 Attwell.
2 Nelson Street, South Fremantle		Change name of property on Heritage List.	2 Nelson Street has been incorrectly named a commercial building when it is a house.
2A Nelson Street, South Fremantle	Change Category from Level 3 to Historic Record Only	Remove	2 Nelson Street was subdivided and a new house built on 2A.
House and Limestone Features, 96 Marine Terrace, Fremantle	Retain	Retain	The place has some significance for its contribution to the heritage of Fremantle by its individual and collective aesthetic, historic and social values.
Various other properties listed in Attachment 1	Change Category to Historic Record Only	Remove	These places originally formed part of heritage listed parent lots but have since been subdivided from them. They retain no features of heritage significance themselves.

In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be finalised, documented and communicated to the Heritage Council of Western Australia and the City's records updated accordingly. Where objection is received, the recommendation will be referred back to Council.

- 2 Note the update of Statements of Significance being undertaken to listed places which incorporate elements reflective of migrant heritage.
- 3 Note the intention of officers to undertake further research into additional places from the Post War and Late 20th Century eras of development, including preliminary consultation with owners, to better understand their history and cultural/social associations with migrant communities which will influence the level of cultural heritage significance these places have, with a view to final recommendations on these places being included in the 2021 LHS/Heritage List update report.

- 4 Note that officers propose to prepare a project scope for a broader, longer term research project which would focus on investigating the layer of our City's history referred to in (3) above in more depth and include historic research and the collection of social history rather than just considering built heritage, for consideration through future budget planning processes.

The officer recommendation was considered in two parts as follows:

PROCEDURAL MOTION

At 6.39 pm the following procedural motion was moved:

COUNCIL DECISION ITEM C2006-7

Moved: Cr Andrew Sullivan

Seconded: Cr Jenny Archibald

Part 1 of the item seeking comment on the proposed modifications to the Local Heritage Survey and Heritage List be referred to the Planning Committee meeting on 1 July 2020 with delegation to the Planning Committee to make a decision.

The referral allows more time to consider the recommendation, and the opportunity to debate at the appropriate committee meeting.

Carried: 13/0

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

COUNCIL DECISION ITEM C2006-7
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council:

- 2 Note the update of Statements of Significance being undertaken to listed places which incorporate elements reflective of migrant heritage.**
- 3 Note the intention of officers to undertake further research into additional places from the Post War and Late 20th Century eras of development, including preliminary consultation with owners, to better understand their history and cultural/social associations with migrant communities which will influence the level of cultural heritage significance these places have, with a view to final recommendations on these places being included in the 2021 LHS/Heritage List update report.**
- 4 Note that officers propose to prepare a project scope for a broader, longer term research project which would focus on investigating the layer of our City's history referred to in (3) above in more depth and include historic research and the collection of social history rather than just considering built heritage, for consideration through future budget planning processes.**

Carried: 13/0

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

Cr Hannah Fitzhardinge vacated the meeting at 6.43 pm, during discussion of this item.

Cr Hannah Fitzhardinge returned to the meeting at 6.46 pm.

C2006-8 FREMANTLE CAT BUS SERVICE

Meeting date:	10 June 2020
Responsible officer:	Director Strategic Planning and Projects
Decision making authority:	Council
Agenda attachments:	1. Nil
Additional information:	1. Fremantle CAT bus service provision agreement 2. Fremantle CAT bus patronage by financial year 2000-01 to 2019-20

SUMMARY

The purpose of this report is to enable Council to consider possible changes to the Fremantle CAT bus service in the 2020/21 financial year at least, having regard to the likely short and longer term impacts of the COVID-19 crisis upon patterns of activity and movement of people within the City of Fremantle, and the Council's operational expenditure considerations.

This report recommends that Council authorises the Chief Executive Officer to request the Public Transport Authority agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:

1. Cease operation of the Red CAT service; and
2. Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of the current every 10 minutes)

from the earliest practicable date in 2020/21 for a period of 12 months, subject to the agreement committing the PTA and City to reviewing the level of service on either or both services at the end of that period.

BACKGROUND

A Central Area Transit (CAT) bus service has operated in central Fremantle since 2000. It operates under a contractual agreement between the City of Fremantle and the Public Transport Authority (PTA). The current version of the agreement was executed in December 2012 and expires on 31 October 2022. Amongst other matters, the agreement sets out the scope of bus services to be provided by the PTA's contracted service provider, the basis for calculating the total operating cost of providing the service, and the funding arrangements under which the City and the PTA meet the cost of the service. A copy of the agreement is provided in the Additional Information documents.

In summary, the service offers hop-on, hop-off free travel to any passenger on two routes, a Blue route and a Red route, as follows:



The Blue CAT operates on a 10 minute frequency, 7 days per week between 7.30am and 6.15pm Mondays to Thursdays, 7.30am to 7.45pm on Fridays and 10am to 6.15pm on Saturdays and Sundays. The Red CAT operates on a 15 minute frequency, 7 days per week between the same times as the Blue CAT.

Patronage data is collected by the PTA and supplied to the City. Data for every financial year since the service commenced in 2000-01 is provided in the Additional Information documents. The split of boardings between the Blue and Red routes has remained very consistent through recent years, averaging approximately 82% of total boardings on the Blue route and 18% on the Red route.

A summary of patronage numbers for the past four years including the current year is shown in the table below. Because there is only part year to date data for 2019-20 and patronage in March 2020 was significantly affected by the onset of COVID-19 restrictions, patronage numbers for the period July to February in each financial year is included to enable direct comparison.

Year	Total boardings (whole year)	Blue CAT (estimated 82% of all boardings)	Red CAT (estimated 18% of all boardings)	Total boardings July to February
2016-17	942,856	773,142	169,714	638,661
2017-18	899,988	737,990	161,998	615,693
2018-19	826,960	678,107	148,853	572,453
2019-20	N/A	N/A	N/A	567,177

Under the current funding agreement, the City pays 60% of the total annual operating cost of providing the service and the PTA pays 40%. In the current adopted 2019/20 budget the City has made provision of \$670,000 to pay its share of the service cost.

On a number of occasions since the introduction of the CAT service the City has considered whether the current service represents an effective and efficient means of addressing a number of transport, economic, community and other objectives of the Council. A number of studies, surveys and other work were carried out by City officers and external parties to inform these discussions. The most recent comprehensive analysis of the current CAT service, and potential alternative models of free public transport in Fremantle, was carried out in September 2016 and presented to elected members in an informal briefing session. The review identified a range of strengths, weaknesses and financial implications of both the current service and potential alternatives (including a free transit zone model) but no formal Council resolution to make any change to the current CAT service and funding arrangements arose from the review.

FINANCIAL IMPLICATIONS

Under the current funding agreement between the City of Fremantle and the PTA covering the operation of the Fremantle CAT, the City is obliged to pay 60% of the total operating costs per year, calculated and invoiced by the PTA on a monthly basis in accordance with a calculation formula contained in the agreement. For the whole of the 2019/20 financial year it is estimated that the City's contribution will be slightly below the budget allocation of \$670,000 due to the service being reduced for most of April.

Based on financial estimates provided by the PTA, cessation of the Red CAT service and reduction of the frequency of the Blue CAT service from a bus every 10 minutes to one every 20 minutes as discussed in the Officer Comment section of this report below would reduce the City's contribution to operating costs in 2020/21 by an estimated \$432,000 (approximately \$220,000 from cessation of the Red CAT and \$212,000 from reduction in frequency of the Blue CAT).

LEGAL IMPLICATIONS

The CAT bus service operates under a contractual agreement between the City and the PTA as referred to in the Background section above. Any variation to the terms of the agreement must be agreed in writing by both parties.

CONSULTATION

None to date. If Council supports the recommendation in this report, the PTA would require a minimum of eight weeks prior to implementation of the recommended service changes to allow time to inform the community of the changes.

OFFICER COMMENT

The current COVID-19 state of emergency has had short term impacts on the CAT service (the service operated at approximately half its normal frequency between 6 and 29 April), and is also likely to affect use of the service in the longer term (at least for the next 12 months or so) as Fremantle and Western Australia as a whole adapts to uncertain conditions in what, hopefully, will be a progressive emergence from the worst of the impacts of the pandemic. In this context officers believe it is appropriate for Council to consider whether it wishes to continue to support the service in its current form through the 2020/21 financial year, and possibly beyond.

Previous reviews of the current CAT bus service operation have highlighted the significant differences in levels of patronage of the two routes, and the characteristics of the route 'offering' and patrons it serves. Patronage data from recent years indicates continuation of the different levels of use of the two routes.

The Blue CAT operates on a legible, linear loop route connecting South Fremantle and public parking facilities there with the city centre via South Terrace and Marine Terrace. The service is popular with residents along the route and also with commuters and University of Notre Dame students who park in public parking facilities in South Fremantle and use the service to access places of work or study in Fremantle city centre, or to connect to onward journeys via Fremantle Railway Station. High frequency Transperth services mirror the Blue CAT route along South Terrace only as far as South Street. South of here the only other bus service along South Terrace is the number 532 (which is not a frequent service) and no other services run along Marine Terrace.

The Red CAT operates on a less legible route connecting predominantly visitor destinations such as the Maritime Museum, the Port Passenger Ship Terminal, Arthur Head and Fremantle Arts Centre. As such it is popular with tourists but overall carries less than 20% of the total passengers of both services. Much of the route is within a walkable catchment of Fremantle Railway Station and regular Transperth bus services along Adelaide Street/Queen Victoria Street.

Whilst the current CAT bus services are popular with users and make some contribution towards meeting a number of the Council's strategic objectives, supporting the service incurs a significant operational expenditure commitment for the City. During the coming financial year, although the pace and form of recovery from the impacts of COVID-19 on the local community and economy are uncertain, it seems reasonable to assume that the tourism industry in particular will take a considerable time to return to pre-COVID levels of activity even when Commonwealth and State Government restrictions on interstate and international travel are relaxed. With this in mind, officers consider the value for money in continuing to operate the Red CAT service in particular is questionable.

Given the much higher level of patronage of the Blue CAT service pre-COVID compared to the Red CAT, and the lack of high frequency alternative Transperth services on much of the Blue CAT route, officers consider the community impact of ceasing the Blue CAT would be greater. However, the frequency of the Blue service could potentially be reduced, at least on a short term basis, without significant impact on core users. The most effective way of doing this would be to reduce the service frequency from the current every 10 minutes, which requires two buses to operate simultaneously on the route due to the journey time for a complete loop, to a frequency which would only require one bus to operate (approximately every 20 minute frequency). Officers consider it would be appropriate to limit any reduction in frequency of Blue CAT services to a temporary period of 12 months.

City officers have held informal discussions with senior PTA officers to explore the PTA's likely response to any formal request to modify the current services along the lines outlined above. Through these discussions it has been indicated that the PTA would be likely to agree to both a complete cessation of the Red CAT service and a temporary reduction in frequency of the Blue CAT service should the City request this. This agreement could be formally achieved through an exchange of letters to vary the current agreement document executed in 2012. The PTA has indicated that it would take approximately 8 weeks from written agreement of the service changes to implement the changes, to allow time to update timetables and other public service information and make necessary arrangements with contractors.

It is estimated that cessation of the Red CAT would reduce the City's annual contribution to the operating costs of the service by approximately \$220,000. Reducing the frequency of the Blue CAT service to a level which could be operated using a single bus, i.e. approximately every 20 minutes instead of the current every 10 minutes, would reduce the City's contribution by approximately \$212,000. This would provide the opportunity to reduce the City's budget allocation for the CAT bus in 2020/21 by up to approx. \$432,000 compared to the 2019/20 budget.

Accordingly officers recommend that the City should make a formal request to the PTA, in accordance with the relevant clause of the funding agreement, to accept a variation of the agreement to (i) cease the Red CAT service and (ii) reduce the frequency of service of the Blue CAT as outlined above, both from the earliest practicable date in the 2020/21 financial year for a period of 12 months. It is recommended that the changes be subject to the variation agreement committing the PTA and City to reviewing the service changes (including the option of reinstating the current level of service on either or both services) at the end of that period.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:

1. Cease operation of the Red CAT service; and
2. Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes)

for a period of 12 months, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) at the end of that period.

Cr Andrew Sullivan gave notice of his intention to amend the officers recommendation, his final amendment was different to that published before the meeting.

PRESIDING MEMBER DETERMINATION

The Presiding Member determined he would allow the proposed changes to the amendment to be moved as he considered the further changes to be minor.

AMENDMENT 1

Moved: Cr Andrew Sullivan

Seconded: Mayor, Brad Pettitt

To amend the first part of the officer's recommendation shown in red strikethrough and green text, and to add parts 2 and 3 as shown in green text below:

1. Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:
 - a. Cease operation of the Red CAT service; and
 - b. Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes)

for a period of **up to 12 months**, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) **at as a matter of urgency.**

2. **Council acknowledges the high level of patronage the Fremantle CAT buses have enjoyed and the importance of the service to a broad cross-section of the community. Subject to a more equitable and sustainable**

funding model, the Council would prefer the services to be retained in some form.

3. Council requires the Chief Executive Officer (CEO) to conduct an internal review of the CAT bus service during the 2020/21 financial year, in consultation with the service providers, the Chamber of Commerce, the Destination Marketing Working Group, major local attractions and the State Government, to consider appropriate level of service or alternative operational and funding models. The review is to include consideration of the following matters and actions with relevant stakeholder input and community consultation:
 - a. request the State government to look more favourably at funding the bulk of the Fremantle CAT services;
 - b. request the Minister for Transport to agree to a variation to the funding split.
 - c. request the Minister for Tourism to seek State assistance to provide this essential service to tourists;
 - d. request the Minister for Education and UNDA to work with the City to explore funding mechanisms that will enable the service to be available to their students;
 - e. prioritise parking investigations in areas serviced by the CATs with the aim of generating additional funding mechanisms for these services.
 - f. explore modifying the routes so the service is more cost effective, and to increase the catchments served.
 - g. liaise with the PTA to explore the option of converting the Fremantle CAT services to a low-cost, high frequency shuttle service;
 - h. investigate alternative funding models to generate revenues for area specific services, including the option to establish special area rates.

Amendment carried: 12/1

For

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

Against

Cr Marija Vujcic,

Reasons for change:

To identify a series of matters and actions for further consideration over the next year. In essence, to find an alternative and more equitable funding model capable of sustainably and equitably supporting a CAT or CAT-like service in one form or another. With regard to the matters listed for consideration, the following initial reasons for consideration are provided as follows:

- a) Local governments do not traditionally provide public transport services. The City of Fremantle has a comparatively small rate base on which to draw the funds to operate CAT services. The only other jurisdictions that operate CAT services, namely the cities of Perth and Joondalup, enjoy funding from State legislated parking taxation, or at least a greater level of State funding. The City of Joondalup, with its much larger rate base, is the only other agency to directly fund a CAT service from rates and its contribution in percentage terms is significantly less.
- b) The current funding model sees the City of Fremantle pay for the delivery of the bulk of the on-road service (60%), with the Public Transport Authority (PTA) mainly funding the administrative costs (40%). Many users of this 'free' service continue on their journey to catch other fare paying PTA services. In essence, these onward-bound PTA customers are already paying the PTA for their multi-zone journey. Many patrons are forced to choose this option because the PTA does not provide sufficient park-n-ride and secure bike parking facilities at Fremantle Station. Many PTA patrons utilise the City's peripheral parking and CAT services to compensate for the inadequate facilities at Fremantle Station. In other locations, the PTA has spent tens of millions of dollars to improve access and parking (including \$105million at Aubin Grove). The Fremantle CAT bus service obscures a need that will otherwise have to be met by the PTA. It is reasonable that the PTA contribute a greater share of the CAT bus costs as it provides a direct and essential service to its regular customers.
- c) The CAT services meet an important tourism role in providing a free and legible service for tourists to explore areas of interest around one of the State's key tourism attractions. Tourists regularly praise the great service on offer.
- d) The CAT services are used frequently by students attending the University of Notre Dame Australia (UNDA) and TAFE. The students take advantage of the free parking available on the periphery of the city centre because the university does not provide any student parking. Unlike the Joondalup CAT that is part funded by Edith Cowan University, there is no contribution from higher education providers for the Fremantle CAT service.
- e) The CAT service is used by people seeking to utilise the cheap or free long-term parking available on the periphery of the city, including in South Fremantle. This places considerable pressure on parking that would otherwise be available to meet local commercial and recreational needs. CAT users also compete for the limited on-street parking available for residents. Options to include additional time-limited parking and some long stay paid parking options in areas serviced by the CAT buses have been explored by the City but not yet implemented.
- f) The CAT routes were determined over a decade ago to meet the identified tourism and parking needs. Patronage of the two services varies significantly with the Blue CAT gaining a significantly greater share of the overall usage. The Blue CAT route serves a comparatively small catchment area within the City of Fremantle by nature of the closeness of Marine Terrace and South Terrace legs. Options to merge the red and blue CAT routes and/or to vary the routes have previously been recommended but not implemented.

- g) Rockingham is served by a quasi-CAT style service that provides a high frequency shuttle service between the rail station, city centre and town beach areas. It is branded and marketed quite similarly to the CAT buses but is a low-cost fare-based service provided by the PTA.
- h) The City provides a number of services that are seen as unique to residents and ratepayers in defined areas of the city. These services include the CAT buses that only serve Fremantle and South Fremantle, and verge mowing that serves areas such as White Gum Valley. The services are funded from general revenue (i.e. are paid for by all ratepayers) but only advantage some residents in specific areas.

AMENDMENT 2

Moved: Cr Rachel Pemberton

Seconded: Cr Sam Wainwright

To add a part 3 i) as shown below:

- i. **consider appropriate level of service or alternative operational and funding models, including a free transit zone.**

Amendment carried: 11/2

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

Against
Cr Marija Vujcic, Cr Andrew Sullivan,

COUNCIL DECISION ITEM C2006-8

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

1. Council authorises the Chief Executive Officer to request the Public Transport Authority to agree to a variation of the agreement relating to provision of the Fremantle CAT bus service to:

- a. Cease operation of the Red CAT service; and
- b. Reduce the frequency of service of the Blue CAT by 50% (i.e. a bus every 20 minutes instead of current every 10 minutes)

for a period of *up to* 12 months, with effect from the earliest practicable date in the 2020/21 financial year, subject to the agreement committing the PTA and City to reviewing the level of service (including the option of reinstating the current level of service on either or both services) as a *matter of urgency*.

- 2. Council acknowledges the high level of patronage the Fremantle CAT buses have enjoyed and the importance of the service to a broad cross-section of the community. Subject to a more equitable and sustainable funding model, the Council would prefer the services to be retained in some form.**
- 3. Council requires the Chief Executive Officer (CEO) to conduct an internal review of the CAT bus service during the 2020/21 financial year, in consultation with the service providers, the Chamber of Commerce, the Destination Marketing Working Group, major local attractions and the State Government, to consider appropriate level of service or alternative operational and funding models. The review is to include consideration of the following matters and actions with relevant stakeholder input and community consultation:**
 - a. request the State government to look more favourably at funding the bulk of the Fremantle CAT services;**
 - b. request the Minister for Transport to agree to a variation to the funding split.**
 - c. request the Minister for Tourism to seek State assistance to provide this essential service to tourists;**
 - d. request the Minister for Education and UNDA to work with the City to explore funding mechanisms that will enable the service to be available to their students;**
 - e. prioritise parking investigations in areas serviced by the CATs with the aim of generating additional funding mechanisms for these services.**
 - f. explore modifying the routes so the service is more cost effective, and to increase the catchments served.**
 - g. liaise with the PTA to explore the option of converting the Fremantle CAT services to a low-cost, high frequency shuttle service;**
 - h. investigate alternative funding models to generate revenues for area specific services, including the option to establish special area rates.**
 - i. consider appropriate level of service or alternative operational and funding models, including a free transit zone.**

Carried: 11/2

For

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

Against

Cr Marija Vujcic, Cr Andrew Sullivan

**C2006-9 FREMANTLE MARKETS ESSENTIAL WORKS AND LEASE
EXTENSION PROPOSAL**

Meeting date:	10 June 2020
Responsible officer:	Director City Business
Decision making authority:	Council
Agenda attachments:	1. Fremantle Markets Revitalisation Works 2019 (Schedule of Works) 2. Revitalisation Works detailed estimates schedule (confidential).
Additional information:	1. Lease 74 South Terrace, Fremantle between CoF and Fremantle Markets Pty Ltd (<i>provided in hard copy</i>) 2. Fremantle Markets Conservation Plan 2009. (<i>provided in hard copy</i>)

SUMMARY

To consider the implementation of essential works for the Fremantle Markets to the value of approximately \$1.7m based on the attached Fremantle Markets Revitalisation Works (2019) schedule of works.

Agree with the head tenant for the financial contribution to undertake the essential works, with the consideration of an extension to the current lease term to allow for the financial recovery of these works by the tenant.

BACKGROUND

The Fremantle Markets is a significant commercial property with the City returning a rent of approximately \$870,000 p.a. and rates of \$215,000 p.a. The rate of return on this asset is approximately 7% based on the current fair value for the property of \$11.9m* (\$8.8m land and \$3.1m building, * source: APV Valuers 20 February, 2017).

The current lease on this property was adopted by Council in 2008 after two business plan advertising processes, one in 2006 and the second in 2007. The current lease was adopted for a term of 18 years and is due to end in March 2026. The current tenant, Fremantle Markets Pty Ltd (FMPL), has been the tenant since 2008.

Recent building audit reviews of the property have identified several areas of risk for fatigue, age, or requiring upgrade and items which could improve the operation of the markets. This review also included review of the Fremantle Markets Conservation Plan adopted by Council in 2009. Some of the conservation works have been undertaken, these being façade works to the South Terrace Building, roof works to repair and apply cooling paint and repairs to some of the windows, repairs to limestone walls, and hydro and drainage works to improve water drainage and remove rising damp issues. These works have been funded through loans and reserve funds and amount to approximately \$1 million.

The City and FMPL have worked together to identify the current issues and remaining items and prioritise the manner in which these may be addressed. An agreed priority program has now been finalised and is being used to inform the City's ten year budget planning framework.

FINANCIAL IMPLICATIONS

The list of upgrade works for the markets has been developed between the City and the tenant. The list was initially provided by the City with input from the tenant. The total list of works is estimated to be approximately \$5.65m in value. The works have been broken into a priority listing with the values of each as follows;

Priority Works	\$1,667,000
Improvement Works	\$ 513,000
Operational Works	\$ 386,500
High Conservation Works	\$ 797,500
Medium Conservation Works	<u>\$2,292,000</u>
TOTAL	<u>\$5,656,000</u>

It is anticipated the works identified as "priority" above be undertaken first. These include building issues that require proactive correction, operational items that will improve the function of the facility and business operations and safety related items. Generally, the works can be broken into the following proportions;

Tenant related proportion of costs:	\$1,400,000
City related proportion of costs:	\$3,200,000
Proportion of costs which could be split:	\$1,056,000

The City has included funding in the draft forward budget program to commence these works, although much of this work is provided in the second half of the 10 year budget.

The City has committed reserve funds allocated in the current budget to commence a formal design process for the essential works to ensure readiness to proceed subject to council consideration.

LEGAL IMPLICATIONS

The current lease agreement for the Markets expires in March, 2026. Current COVID-19 code of conduct requirements may extend this by six months to September, 2026. Therefore the current agreement has six years remaining on the contract.

If Council were to consider either option 2 or 3 (presented below) the requirements of sections 3.58 and 3.59 of the Local Government Act 1995 would need to be considered;

“3.58. Disposing of property

- (1) In this section —*

***dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

- (2) Except as stated in this section, a local government can only dispose of property to —*

- (a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

- (a) it gives local public notice of the proposed disposition —*

- (i) describing the property concerned; and*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

3.59. Commercial enterprises by local governments

- (2) Before it —*

- (a) commences a major trading undertaking; or*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.”

Public advertising of a business plan requires a minimum of six weeks public advertising before any agreement could be considered formally. Preliminary legal advice has been sought and will be further reviewed if this proposal is supported and as the City negotiates detail with the tenant.

CONSULTATION

As per the legal commentary above.

The City would be required to undertake public advertising for options 2 and 3 (below). Two weeks advertising would be required for option 2, a six week advertising period will be required for option 3.

OFFICER COMMENT

With the current closure of the markets due to COVID-19 restrictions, the City and tenant have commenced a conversation about undertaking the works whilst an opportunity exists that may significantly reduce interruption to the business operations. The markets were estimating to be closed at least until September 2020, although the rate of restriction relaxations may see this estimate change.

The discussion on bringing works forward has revolved around the tenant undertaking a portion of these works. The City is not currently in a position to provide funding to these works in the near future. As identified above, the estimated proportion of the identified works which relate to the tenant are approximately \$1.4m and a share of the split works on a 50:50 basis would amount to a further contribution of \$528k – making a value of contribution that could be attributed to the tenant of \$1.928m. The estimated value of essential works is approximately \$1.7m.

The tenant has provided “in-principle” support to contributing towards or undertaking these works, and to a discussion on how these works might be brought forward with a contribution from them. This “in-principle” support is provided on the basis of consideration of a new lease term to allow sufficient time for the tenant to recover the cost of a contribution or undertaking.

There were three possible arrangements discussed with the tenant.

Option 1 – Refund proportion of costs at lease end in 2026

This option seeks the tenant to provide a contribution of up to \$1.928m for works to be undertaken as soon as possible, then if the tenant was unsuccessful in gaining a new lease at the expiry of the current lease in 2026, the City would reimburse a proportion of the contribution based on a time based formula. This could see works being undertaken in a relatively quick timeframe if negotiations were successful. The formula has not yet been discussed.

The tenant is not in favour of this option.

Option 2 – Extension of Current Lease Agreement

This option considers extending the current lease term to allow appropriate time for the tenant to recover their contribution, if agreement could be reached. This would provide sufficient extension to allow between 10 and 15 years for the tenant to recover their contribution. This would take longer than option 1 to negotiate and requires consideration of advertising requirements under the Local Government Act

1995. It would allow a medium term to get works underway if negotiations were successful. Depending on how COVID-19 restrictions are relaxed from now, this may also require consideration of works being undertaken during the re-opening of the markets.

The tenant is open to this option and stated a preference for closer to a term of 15 years. The tenant prefers the time aspect of getting works started under this option.

Option 3 – New Lease Agreement

This option would consider the early termination of the current lease subject to the City and tenant entering negotiations for a new lease. This would allow the City to renegotiate terms of a lease, it may provide opportunity to gain a greater tenant contribution, depending on the length of term of a new lease. This would take longer to negotiate and finalise as it would require significant advertising through a business plan process under the Local Government Act 1995 which would likely take up to six months to finalise.

This option is the tenants preferred option, although the timing aspect is of concern to them.

Tenant Contribution

The contribution by the tenant is important to the consideration of this report. The costs above identify that the City could reasonably seek up to \$1.928m from the tenant and the City has sought this type of contribution from them. To date, the tenant has provided “in-principle” support to provide up to \$1.7m towards works and agreed that this contribution would be provided for the initial urgent works of a similar value. The tenant is of a mind that they would likely only provide \$1.7m in the context of a new lease. They have stated that in the context of a lease extension the figure would more likely be a maximum of \$1.2m.

If supported by Council, it is intended that the City negotiate with the tenant to consider a lease extension (option 2). This would provide an opportunity to negotiate a contribution from the tenant and provide a more timely response to undertaking the works with the possibility of limited disruption to the trading operations of the markets. The City has commenced the process of seeking formal design and specification detail for the essential works to ensure any works undertaken meet desired specification requirements and to ensure readiness to commence the works if agreement can be reached.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION ITEM C2006-9
(Officer recommendation)

Moved: Mayor, Brad Pettitt

Seconded: Cr Rachel Pemberton

Council;

- 1. Approve implementation of the essential works for the Fremantle Markets based on the attached Fremantle Markets Revitalisation Works (2019) schedule of works as an opportunity with the current COVID-19 shut down of the business, subject to part 2 below.**
- 2. Authorise the Chief Executive Officer to negotiate with Fremantle Markets Pty Ltd (FMPL) the terms of a possible lease term extension for the current lease (dated 10 March 2008) for the property known as the 'Fremantle Markets' (Lots 1376, 1380 and 1693 South Terrace, Fremantle) based on the following criteria;**
 - a. Any extension be based on the delivery of the items noted as essential works in the schedule of works provided within the Markets Revitalisation Plan, as provided in attachment 1 of this item (10 June, 2020);**
 - b. A minimum contribution by the tenant of the value of the essential works identified in (a) above;**
 - c. Any term extension to be based on requirements of Local Government Act, 1995; and**
 - d. Negotiated proposed terms to be brought back to council for further consideration.**

Carried: 12/1

For

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

Against

Cr Marija Vujcic,

13. Motions of which previous notice has been given

Nil

14. Urgent business

Nil

15. Late items

Nil

16. Confidential business

PROCEDURAL MOTION

At 7.56 pm the following procedural motion was moved:

COUNCIL DECISION ITEM

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

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

Carried: 13/0

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

C2006-10 FREMANTLE VISITOR CENTRE OPERATING MODEL 2020

Meeting date: 10 June 2020
Responsible officer: Manager Customer Service and Visitor Information
Decision making authority: Council
Agenda attachments: 1. Sirona Capital Response
Additional information: 1. Annexure 2 Location
2. Annexure 3 Financials

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:

- a. a matter affecting an employee or employees; and
- b. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

COUNCIL DECISION ITEM C2006-10

Moved: Mayor, Brad Pettitt

Seconded: Cr Jenny Archibald

1. Approve Sirona Capital Pty Ltd as the only 'Acceptable Tenderer' under Regulation 23(4) of the Local Government (Functions and General) Regulations 1996 to the Expression of Interest (FCC553.20) for the development and delivery of a visitor centre model for Fremantle;
2. Authorises the Chief Executive Officer to negotiate the conclusion of the financial terms in accordance with the expression provided by Sirona Capital Pty Ltd to the Expression of Interest (FCC553.20); *negotiations to include discussion regarding:*
 - a. *Maintaining the Volunteer Ambassador program beyond the cruise ship servicing, to include roving Ambassadors during busy periods and for special events.*
 - b. *The existing free bike hire scheme.*
 - c. *Low cost or free promotional opportunities for (relevant) local (City of Fremantle) businesses as part of the new Visitors Centre.*
3. Request the provisions of the concluded financial terms, in part 2 above, be brought back to Council for further consideration alongside a robust evaluation of all possible options.
4. *Requests that the CEO put forward a 5+5+5+5 year agreement option instead of the 10+10, at the discretion of either party.*

Carried: 9/4

For

Mayor Brad Pettitt, Cr Jenny Archibald, Cr Geoff Graham,
Cr Hannah Fitzhardinge, Cr Frank Mofflin, Cr Doug Thompson,
Cr Andrew Sullivan, Cr Rachel Pemberton, Cr Adin Lang

Against

Cr Marija Vujcic, Cr Su Groome, Cr Bryn Jones, Cr Sam Wainwright

PROCEDURAL MOTION

At 8.31 the following procedural motion was moved:

COUNCIL DECISION ITEM

Moved: Mayor, Brad Pettitt

Seconded: Cr Andrew Sullivan

That the meeting come out from behind closed doors.

Carried: 13/0

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

17. Closure

The Presiding Member declared the meeting closed at 8.31 pm.