



AGENDA

Ordinary Meeting of Council

Wednesday, 14 October 2015, 6.00pm

CITY OF FREMANTLE
NOTICE OF AN ORDINARY MEETING OF COUNCIL

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday, 14 October 2015** in the Council Chamber, Town Hall Centre, 8 William Street, Fremantle (access via stairs, next to the playground in Kings Square) commencing at 6.00 pm.

Graeme Mackenzie
CHIEF EXECUTIVE OFFICER

9 October 2015

ORDINARY MEETING OF COUNCIL

AGENDA

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

NYOONGAR ACKNOWLEDGEMENT STATEMENT

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

ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

PUBLIC QUESTION TIME

DISCLOSURES OF INTEREST BY MEMBERS

APPLICATIONS FOR LEAVE OF ABSENCE

PETITIONS / DEPUTATIONS / PRESENTATIONS

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Meeting of Council dated 23 September 2015 be confirmed as a true and accurate record.

ANNOUNCEMENTS BY THE MAYOR

QUESTIONS OR PERSONAL EXPLANATIONS BY MEMBERS

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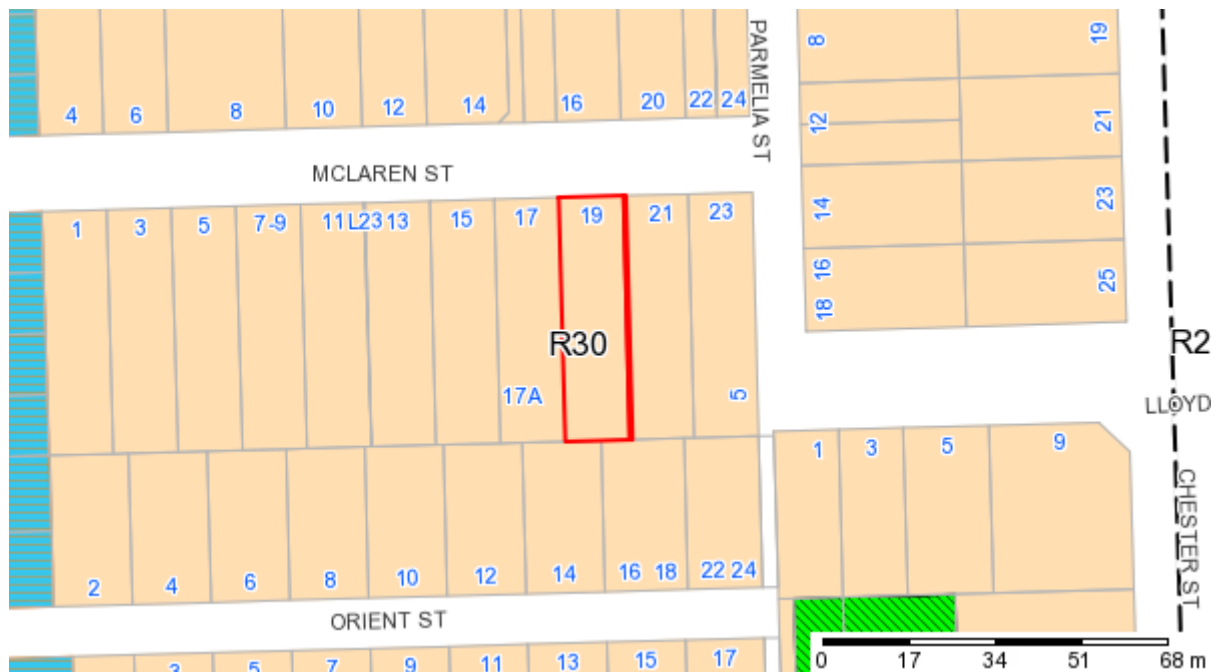
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COMMITTEE REPORTS

PLANNING SERVICES COMMITTEE 7 OCTOBER 2015

PSC1510-1 DEFERRED MCLAREN STREET, NO. 19 (LOT 280), SOUTH FREMANTLE VARIATION TO PREVIOUS PLANNING APPROVAL DA0105/15 (TWO STOREY REAR ANCILLARY DWELLING ADDITION TO EXISTING SINGLE HOUSE) (BP VA0020/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 7 October 2015
Responsible Officer: Manager Development Approvals
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: PSC1509-4
Attachments: Attachment 1: Revised Development Plans
Attachment 2: Site Visit Photos
Date Received: 22 June 2015
Owner Name: M.A. & K. Stewart-Richardson
Submitted by: As above
Scheme: Residential Zone R30
Heritage Listing: Adopted – Level 3
Existing Landuse: Single House
Use Class: Residential
Use Permissibility: 'P'



EXECUTIVE SUMMARY

The application seeks planning approval for a variation to the previous planning approval DA0105/15 (two storey rear ancillary dwelling addition to existing Single House).

At the previous Planning Services Committee (PSC) meeting held on 9 September 2015, it was resolved to defer the item to the next appropriate PSC meeting to allow for the applicant to submit amended plans to reduce the size of the ancillary accommodation and increase the southern rear setback of the upper floor.

Amended plans were received on 14 September 2015 and increase the southern (rear) setback and decrease the size of the dwelling, however the proposal is still seeking design principle assessments against the requirements of the Residential Design Codes (R-Codes) and discretions against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies (LPPs) including:

- **Building height (external wall);**
- **Lot boundary setback (south);**
- **Ancillary dwellings (plot ratio area).**

The above design principle assessments and discretions are considered to be, on balance, supportable. The application is therefore recommended for conditional planning approval.

BACKGROUND

The subject site is located west of Parmelia Street, south of McLaren Street, north of Orient Street and east of South Terrace. The site measures approximately 625m² and currently has a Single House on site.

The site is zoned Residential under the provisions of LPS4 and has a density coding of R30. The subject site is adopted under the City's Heritage list as a level 3 listed property and is within the South Fremantle Heritage Area.

A search of the property file revealed the following planning history for the site:

- On 21 April 2015, the City granted planning approval for a two storey rear Ancillary Dwelling addition to the existing Single House (DA0105/15).
- On 9 September 2015, it was resolved to defer VA0020/15 "to the next appropriate PSC meeting to allow for the applicant to submit amended plans to reduce the size of the ancillary accommodation and increase the southern rear setback of the upper floor."

DETAIL

The application seeks planning approval for a variation to previous approval DA0105/15 and includes:

- One bedroom and bathroom;
- Kitchen, dining and living areas;
- Library/guest space;
- Office;
- Laundry;
- Sun deck;
- Outbuilding.

The variation to the previous planning approval is generally the same aside from shifting some of the internal floor space from the north-west to the south-east, which also includes the reorientation of the sun deck.

The revised development plans addressed the outcome of the previous PSC meeting in the following ways:

- Increasing the southern lot boundary setback to the upper floor to a range of 850mm to 1740mm;
- Altered the eastern lot boundary setback and reconfigured the location of the decking area.
- A reduction in the floor space of the ancillary dwelling from 93.22 to 87.6m².

Refer to **Attachment 1** for revised development plans.

STATUTORY AND POLICY ASSESSMENT

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and planning policies.

Where a proposal does not meet the deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant design principle of the R-Codes. Not meeting the deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the deemed-to-comply or policy provisions and need to be assessed under the design principles:

- Building height (external wall);
- Lot boundary setback (south);
- Ancillary dwelling (plot ratio area).

The above matters will be discussed further in the Planning Comment section of the report below.

CONSULTATION

Community

The application was not advertised in accordance with clause 9.4 of Local Planning Scheme No. 4 as an affected owner (who did not consent to the plans as part of the application) submitted an objection shortly after the lodgement of the proposed variation. The other affected properties provided consent to the plans as part of the application. A summary of the objection received is as follows:

- The proposed changes would result in an adverse impact by way of overshadowing and building bulk;
- The proposed southern setback does not allow for sufficient access to sunlight and ventilation.

Revised plans were sent to the southern adjoining landowner on 15 September 2015. The following comments were raised after viewing the plans:

- The proposal still exceeds the required plot ratio area in the R-Codes.
- The ancillary dwelling would have an adverse impact on the lifestyle (amenity) of others through building bulk and loss of sunlight;
- The discretions being sought are grossly unfair and do not consider the impact towards neighbours sufficiently, particularly in relation to health and well-being.

PLANNING COMMENT

Building Height

Element	Deemed-to-comply	Proposed	Design Principle Assessment
External Wall	6m	5.5-6.6m	Up to 0.6m

The proposed external wall height is considered to meet the design principles of the R-Codes for the following reasons:

- The building height proposed is not considered to adversely impact on the amenity of neighbours due to the roof design proposed, which is angled downwards towards the southern adjoining property in order to ameliorate building bulk. The portion of wall that is over height is positioned towards the north of the proposed addition, and therefore has a greater impact on the existing Single House.
- The location of the proposed ancillary dwelling and the height of the existing Single House, as shown in the image below, is considered to obscure the height of the addition, therefore having a minimal impact on the amenity of the streetscape.



- The layout and design of the ancillary dwelling, and in particular the decking area proposed, allows for adequate direct sun into the building, as well as allowing daylight into major openings to habitable rooms;
- There is not considered to be any views of significance disrupted through the additional height being sought.

Lot boundary setback (south)

Version of plans	Element	Deemed-to-comply	Proposed	Design Principle Assessment
17 August 2015	Upper floor	1.5m	1.16m	0.35m
14 September 2015			0.85 – 1.7m	Up to 0.65m

The proposed southern lot boundary setback is considered to meet the design principles of the R-Codes for the following reasons:

- The setback proposed is not considered to have a significant adverse impact on the amenity of the adjoining southern adjoining properties in terms of building bulk, given that only a small portion of the southern elevation is positioned 1.1m from the southern boundary.
- The distance from the southern boundary is considered to provide sufficient direct sun and ventilation to the southern adjoining properties, having regard to clause 5.4.2 of the R-Codes. A summary of the level of overshadowing cast onto the southern adjoining neighbours is as follows:

Overshadowing

Property	Deemed-to-comply	Proposed	Discretion
14 Orient Street	18.75%	10.4%	No discretion sought
16 Orient Street	16.25%	7.2%	

- The change predominantly affects the southern adjoining neighbour(s) of 16 Orient Street, and does not alter the previously approved component of the southern wall that affects 14 Orient Street. To this end, the alteration is considered to have a minor impact on 14 Orient Street.

Ancillary Dwellings

Version of plans	Element	Deemed-to-comply	Proposed	Design Principle Assessment
17 August 2015	Plot ratio area	75m ²	93.22m ²	18.22m ²
14 September 2015			87.6m ²	12.6m ²

The proposed plot ratio area for the ancillary dwelling is considered to meet the design principles of the R-Codes for the following reasons:

- The proposed plot ratio area, being 87.6m², is considered to provide a space which is capable of use in conjunction with the existing dwelling on site.
- The proposed ancillary dwelling is deemed to share some site facilities with the existing dwelling in an appropriate manner by utilising the outdoor living area as an intermediary between the existing Single House and proposed ancillary dwelling.
- The ancillary dwelling is not considered to unduly impact on the amenity of the surrounding properties given there is an existing boundary wall in place to the west.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City's following strategic documents:

1. Diverse and Affordable Housing Policy:
 - Provision of housing which is diverse and affordable to meet the current and future needs of the City's residents to increase the amount of affordable and diverse housing options
2. Strategic Plan 2010-2015:
 - Provide for population and economic growth by planning and promoting development and renewal in designated precincts within the City and
 - More affordable and diverse (mixed use) housing option for a changing and growing population

COMMITTEE AND OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Variations to Planning Approval for DA0105/15 (two storey rear Ancillary Dwelling addition to existing Single House) granted 21 April 2015 at No. 19 (Lot 27), McLaren Street, South Fremantle, subject to the same terms and conditions, except whereby modified by the following condition(s):

- A Conditions 1 and 3 of the Planning Approval dated 21 April 2015, be deleted and replaced with the following conditions:
1. The development hereby permitted shall take place in accordance with the approved plans dated 14 September 2015.
 2. Prior to occupation of the development approved as part of VA0020/15, on plans dated 14 September 2015, the balcony on the east and northern elevations shall be either:
 - a. fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
 - b. fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
 - c. a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d. an alternative method of screening approved by the Chief Executive Officer, City of Fremantle.

Lost: 3/4

For	Against
Cr Robert Fittock Cr Bill Massie Cr Jon Strachan	Cr Rachel Pemberton Cr Josh Wilson Cr Ingrid Waltham Mayor, Brad Pettitt

The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

**PSC1510-4 FLEET STREET, J-SHED UNIT 1 (LOT 2051), FREMANTLE
TEMPORARY APPROVAL SPECIAL EVENT VENUE (LIVE MUSIC
VENUE) - (AD DA0373/15)**

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 7 October 2015
Responsible Officer: Manager Development Approvals
Actioning Officer: Senior Planning Officer
Decision Making Level: Planning Services Committee (recommendation/referral only to WAPC)
Previous Item Number/s: Nil
Attachment 1: Development Plans (DA0373/15)
Attachment 2: Schedule of Submissions
Attachment 3: City's Heritage Comments
Attachment 4: SHO referral comments
Attachment 5: FPA referral comments
Attachment 6: DER referral comments
Attachment 7: DAA referral comments
Attachment 8: Site Photos
Date Received: DA0373/15 – 31 July 2015
Owner Name: City of Fremantle
Submitted by: DA0373/15 – Sunset Events
Metropolitan Region Scheme: Parks and Recreation Reserve
Local Planning Scheme: Not zoned under City's Local Planning Scheme No. 4
Heritage Listing: Yes, MHI management category level 1A;
 Inner Harbour Heritage Area, Arthur Head Precinct Heritage Area, WECA Heritage Area, Victoria Quay Heritage Area
Existing Landuse: Vacant building
Use Class: Special Event Venue
Use Permissibility: N/A



EXECUTIVE SUMMARY

The application is presented to Council due to the nature of the development.

The applicant is seeking temporary Planning Approval for a -Special event venue (live music venue)' (DA0373/15) at J-Shed Unit 1 (Lot 2051) Fleet Street, Fremantle.

As the proposal is contained within land reserved under the Metropolitan Region Scheme (MRS) as 'Parks and Recreation', the City acts only in the capacity as a referral body providing a recommendation to the determining authority, being the Western Australian Planning Commission (WAPC).

As the proposal relates to reserved land under the MRS, the provisions of the City's Local Planning Scheme No. 4 (LPS4) and Council's Local Planning Policies (LPP's) do not apply, but can and have been used as a guide in assisting Council in formulating its position for its recommendation to the WAPC.

The proposal is considered to be generally consistent with the provisions of Council's LPP's, however it is probable that some amenity impacts may result to the immediate locality, including car parking.

The proposal is considered to warrant a recommendation for conditional approval to the WAPC for their determination.

It is noted that the application for the permanent approval, for the partial change of use to Tavern (including live music) and additions and alterations to existing building (DA0370/15) does not form part of this report, and will form a separate report to Council at a later date.

BACKGROUND

In November 2012 Council resolved to seek *"the front glass-walled studio of J-Shed to be put out for lease through a competitive process as a bar/café/gallery as a major attractor for the whole area. This should include space for artists in Arthur Head precinct to be able to exhibit their work on a priority basis. At other time the gallery space would be for rent like the Moores building."*

An expression of interest process was undertaken in early 2013 in which Sunset Events was selected as the preferred interest. The City has since undertaken negotiations for a lease with Sunset Events for a term of 21 years for Unit 1 and a portion of the surrounds to J Shed.

At the ordinary meeting in November 2013 Council considered a report providing the essential terms of the negotiations and resolved the following;

"The proposed lease for Unit 1 J-Shed between the City of Fremantle and Sunset Events be deferred to the December, 2013, Strategic and General Services Committee to consider the advertising of a business plan in accordance with section 3.59 of the Local Government Act 1995 outlining the commercial terms of the lease so that the community has greater opportunity to make comment prior to the lease being finalised."

An item to Strategic and General Services Committee sought approval for a consultation plan for the proposed lease between the City of Fremantle and Sunset Events. The following resolution adopted;

“The Strategic and General Services Committee, acting under delegation item 1.1, approve the Consultation Plan for the proposed lease to Sunset Events for Unit 1 JShed, Fleet Street, Fremantle, to be advertised for a period of six weeks.”

The City advertised the consultation plan regarding the proposal to enter into a land transaction through disposal of Unit 1 J Shed Fleet Street, Fremantle in the form of a Lease. The plan outlined the proposal from Sunset Events and the essential terms and conditions of the lease negotiations.

Prior to Strategic and General Services Committees resolution the City invited stakeholders to an information session in November 2013. Further to this a public information session was also held on Tuesday 14 January 2014 outlining the proposal to interested persons.

An outline of the proposal was advertised in the West Australian, Fremantle Herald, Fremantle Gazette and social media directing those wanting to comment to the City’s website which enabled them to view the detailed consultation plan.

At its meeting of 26 February 2014, the Strategic and General Services Committee resolved to conditionally grant the lease to Sunset Events for Unit 1 of J-Shed.

On the 15 May 2015, the Minister for Lands granted approval for the lease.

The site is reserved for the purposes of Parks and Recreation under the Metropolitan Region Scheme (MRS). The site is not zoned or reserved under the City’s Local Planning Scheme No. 4 (LPS4).

The site is listed on the City’s Heritage List and the City’s Municipal Heritage Inventory (MHI) as a management category level 1A (State Heritage Register) as well as for precinct management. Furthermore, the site is located within the Inner Harbour Heritage Area, Arthur Head Precinct Heritage Area, WECA Heritage Area, Victoria Quay Heritage Area, which are prescribed Heritage Areas under Clause 7.2 of LPS4.

The subject site is 37,463m² and is located on southern side of Fleet Street and to the west of the freight rail. The site has a predominantly north-south orientation.

DETAIL

The applicant has indicated that the purpose of this temporary approval sought is for the space *“To be used as an event space as well as low-key music concerts promoted by Sunset Events. The venues indoor and outdoor grassed space to be utilised.”*

The applicant has indicated that the temporary nature of this application will comprise of the following periods:

- Venue permit: 1 October 2015 until 30 June 2017
- Summer season operating periods:

- 1 October 2015 to 31 May 2016
- 1 October 2016 to 31 May 2017
- 12 concerts over the summer months (held on any day of the week)
- Weekly Sunday “Beach BBQ”
- Other private or community cunctation/events on weekends or public holidays
- Event earliest start time of 12 noon and latest finish time of 10pm
- 400 patron capacity for regular trade and 1500 capacity for concerts

The applicant has also indicated that the following represents the types of events to be held as part of the special event venue:

1. Weddings
2. Art exhibitions and functions
3. Gala Dinners
4. Awards Nights
5. Music Events
6. Conferences
7. Brand Activations
8. Fashion Events
9. Product Launches
10. Corporate Functions
11. Corporate Christmas parties
12. Social & Celebratory events - Birthday and anniversaries

It is noted that it is common for MRS reserves such as this being utilised for similar purposes throughout the year, without the need for any formal planning approval. The WAPC advised the City that given the more intensive use that was not just a “one off” event associated with this proposal, that formal approval would be required. This was the trigger to requiring the application for the temporary approval.

A copy of the development plans are contained as Attachment 1 of this report.

It is noted that the application for the permanent approval, for the partial change of use to Tavern (including live music) and additions and alterations to existing building (DA0370/15) does not form part of this report, and will form a separate report to Council at a later date.

STATUTORY AND POLICY ASSESSMENT

The proposal was assessed against the relevant provisions of Council’s Local Planning Policies.

CONSULTATION

Community

The application was not required to be advertised in accordance with Clause 9.4 of the LPS4 and Council’s *Local Planning Policy 1.3 - Notification of Planning Proposals* (LPP 1.3) as the provisions of LPS4 and affiliate LPP’s are not applicable.

Notwithstanding, the City did advertise the proposal, in conjunction with the application for the permanent approval for the for the partial change of use to Tavern (including live

music) and additions and alterations to existing building (DA0370/15) given that it considered that there may be some impact to adjoining landowners:

- given that the land use is typically discretionary within most zones under LPS4; and
- the car parking requirement for such a land use under LPS4 would also mean that there may be some impact.

Advertising of the applications comprised of the following:

- Letter to owners and occupiers within 100 metres of the site;
- Advertising of the application occurred on the City's website; and
- One notice relating to the proposal was placed in the Fremantle Gazette on the 22 August 2015

At the conclusion of the advertising period, being 28 August 2015, the City received 78 submissions pertaining to the proposals. Of the 78 submissions, 76 were against the proposals, with the remaining 2 in support.

A copy of the schedule of submissions is contained as Attachment 2 of this report.

The schedule of submissions summarise the general content of the submissions. It is noted that a number of submissions also made reference to the lease agreement between the City and Sunset Events. The lease agreement does not form part of this planning assessment.

Relevant planning related issues raised in the submissions are addressed in the "Planning Comment" section below.

Internal Referrals

City's Infrastructure and Project Delivery Directorate

The City's Infrastructure and Project Delivery Directorate has reviewed the proposal and has advised that they do not have any concerns with the proposal. Their comment will be sought as part of any future proposed access arrangements to the site, in the event that access cannot be obtained via Fleet Street.

City's Environmental Health Department

The City's Environmental Health Department has reviewed the proposal and has recommended two advice notes pertaining to food premises and public buildings.

City's Heritage Department

The City's heritage department has reviewed the proposal and has provided the following comments:

"The proposed works are supported, subject to the following conditions:

- The low limestone wall should be replaced with a landscaping structure that more obviously communicates the impression of a cliff and accurately follows the line of the turn of the century cliff line.
- All works in the area of the archaeological sites are to be monitored by a qualified archaeologist to ensure that no damage is caused to them by the proposed works.

- The proposed fencing to the boundary of the lease area is not supported. There should be no permanent fencing that would prevent the establishment of strong visual links between the site and Bathers Beach (and the reverse).
- Ground levels should remain unaltered.
- There should be no grass to the south of the new limestone interpretive wall. The area should be a natural beach landscape.
- The new shade structure proposed for the west side of J Shed should not be fixed to the building, but instead should be supported on a complete freestanding structure.”

The above comments related largely to the permanent application for planning approval, as that included physical works to the building and the site. Accordingly, the above comments will be addressed as part of the separate report for DA0370/15 when it is put to Council for consideration.

A copy of the heritage comments is contained as Attachment 3 of this report.

External Referrals

Whilst the City is not the determining authority for this application, it referred both proposals (DA0370/15 & DA0373/15) to external agencies where relevant, as if it were. Advice from these agencies was sought by the City to assist Council in preparing its recommendation to the WAPC. As the WAPC is the determining body, any comments from external agencies as detailed below should be undertaken by them to assist their decision.

State Heritage Office (SHO)

The application was referred to the SHO as the site is on the State Heritage Register. The SHO provided the following comments in relation to the proposal:

“Findings

- The referral is for a partial change of use of J-Shed into a tavern with associated additions and alterations, and the temporary approval for it to be used as a special event venue. J-Shed is within the registered curtilage of the Round House & Arthur Head Reserve.
- The 2011 Conservation Management Plan by Griffiths Architects classifies J-Shed as having ‘secondary/some significance’ for its association with the adjacent early port activities at Victoria Quay, and because it marks the site of the last period of extensive quarrying. The limestone interpretative wall is of little significance, although the original cliff line it interprets is significant.
- J-Shed is a relocated structure, adapted for its current location, and has lost some original detailing through the replacement of elements and the south glass facade is not original.
- We note that much of the site, including the area to the south west of J-Shed is of exceptional archaeological significance.
- The built alterations and additions to J-Shed and the surrounding area are simple in design and sympathetic in nature. The new structures are reversible and readily removable.
- The proposed changes to J-Shed will provide an ongoing use of the place and maintains its economic viability.

- The demolition of the limestone wall will remove an interpretative element of the site. However, we note that the original cliff line is being reinterpreted through a new ground marker.

Advice

The proposed development, in accordance with the plans submitted, is supported subject to the following condition:

1. *A watching brief is to be undertaken by a qualified archaeologist during all works."*

Accordingly, it is recommended that a condition be imposed requiring the above be implemented as per SHO advice.

A copy of the SHO comments is contained as Attachment 4 of this report.

Fremantle Port Authority (FPA)

The application was referred to the FPA as the site is located within Fremantle Port Buffer Area 2, and given that they are adjoining landowners. The FPA provided the following comments in relation to the proposal:

"Fremantle Ports has concerns about the proposed redevelopment of J Shed (Lot 2051, Fleet Street Fremantle) to allow the operation of a tavern and special events venue, these being raised in my letter of 13 March 2014.

In summary, our Concerns arise due to the proposed redevelopments seeking to introduce a range of intensive. Urban type land uses within close proximity to port operational lands (South Mole and Victoria Quay). These intensive land uses have the potential to negatively impact the operations of tenants (such as Challenger Institute) and Fremantle Port through noise, vehicle access and car parking availability and increases in anti social behaviour.

The J Shed proposal is highly dependant on the use of Fremantle Ports' freehold land for vehicle access, car parking and pedestrian movements. This is highlighted in the Applicant's supporting submission, whereby reference is made to the use of the Victoria Quay and South Mole car parks and Fleet Street access way.

It is our view that the reliance on Fremantle Ports' land, casts doubt on the validity of the application for development. Fremantle Ports is not a party to the application. Has not signed the MRS Form 1, and has not been consulted during the progression of the development proposal Fremantle Ports therefore requests that the two development applications are deferred. The applications should not progress until Fremantle Ports has consented by way of signing the MRS Form 1 as an owner of the land being used for the purposes of the development."

The City understands that Fleet Street to the north-west and north of the site may have been transferred from the Crown to the FPA freehold as of 15 July 2014. There is existing vehicle access infrastructure off Fleet Street, servicing the existing tenancies of J-Shed. The City understands that no legal mechanisms were put in place on the Certificate of Title of the sale of this land in Freehold to the FPA which would ensure that these pre-existing vehicle arrangements could continue in the future. With no such arrangement in place, and the absence of any written legal consent of the FPA for

access to the site via the Fleet Street (being private property), alternative pedestrian and vehicle access arrangements should be put in place for deliveries and the like.

It is noted that when the lease was being considered by Council in early 2014, the Fremantle Ports did raise several matters of concern with the City however the specific matter relating to the dependency of vehicle access to J Shed being entirely dependent on the use of Fremantle Ports' freehold land was not raised.

City of Fremantle planning staff met with Port planning staff on 29 September 2015 who advised that they would not sign the MRS Form 1 as they have issues with various components of the development. They also advised that there were no issues with the artists that currently occupy the northern portions of J Shed using the Fleet Street vehicle access as those uses were of a significantly less intensity than that proposed by the current application.

The City's Infrastructure and Project Delivery Directorate has provided comment on the possibility of vehicle access being gained to the site via the recently constructed footpath along Bathers Beach. They have advised that the footpath is not suitable for vehicular traffic and that it would likely suffer significant damage as a result. Any proposal to use this as an alternative vehicle access solution to the site is unlikely to be supported by the City, so other options would need to be explored further. Some alternative access options may include (but not limited to):

1. Utilising the road immediately adjacent to the rail line and transporting materials underneath the Whalers tunnel;
2. Using a scissor lift located adjacent to Mrs Trivett Place to lower materials down to J Shed;
3. Construction of a new vehicle access immediately north of Mrs Trivett Place as outlined in Figure 1 below;



Figure 1 - Possible alternative vehicle access point via Mrs Trivett Place

There are inherent issues with this however, given the significant change in topography, proximity to the adjoining FPA-owned Freehold lot inclusive of Fleet Street. The changes in topography levels between Fleet Street and Mrs Trivett Place can be viewed in the site photos as contained within Attachment 9. Notwithstanding this, should such arrangements be able to be formalised, it would

be impossible to avoid traversing the FPA privately owned land to leave any new vehicle access point via Mrs Trivett Place, and on Phillimore Street, as detailed in Figure 2 below.

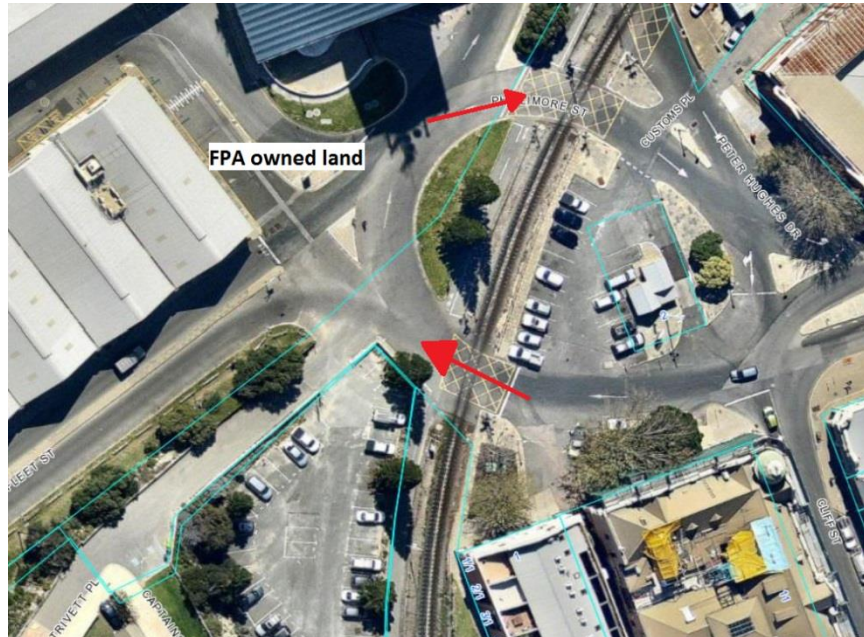


Figure 2 - One-way road system necessitates crossing over FPA owned land

Relocation of the existing round about above further east to avoid access being required over Port land would solve this issue.

As legal vehicle access cannot be obtained via Fleet Street, a condition of planning approval is recommended requiring the submission and approval of an access management plan, which would detail how the applicant would transport goods and materials to and from the premises that would be required for events.

It is noted that the FPA did not provide any comments in relation to the proposal in the context of Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines (LPP2.3).

A copy of the FPA comments is contained as Attachment 5 of this report.

Department of Environment Regulation (DER)

The application was referred to the DER as the site is listed as ‘possibly contaminated – investigation required’. The DER advised that they have “*no objection to the proposed development ... provided that the following advice is appended to any approval for this development*”:

“It is recommended that management of ground disturbing works at the site include contingency measures for unexpected unearthing of asbestos or contamination, to eliminate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with Department of Environment Regulation’s Contaminated Sites Guidelines.”

Accordingly, it is recommended that an appropriate advice note be placed on the recommendations to the WAPC for inclusion on any approval that may be forthcoming.

A copy of the DER comments is contained as Attachment 6 of this report.

Department of Aboriginal Affairs (DAA)

The City is not aware of any statutory requirement that may necessitate formal referral of an application for planning approval to the DAA in the case of this proposal. Notwithstanding this, the application was referred to the DAA for their comment as the site is located within the boundaries of two known Aboriginal heritage places: DAA 3421 (Fremantle: Manjaree) and DAA 3774 (Fremantle: Arthur Head).

The DAA has recommended that the applicant be advised of their obligations under the *Aboriginal Heritage Act 1972*. Accordingly, it is recommended that appropriate advice note be placed on the recommendations to the WAPC for inclusion on any approval that may be forthcoming.

A copy of the DAA comments is contained as Attachment 7 of this report.

PLANNING COMMENT

Metropolitan Region Scheme (MRS)

The subject site is reserved as 'Parks and Recreation' under the MRS. Land is reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure. The following descriptions are a guide.

Its reservation under the MRS means that it is:

"Land of regional significance for ecological, recreation or landscape purposes."

It is considered that the proposal is generally consistent with the intent of the reservation, specifically in relation to recreation as music events.. Ultimately, it will be up to the WAPC to determine whether it considers these proposals to be consistent with the nature of the reservation.

Local Planning Scheme No. 4 (LPS4)

As the site is reserved under the MRS, the provisions of LPS4, including development standards such as car parking, do not apply and are only used as a guide.

Car parking

There is no specific car parking requirement for this temporary land use, and as such the parking requirement for 'Tavern' is considered appropriate to use given that the application for the permanent approval, for the partial change of use to Tavern (including live music) and additions and alterations to existing building (DA0370/15) represents the more permanent impact.

	Required		Proposed	Shortfall
Tavern/Hotel	1: 2.5m2 of public bar area	155m2 public bar area = 62 bays	0	62
	1: 5m2 of lounge/garden area	950m2 garden area = 190 bays	0	190
	Total		0	252

Clause 5.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

“Council may—

- (a) *Subject to the requirements of Schedule 12*, waive or reduce the standard parking requirement specified in Table 3 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—*
- (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*
 - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
 - (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
 - (v) *legal arrangements have been made in accordance with clause 5.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
 - (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
 - (vi) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
 - (viii) *any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 12 reduction of parking bays is not permitted. The requirements of Schedule 12 prevail over this clause.*

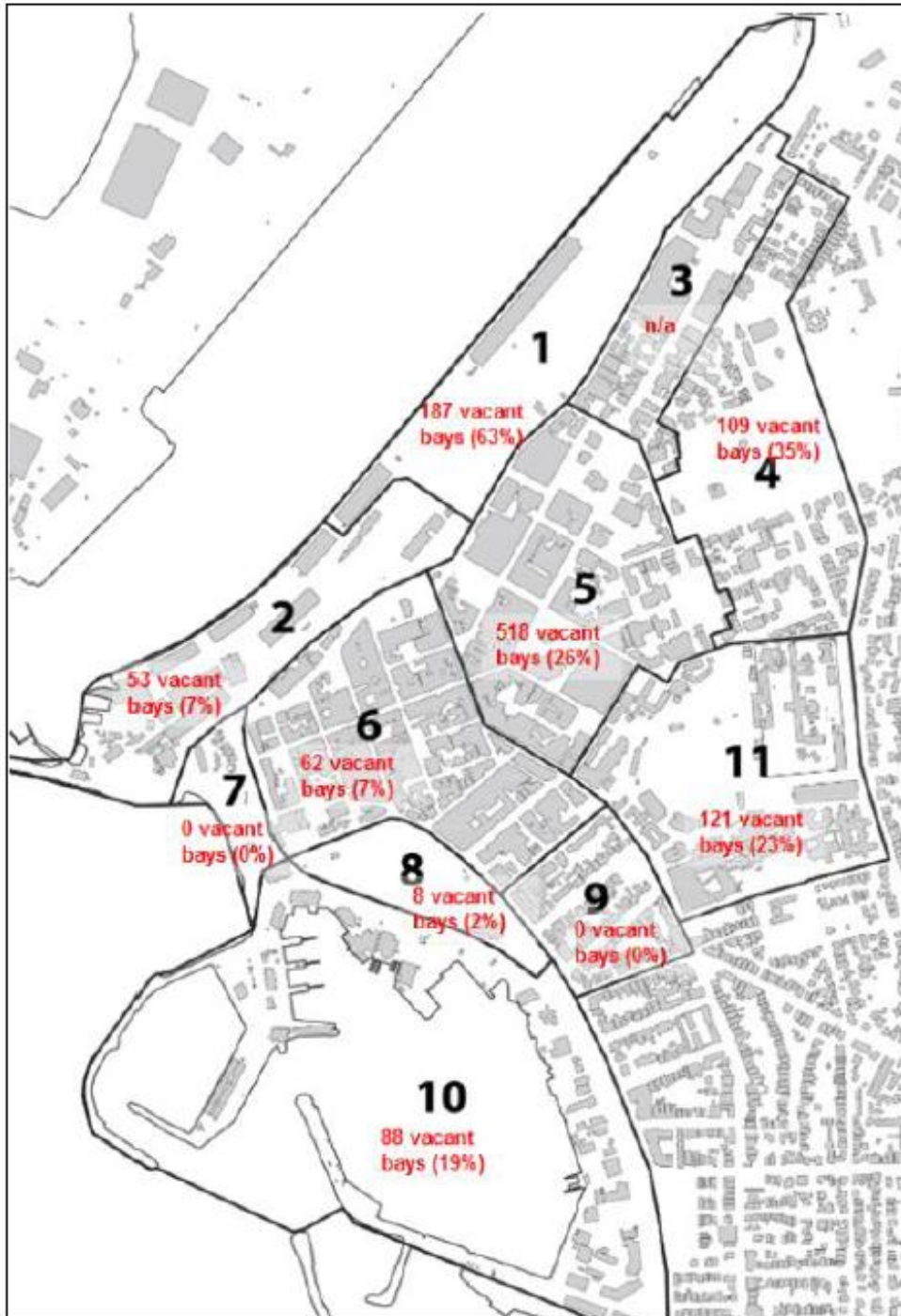
- (b) *Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.*

Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.”

In relation to the above criteria of Clause 5.7.3 (i), it is noted that there is a significant provision of on-street parking available in the immediate vicinity and surrounding locality of the subject site . It is noted that this does not include any car parking on private property, including parking contained within the land owned by Fremantle Port Authority (FPA), particularly their land in and around the Fleet Street locality. It is further noted that should the application be supported, it does not preclude rights for parking to be used within privately owned land, such as parking within the FPA area. There are a number of parking areas within the FPA that are clearly identified as paid parking, and others which

have been fenced off, restricting access to those areas. Ongoing compliance with parking on private property is typically a matter between the landowner, and the alleged offender and ultimately it is up to the landowner to manage this issue.

A recent parking study of the City Centre undertaken on behalf of the City revealed that there is currently significantly underutilised public car parking capacity in the centre and this spare capacity will likely remain available for a number of years notwithstanding new development activity including development of existing car park sites. Evidence of underutilised public parking capacity was obtained through a comprehensive study of city centre car parking supply and demand patterns carried out by specialist consultants Luxmoore on behalf of the City in late 2012.



The Luxmoore study indicated that in the precinct of the city centre there are approximately 1,500 off street public car bays plus approximately 250 on-street parking bays. The average vacancy rate of parking spaces in the precinct identified from surveys undertaken for the study was 48%. Significantly, the Queensgate multi-storey car park which is located 700 metres away from the subject site has 850 bays, with an average vacancy rate of 47% (400 bays) and a vacancy rate at peak occupancy times of 16% (136 bays).

The findings of the Luxmoore study are informing the City's development of a longer term strategic approach to public parking provision as part of the preparation of the Fremantle Activity Centre Structure Plan, which is currently in progress.

In relation to (ii), the site is located approximately 600m from the Fremantle Train Station which provides rail services to and from the Perth Central Business District (CBD) and connecting rail network. Further, it is also located within 600m of the Fremantle Bus Station, which provides bus services on routes 98, 99, 103, 106, 107, 111, 148, 158, 160, 381, 501, 502, 511, 513, 520, 530, 531, 532, 825 and 920. In this regard, the site is considered to be very well serviced by public transport within walking distance.

It would be reasonable to expect that by the very nature of the proposed use, and any liquor license that is subsequently granted, that patrons may plan their day and/or night ahead, whether that be car-pooling, catching public transport, catching a taxi or alternative means of transport other than driving. In this regard, it is considered that this may reduce the overall impact of car parking shortfall associated with this change of use application.

The City's Arts and Culture – Events Department has provided the following patronage numbers, for events held throughout the City:

- Beerfest 4,000 (patrons per day)
- St Jeromes Laneway Festival 10,000
- Blues and Roots 12,000
- Chilli Fest 23,000 (over two days)

Given that this proposal seeks a maximum number of 1,500 patrons, which is significantly lower than the above events, demonstrates that the City's transport infrastructure (ie car parking, public transport) has the capability to absorb the number of patrons proposed.

Accordingly, the proposal is considered to satisfy the requirements of Clause 5.7.3 of the City's LPS4.

Local Planning Policies (LPP's)

LPS4 acts as the head of power in creating LPP's. As detailed above, given that it's an MRS reservation, application of the provisions of LPS4 and therefore LPP's in the context of these applications are only as a guide and are not binding, the following policies and their provisions should be viewed as such.

DGF5 – Arthur Head Reserve Strategy Plan

The subject site is located within Precinct 3 – J-shed as prescribed by DGF5. DGF5 prescribes that the goal of this precinct is to:

“Develop this area as a transition zone that links the Arthur Head Reserve with port uses and other maritime themes of the foreshore”

There are three specified objectives for this precinct, which are detailed and discussed below:

Objective 3.1 of DGF5 states:

“Provide a northern access to the Reserve”

The proposal still maintains northern access to the Reserve around the western and eastern sides of the lease area. Furthermore, the proposed fencing around the lease area has not been supported on heritage grounds, so this will ensure that visually that there are no physical restrictions on traversing the lease area north-to-south and vice versa. The City understands that the Department of Racing Gaming and Liquor (DRGL) will require a form of barrier physically defining the licensed area, to assist in management of patrons accessing and egressing the premises and other reasons. This application will likely necessitate the erection of a temporary form of fencing, typically associated with music events. Given the temporary nature of such fencing, which will likely only be erected for a few days either side of any such event, its lack of permanency ensures that any long term impacts are mitigated.

The proposal for permanent fencing as part of the application for permanent approval, for the partial change of use to Tavern (including live music) and additions and alterations to existing building (DA0370/15) may present issues, however this will be discussed in the report for DA0370/15 at a later date.

Objective 3.2 of DGF5 states:

“Encourage low profile commercial uses of J-Shed reflective of and compatible with the history and maritime themes of Arthur Head and the foreshore.”

There is no definition of what distinguishes a ‘low profile’ commercial use against a ‘high profile’ commercial use within DGF5.

In this regard, and despite the lack of definition of this term, Council could form the view that allowing up to 1,500 people for ticketed events may present too many detrimental amenity concerns and as such not be considered to be ‘low profile’. If that is the case, Council may consider not supporting the proposal. Given the temporary nature of this proposal, Council may also consider that this objective is less applicable and that its intent is more designed to capture and therefore apply to more permanent proposals.

Alternatively the list of 12 uses included in the “Detail” section of the report, could be considered “low profile” uses and given that the 1500 patron live music event is only 12 days over the summer months and therefore constitutes a small percentage of the overall use of site and is therefore also “low profile”.

It is noted that the proposal is for commercial use; however, both the SHO and the City’s Heritage Department have supported the proposal and the proposed works.

Objective 3.3 of DGF5 states:

“Extend the coastal landscape of Bathers Beach in a way that expresses the original landform and defines the northern edge of the reserve.”

As detailed above in the report, given that this application is only for temporary approval, and the scope of physical works to the building and broader site, this objective is less applicable. This is a matter that is more applicable to the permanent application as physical works are proposed.

Both the SHO and the City’s Heritage Department have supported the proposal and the proposed works.

DGF6 – Arthur Head – (West End of High Street, Fremantle)

It is noted that this policy is from 1983 and many of its provisions are outdated given the many physical and material changes to the broader area since that time. Notwithstanding this, clause 2 of DGF6 relates to access within the Arthur Head area and states:

“Arthur Head is quite small so planning for access is important as well as not overloading the vicinity with proposed developments.

In general terms, visitors should be able to walk easily (from a nearby car park) into the pedestrian-only area of Arthur Head, and enjoy the combination of beach, ocean, vegetation, landforms and historic building as a Local Area which offers physical pleasure, relaxation, information, creature comforts and - importantly - an emotional experience.”

The proposal still maintains northern access to the Reserve around the western and eastern sides of the lease area. See Objection 3.1 above for further discussion.

Clause 3 of DGF6 relates to new structures within the Arthur Head area and states:

“The only new structures which may be considered for introduction into the Arthur Head area are:

- a public amenities building above Bathers Beach to the north of the pottery workshop, incorporating changing rooms,
- showers, toilets, and kiosk; and
- historic boat shelters, located parallel to the railway line in the vicinity of the Western Australian Maritime Museum.”

The overarching planning concern in relation to the above provision is the preservation of heritage. This proposal does not include any permanent physical changes to the site, however it will likely require structures such as temporary fencing, transportable toilets and other non-permanent works which are not considered to have a permanent physical impact.

DGF26 – Planning Policy for the West End of Victoria Quay

The subject site is located within ‘Area D – Workshops’ character area as prescribed by this policy. Clause 3.4 of DGF26 sets out conservation objectives, land use and development principles.

The policy prescribes the following uses as 'primary uses':

- maritime and port functions;
- maritime education;
- maritime industry, research and exhibition;
- maritime related administration, trade, service and professional offices

Further, the policy prescribes the following uses as 'ancillary uses' (maximum 50% total gross floor area per building):

- maritime arts and craft workshops, display, retail (produced on site)
- cultural heritage exhibition and interpretation relevant to the site
- marine related commercial offices e.g. shipping agents,
- marine related trade outlets e.g. boating materials and supplies
- car parking

The proposal is not considered to be consistent with the prescribed primary or ancillary uses as set out for this character area however the area of the building appears to be less than 50% of the total floor area of the building.

Both the SHO and the City's Heritage Department have supported the temporary proposal. Accordingly, this component of the proposal should be supported.

DBU6 – Late Night Entertainment Venues Serving Alcohol

Clause 1.1 of Council's DBU6 relates to the location of late night venues which propose to serve alcohol and states:

"Due to access and safety issues, any proposal for a late night entertainment venue (serving alcohol), including hotels, nightclubs, jazz and piano bars and performing arts centres, should be located on land adjacent to well-lit through streets to enable adequate safety and access for taxi cabs. Ideally a loading zone or similar shall be located near the entrance to the building to allow for private vehicle drop off and pick up as well as pre-ordered taxi travel. Amenity and safety considerations may preclude narrow or quiet streets from this type of development.

A provision for a queuing area at the entry of the venue is required on site if admission fees or other line up situations are proposed for the venue.

If this is not possible Council may consider a site adjacent to a footpath of 3 metres minimum width (from the kerb to the entrance of the property).

Proximity of proposed late night entertainment facilities (serving alcohol) to residential development shall form a significant part of the assessment of the applications as, in general, Council does not support proposals which may encourage conflict between land uses."

It is considered that the intent of the policy provisions is based on a late night venue being located either in the city centre itself or in similarly well established and served urban areas. The J-shed has a unique location, and its historic setting combined with it abutting Fremantle Port Authority (FPA) land means that vehicle and pedestrian access is not easily achievable, and therefore the provisions of this policy should be viewed with this context in mind. Notwithstanding this, it is considered that recent improvements which included lime-crete footpath and solar lighting and was completed in 2013 in and around the Bathers Beach area enhance safety at night time.

The proposal is located more than 100m from the closest adjoining residential development to the east, separated by a limestone cliff.

Clause 1.3 of Council's DBU6 specifies matters pertaining to conditions of approval relating to: noise management; management plans; hours of operation; and floor area for the use. Matters relating to noise management are typically an ongoing management issue, governed by environmental health legislation. The management plan typically is assessed and forms part of the applicants Section 39 application for their liquor license application. It will be recommended that the hours of operations as proposed, are imposed as a condition of approval.

Notwithstanding the above, it is noted that the issuance of a Liquor License is a separate approvals process, issued under separate legislation by the State Government's Department of Racing Gaming and Liquor.

DGF14 – Fremantle West End Conservation Area Policy

Clause 4.1.2(b) of DGF14 provides for development controls within the Arthur Head Reserve as contained within 'The Foreshore' area specifies:

"A low key use of the J-Shed, compatible with the ethos of the area, is acceptable."

There are a number of artists based industries and businesses in an around the J-Shed area. The proposed temporary activation of the site, which includes live music, is also a form of art and that this should be considered appropriately. The scale of temporary proposal could be viewed as not being low key based on numbers and capacity alone, so Council would have to be satisfied that the use is compatible with the ethos of the area, having regard to its potential to provide additional means of art, albeit through a different medium than what is currently existent in the immediate locality.

Regarding as assessment of whether the "ethos" of the proposal is acceptable, the "ethos" of the area could be defined by the relevant policies for the area. As stated in the discussion of each policy objective/requirement above, as it is considered that the temporary proposal meets the policy requirements, it can be argued that the proposal therefore meets the ethos of the area.

Public Submissions

As detailed in the schedule of submissions as contained as Attachment 2 of this report, the City received a considerable amount of submissions, most of which objected to the proposal. Key themes in the issues raised in the submissions, which haven't already been addressed or discussed above already included the following matters:

- Anti-social behaviour;
- Property devaluation;
- Access impacts upon other J-Shed tenants;
- Noise.

Anti-social behaviour

A number of submissions raised concerns pertaining to this matter. Such matters are addressed through separate legislation other than planning legislation, and are typically a responsibility for the management of the licensed premises, and for the Police.

Property devaluation

This is not a valid planning consideration.

Access impacts upon other J-Shed tenants

The City is satisfied that the location of the northern entry to the proposed Tavern will not restrict access to, nor significantly impact the operations of other J-Shed tenants.

FPA has advised that they have no in-principle issue with allowing on-going access to existing tenants of the J-Shed via Fleet Street, as the intensity of their land uses (car parking and pedestrian) is significantly less than what is proposed.

Noise

This is governed by separate legislation other than planning legislation. Further, the site is located between an active sea port and active freight rail, which can emit substantial noise in their own right.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City's following strategic documents:

Economic Development Strategy 2011 -15:

- New commercial businesses established in Fremantle providing employment opportunities.

Strategic Plan 2010 – 15:

- New commercial businesses established in Fremantle providing employment opportunities.
- Provide for economic growth by planning and promoting development and renewal in designated precincts within the City.
- Protect and enhance our significant built and social heritage.
- Maintain and grow tourist and visitor servicing.

Comment from City Business Directorate

Clauses 5 and 7 of Council's resolution to enter into the lease agreement, as detailed in the Strategic and General Services Committee meeting held on 12 February 2014 (item SGS1402-2) state:

- “5. The lessor and lessee mutually agree that the lease boundaries are established for the purpose of executing the lease so as to enable the lessee to investigate the planning, heritage, urban design, and landscaping matters relevant to the proposed development of the lease area through the design development process and the determination of any required applications by the appropriate authorities.*
- 7. The lessor and lessee mutually agree to work collaboratively to develop a masterplan and/or detail design for the lease area, the overall reserve and adjoining areas, that seek to include, but are not limited to, the following:*
 - a) Develop a place where visitors feel welcome and the design gives expression to the precincts underlying historical significance. The design and programming of the space should provide visitors with an*

- opportunity to experience the physical reality of early European settlement and the type of environment that existed prior to European settlement;*
- b) Develop a place where visitors enjoy the combination of beach, ocean, endemic vegetation, natural and modified limestone landforms, historic buildings, cultural activity and creative arts. The precinct should offer the visitor physical pleasure and relaxation, information about a place of considerable cultural significance, creature comforts and amenities, and, importantly, an emotional experience.*
 - c) Develop the J-Shed precinct as a transition zone that links Bathers Beach with the maritime character associated with the Slip Street Precinct and Victoria Quay;*
 - d) Identify short, medium and long term urban design and servicing of the J-Shed studios in liaison with existing tenants;*
 - e) Improve the presentation of J-Shed to the surrounding spaces including to Fleet Street, Bathers Beach and the Arthur Head areas to the east;*
 - f) Improve the pedestrian movements between Bathers Beach through to the Slip Street Precinct and Victoria Quay beyond, in liaison with Fremantle Ports, TAFE and any other identified stakeholders;*
 - g) Provides a legible northern gateway and pedestrian access point to Bathers Beach;*
 - h) Develop proposals that reveal, conserve, and interpret archaeological sites in the vicinity;*
 - i) Provide improved and unrestricted pedestrian connectivity between the J-Shed precinct and the elevated areas of Arthur Head to the east;*
 - j) Address any unpleasant microclimate implications of the open space areas as far as reasonably possible and include appropriate urban design and landscape responses that can diminish the impact of the hot summer sun and strong sea breezes on the precinct, aiming always to establish a more enjoyable foreshore experience;*
 - k) Develop a landscape palette that assists with the creation of shade, protection from strong winds, and references the original coastal and limestone outcrop environments. Include materials that reflect and amplify the original materials and form of the headland. Maintain or remove existing vegetation as deemed appropriate to establish a quality and sustainable landscape, including the existing Norfolk Island Pines in Fleet Street.*
 - l) Improve pedestrian pathways and routes in the Bathers Beach precinct and the Whalers' Tunnel to accommodate the anticipated increase in public and commercial activity in the area and to improve public safety and amenity;*
 - m) Develop an interpretation strategy for the precinct to include and highlight the indigenous and non-indigenous cultural significance;*
 - n) Improve public parking in the precinct and adjoining areas to serve the precinct generally and the lease area specifically, including identifying any parking arrangements that may be required as a condition of planning approval in relation to the new development;*

- o) *Improve way-finding between the proposed development and other key activities including the passenger rail station and other forms of public transport, public car parks, and nearby precincts such as the West End, Victoria Quay, Bathers Beach, the Fishing Boat Harbour and the Esplanade Reserve;*
- p) *Includes appropriate reinstatement of a portion of the J-Shed and, where appropriate, new low profile and architecturally sensitive additions that do not detract from the important outlooks above the cliffs;*
- q) *Improve lighting of the precinct, including the foreshore, without causing glare at public viewing points above the cliffs;*
- r) *Provide adequate protection from coastal forces and sea level rises as required;*
- s) *Ensures improvements are made for the long term and not just for the lifespan of the lease."*

The following comment was provided by the City Business Directorate in relation to the lease and its relationship to the applications for planning approval:

"The resolution for approval of the lease with Sunset Venues also sought the City to undertake the development of a concept plan for the landscaping of the surrounds to the J Shed precinct and to better define linkages between Bathers Beach and Victoria Quay.

The City engaged CODA Architects to develop these concept landscape plans to provide consistency with the proposed development of Unit 1 J Shed by Sunset Venues. The development plans submitted by CODA for Sunset Venues includes elements of the concept landscape plans developed as part of that process. The intention of developing a landscape concept is for the City to consider these plans once the development of J Shed is confirmed. The City will then need to consult with Council and stakeholders in the area to finalise and cost this concept plan with the intention to allocate funding in the forward budget to align with any approved development for unit 1. If Sunset Venues does not undertake development of unit 1 by the cut off period required under the lease, the City will refine the concept landscape plan to take this into account."

CONCLUSION

The proposed Temporary Approval - Special event venue (live music venue) at J Shed Unit 1/Fleet Street (Lot 2051), Fremantle, has been assessed against the provisions of LPS4 and Council's Local Planning Policies.

As the proposal is contained within land reserved under the Metropolitan Region Scheme (MRS) as 'Parks and Recreation', the City acts only in the capacity as a referral body providing a recommendation to the determining authority, being the Western Australian Planning Commission (WAPC).

As the proposal relates to reserved land under the MRS, the provisions of the City's Local Planning Scheme No. 4 (LPS4) and Council's Local Planning Policies (LPP's) do not apply, but can and have been used as a guide in assisting Council in formulating its position for its recommendation to the WAPC.

The proposal is considered to be generally consistent with the provisions of Council's LPP's, however it is probable that some amenity impacts may result to the immediate locality, including car parking.

The proposal is considered to warrant a recommendation for conditional approval to the WAPC for their determination.

It is noted that the application for the permanent approval, for the partial change of use to Tavern (including live music) and additions and alterations to existing building (DA0370/15) does not form part of this report, and will form a separate report to Council at a later date.

OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That the application be REFERRED to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme for the proposed Temporary Approval - Special event venue (live music venue) at J Shed Unit 1/Fleet Street (Lot 2051), Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 31 July 2015. It does not relate to any other development on this lot.
2. This approval permits the use of the site as a special event venue (live music venue), and is valid until 31 May 2017 (inclusive).
3. The special event venue shall be limited to the following types of activities:
 - Weddings;
 - Art exhibitions and functions;
 - Gala Dinners;
 - Awards Nights;
 - Music Events;
 - Conferences;
 - Brand Activations;
 - Fashion Events;
 - Product Launches;
 - Corporate Functions;
 - Corporate Christmas parties;
 - Social & Celebratory events - Birthday and anniversaries;

and any other type of similar activity to those prescribed above, as deemed appropriate by, and to the satisfaction of the Western Australian Planning Commission, upon the advice from the Chief Executive Officer, City of Fremantle.

4. Events are to be held between 1 November and 30 May (inclusive) of each year, up until 31 May 2017 and are to consist of:

- i. Up to 12 music concerts per year, to be held on any day of the week, which are to commence at no earlier than 12:00pm (midday) and conclude no later than 10:00pm that same day with a maximum number of 1500 patrons at any one time; and
 - ii. All other uses are limited to weekends and public holidays and are to commence at no earlier than 12:00pm (midday) and conclude no later than 10:00pm that same day with a maximum number of 400 patrons at any one time;
5. Prior to commencement of the use of the site, the applicant is to submit and have approved by, the Chief Executive Officer, City of Fremantle, an access management plan which addresses how event patrons, goods and materials, as required for events, will be transported to and from the site, in the event that access cannot be obtained via Fleet Street.
 6. A watching brief is to be undertaken by a qualified archaeologist during all works, to the satisfaction of the Western Australian Planning Commission, upon advice from the State Heritage Office.

Advice Notes:

- i. The proponent must make application to establish the food business – tavern – so that the premises comply with the Food Act, Rood Regulations and the Food Safety Standards incorporating AS4674-2004 *Design, construction and fit-out of food premises*. Submit detailed architectural plans and elevations to the City's Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.
- ii. The proponent must make application during the Building License application stage to the City's Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. If the proponent is granted approval to commence development the proponent must immediately make application to the City for a Regulation 18 noise notice under the *Environmental Protection (Noise) Regulations 1992*. For enquiries and a copy of the application forms contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.
- iii. The applicant is advised to contact the Department of Aboriginal Affairs (DAA) on (08) 6551 8092 to discuss any statutory requirements that may be required to be undertaken and/or fulfilled by them under the *Aboriginal Heritage Act 1972*. This may include advising the South West Land and Sea Council of the proposed works, of which should be confirmed with the DAA.
- iv. The DAA has advised the City to advise the applicant that they have released the Aboriginal Heritage Due Diligence Guidelines to assist developers with planning and considering Aboriginal heritage during proposed works. A copy of the guidelines can be found on the DAA website as:

- v. <http://www.daa.wa.gov.au/globalassets/pdf-files/ddg>
- vi. The applicant is advised that the Department of Environment Regulation (DER) has recommended that management of ground disturbing works at the site include contingency measures for unexpected unearthing of asbestos or contamination, to eliminate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with Department of Environment Regulation's Contaminated Sites Guidelines.

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to change the wording of condition number 4 i. as follows:

- 4.i up to 12 music concerts per year, to be held on any day of the week, which are to commence at no earlier than 12:00pm (midday) and conclude no later than 10:00pm that same day with a maximum number of 1000 patrons at any one time; and**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to add the following condition number 7:

- 7. Patron access shall be limited to the Southern portion of the lease area via Bather Beach or the Whalers Tunnel and there shall be no patron access via Fleet Street**

CARRIED: 6/1

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Jon Strachan	Cr Bill Massie

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to add the following part B:

- 1. Sunset Events are required to comply with the same Operating Strategy that was approved as part of the lease.**
- 2. Sunset Events are not provided with exclusive use of the external area and are required to apply for City approval of each minor and major event.**
- 3. The number of food outlets/vans/stalls will be limited to a maximum of six within the licensed area at any time and only operate at times when supporting an event.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to add the following advice note:

- vii. The applicant is advised that there are pre-existing art-based land uses within the J-shed complex which may at times, be associated with, and accompanied by noise and odour emissions typical of semi-industrial type land uses.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

Cr R Pemberton MOVED an amendment to the Officer's Recommendation to add the following advice note:

- viii. Council does not support creating new vehicle access via Mrs Trivetts Lane**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

Cr J Wilson MOVED an amendment to the Officer's Recommendation to add the following condition:

Any alcohol advertising or promotion is not to be directly visible from the public realm

Lost: 3/4

For	Against
Cr Josh Wilson Cr Bill Massie Cr Ingrid Waltham	Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Jon Strachan

Cr J Wilson MOVED an amendment to the Officer's Recommendation to add the following condition:

- 8. Any alcohol advertising or promotion is not to include naming rights or prominent alcohol name brand sponsorship**

CARRIED: 4/3

For	Against
Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Jon Strachan	Mayor, Brad Pettitt Cr Rachel Pemberton Cr Ingrid Waltham

Mayor, Brad Pettitt MOVED an amendment to condition number 6 of the Officer's Recommendation to include the following wording:

- 6 A watching brief is to be undertaken by a qualified archaeologist during all works south of the line of the 1830's cliff, to the satisfaction of the Western Australian Planning Commission, upon advice from the State Heritage Office.**

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

Cr J Strachan MOVED to defer the item to the next appropriate Planning Services Committee meeting to allow the applicant to submit:

- an access management plan covering vehicular access for bump in/bump out and access and parking for customers.
- allow Fremantle ports to have an opportunity to sign MRS form1.
- provide more legible drawings; and
- a management plan to deal with clashes with existing tenants relating to their risk profile
- the above are to allow for informed decision making

Lost: 3/4

For	Against
Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson

COMMITTEE RECOMMENDATION

MOVED: Cr R Fittock

- A That the application be REFERRED to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme for the proposed Temporary Approval - Special event venue (live music venue) at J Shed Unit 1/Fleet Street (Lot 2051), Fremantle, subject to the following conditions:**
- 1. This approval relates only to the development as indicated on the approved plans, dated 31 July 2015. It does not relate to any other development on this lot.**
 - 2. This approval permits the use of the site as a special event venue (live music venue), and is valid until 31 May 2017 (inclusive).**

3. The special event venue shall be limited to the following types of activities:

- Weddings;
- Art exhibitions and functions;
- Gala Dinners;
- Awards Nights;
- Music Events;
- Conferences;
- Brand Activations;
- Fashion Events;
- Product Launches;
- Corporate Functions;
- Corporate Christmas parties;
- Social & Celebratory events - Birthday and anniversaries;

and any other type of similar activity to those prescribed above, as deemed appropriate by, and to the satisfaction of the Western Australian Planning Commission, upon the advice from the Chief Executive Officer, City of Fremantle.

4. Events are to be held between 1 November and 30 May (inclusive) of each year, up until 31 May 2017 and are to consist of:

- i. Up to 12 music concerts per year, to be held on any day of the week, which are to commence at no earlier than 12:00pm (midday) and conclude no later than 10:00pm that same day with a maximum number of 1000 patrons at any one time; and
- ii. All other uses are limited to weekends and public holidays and are to commence at no earlier than 12:00pm (midday) and conclude no later than 10:00pm that same day with a maximum number of 400 patrons at any one time;

5. Prior to commencement of the use of the site, the applicant is to submit and have approved by, the Chief Executive Officer, City of Fremantle, an access management plan which addresses how event patrons, goods and materials, as required for events, will be transported to and from the site, in the event that access cannot be obtained via Fleet Street.

6 A watching brief is to be undertaken by a qualified archaeologist during all works *south of the line of the 1830's cliff*, to the satisfaction of the Western Australian Planning Commission, upon advice from the State Heritage Office.

7. *Patron access shall be limited to the Southern portion of the lease area via Bather Beach or the Whalers Tunnel and there shall be no patron access via Fleet Street*

8. Any alcohol advertising or promotion is not to include naming rights or prominent alcohol name brand sponsorship

Advice Notes:

- i. The proponent must make application to establish the food business – tavern – so that the premises comply with the Food Act, Food Regulations and the Food Safety Standards incorporating AS4674-2004 *Design, construction and fit-out of food premises*. Submit detailed architectural plans and elevations to the City’s Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For enquiries and a copy of the application form contact the City’s Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.
- ii. The proponent must make application during the Building License application stage to the City’s Environmental Health Services via Form 1 - *Application to construct, alter or extend a public building* as a requirement of the Health (Public Buildings) Regulations 1992. If the proponent is granted approval to commence development the proponent must immediately make application to the City for a Regulation 18 noise notice under the *Environmental Protection (Noise) Regulations 1992*. For enquiries and a copy of the application forms contact the City’s Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9856.
- iii. The applicant is advised to contact the Department of Aboriginal Affairs (DAA) on (08) 6551 8092 to discuss any statutory requirements that may be required to be undertaken and/or fulfilled by them under the *Aboriginal Heritage Act 1972*. This may include advising the South West Land and Sea Council of the proposed works, of which should be confirmed with the DAA.
- iv. The DAA has advised the City to advise the applicant that they have released the Aboriginal Heritage Due Diligence Guidelines to assist developers with planning and considering Aboriginal heritage during proposed works. A copy of the guidelines can be found on the DAA website as:
- v. <http://www.daa.wa.gov.au/globalassets/pdf-files/ddg>
- vi. The applicant is advised that the Department of Environment Regulation (DER) has recommended that management of ground disturbing works at the site include contingency measures for unexpected unearthing of asbestos or contamination, to eliminate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with Department of Environment Regulation’s Contaminated Sites Guidelines.
- vii. *The applicant is advised that there are pre-existing art-based land uses within the J-shed complex which may at times, be associated with, and*

accompanied by noise and odour emissions typical of semi-industrial type land uses.

viii. Council does not support creating new vehicle access via Mrs Trivetts Lane.

B *Planning Services Committee note that under the license agreement;*

- 1. Sunset Events are required to comply with the same Operating Strategy that was approved as part of the lease.*
- 2. Sunset Events are not provided with exclusive use of the external area and are required to apply for City approval of each minor and major event.*
- 3. the number of food outlets/vans/stalls will be limited to a maximum of six within the licensed area at any time and only operate at times when supporting an event.*

CARRIED: 6/1

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Jon Strachan	Cr Bill Massie

Mayor, Brad Pettitt requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr B Massie.

PSC1510-12 LIME STREET, NO. 14 (LOT 217), NORTH FREMANTLE - PARTIAL CHANGE OF USE FROM OFFICE TO FIVE (5) MULTIPLE DWELLINGS AND ALTERATIONS TO EXISTING BUILDING - (AA DA0399/15)

ECM Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 7 October 2015
Responsible Officer: Manager Development Approvals
Actioning Officer: Planning Officer
Decision Making Level: Planning Services Committee
Previous Item Number/s: PSC1302-20
Attachments:
 1 – Development plans
 2 – Approved development plans (VA0010/14)
 3 – Site Photos
 4 – Applicants response to submission

Date Received: 11 August 2015
Owner Name: Lime 217 Pty Ltd
Submitted by: TPG Planning & Urban Design
Scheme: Mixed Use (R25)
Heritage Listing: North Fremantle Heritage Area
Existing Landuse: Multiple Dwellings & Office
Use Class: Multiple Dwellings
Use Permissibility: 'A'



EXECUTIVE SUMMARY

The application seeks planning approval for the partial change of use of existing Office tenancies on the ground (units 1-4) and first floor (unit 5) of an existing mixed use development to Multiple Dwellings. The change of use includes the fitout of tenancies for residential purposes in a way that can be converted back to a non-residential use in the future.

The original development achieved a density bonus up to the R60 code, from the prevailing R25 code or the basis a 'mixed use development' was achieved. This relied entirely on the five tenancies in question containing non-residential uses.

The proposed change of use means that the density bonus available under Local Planning Scheme No. 4 (LPS4) would no longer apply. If this was the case upon first application for the development, at the R25 code, the development could not have been approved; based on the minimum site area requirements of the R-Codes.

The application is recommended for refusal as a result.

BACKGROUND

The subject site is zoned Mixed Use under the provisions of the City LPS4 with a density coding of R25. The site is located within the North Fremantle Local Planning Area under the provisions of LPS4. The site is not listed on the City's Heritage List and the Municipal Heritage Inventory, but is located within the North Fremantle Heritage Area.

The subject site is located on the eastern side of Lime Street, North Fremantle and has a site area of approximately 1,125m². The site is developed as a three storey mixed use development containing 11 Multiple Dwellings and 5 Office tenancies.

On 12 February 2013 the City granted planning approval for the existing 'Three storey mixed use development' (DA0550/12) at the subject site. On 14 April 2014 the City granted variations to the planning approval DA0550/12 which resulted in minor design and façade treatment modifications (VA0010/14). On 27 October 2014, the City granted a building permit pursuant to VA0010/14 and construction of the development has since progressed onsite.

DETAIL

The application seeks planning approval to change the use of five existing office tenancies to a flexible planning approval encompassing both the Office land use and a Multiple Dwelling land use.

The application includes internal alterations to accommodate the potential fit out of each tenancy as a Multiple Dwelling. Development plans are included in this report at **Attachment 1**.

STATUTORY AND POLICY ASSESSMENT

The proposed development has been assessed against the relevant provisions contained within LPS4, the R-Codes and Council Local Planning Policies. The proposed development seeks discretion relating to density under LPS4 and the R-Codes.

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of the LPS4, as the land use sought requires advertising under LPS4. At the conclusion of the advertising period, being 19 September 2015, the City had not received any submissions.

However one late submission was received which raised concern regarding the impact of the proposal the availability of parking in the area. The applicant provided a response to the objection raised, which is included in this report at **Attachment 4**).

PLANNING COMMENT

5.1.1 Site area & density

Clause 5.2.5 of LPS4 specifies that;

'Notwithstanding the requirements of clause 5.2.3 residential density in the Local Centre, Neighbourhood Centre and Mixed Use zones may be increased up to R60, where residential development is part of a mixed use development, where, in the opinion of Council the proposal is not detrimental to the amenity of the area.'

A 'mixed use development' is defined in Schedule 1 of LPS4 as;

'when used in relation to a Planning Application, a combination of one or more of the residential use classes specified in Table 2 – Zoning and any other land use or uses, and where the residential use class and any other one use class each comprise a minimum of 25 per cent of the gross lettable area of the development.'

The original development application (DA0474/12) achieved the requisite mix of land use specified above and included 866m² of residential plot ratio area spread across 11 Multiple Dwellings. This resulted in a plot ratio of 0.77, considered against the R60 criteria of 0.7. The non-residential uses made up at least 25% of the net lettable area of the development, thereby triggering 5.2.5 above.

The subject site is coded R25 under the R-Codes and as a result, development of Multiple Dwellings is assessed against the minimum site area requirements of the R-Codes; in this case being 300m² per dwelling.

In approving DA0474/12, a density bonus up to the R60 code was applied based on the development being considered a mixed use development. At the R60 code, there are no minimum lot or density requirements. Had DA0474/12 not been considered a mixed use development, it would not have been approved under LPS4 citing the minimum site area requirements of the R-Codes.

Modifying the substantially commenced development to remove the non-residential uses removes the ability for the development to be considered mixed use and as a result, it is submitted that the base R25 code applies.

However, clause 5.8.2.1 of LPS4 specifies that;

'The Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:

- a) The variation will not be detrimental to the amenity of adjoining properties or within the locality generally;*
- b) Conservation of the cultural heritage values of building on-site and adjoining; and,*
- c) Any other relevant matter outline in Council's local planning policies.*

It is recognised that this provision cannot be used as a basis to vary the density code applicable to the site, or the definition of a 'mixed use development' as contained in Schedule 1 of LPS4. However, the provision may apply to instances where the City, in applying clause 5.2.3 of LPS4, considers that '*residential development is part of a mixed use development*'.

Other development elements

If approved the development may result in other elements of planning discretion such as vehicle parking and provision of external store rooms. These elements have not been assessed given the clear view of officers is to refuse the application.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City's following strategic documents:

- **Diverse and Affordable Housing Policy:** Provision of housing which is diverse and affordable to meet the current and future needs of the City's residents to increase the amount of affordable and diverse housing options.

The applicant notes that the proposal has been designed to allow dwellings to be converted (relatively easily) back to non-residential spaces in the future. This clearly provides a diverse form of housing for perspective residents.

OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial change of use from Office to five (5) Multiple Dwellings and alterations to existing building at No. 14 (Lot 217) Lime Street, North Fremantle , as detailed on plans dated 11 August 2015, for the following reasons:

1. The proposed development does not meet the minimum site area requirements of Design Element 5.1.1 (as per Table 1) of the R-Codes pursuant to the R25 code.

Lost: 3/4

For	Against
Cr Rachel Pemberton Cr Jon Strachan Cr Josh Wilson	Mayor, Brad Pettitt Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie

Cr R Pemberton MOVED to defer the item to the next appropriate Planning Services Committee meeting in order for staff to formulate appropriate planning approval conditions regarding temporary approval that also suitably notify future purchasers of the conditions.

Lost: 1/6

For	Against
Cr Rachel Pemberton Mayor, Brad Pettitt	Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan

COMMITTEE RECOMMENDATION

Mayor, Brad Pettitt MOVED the following alternative recommendation:

That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Partial change of use from Office to five (5) Multiple Dwellings and alterations to existing building at No. 14 (Lot 217) Lime Street, North Fremantle , as detailed on plans dated 11 August 2015, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 11 August 2015. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not

substantially commenced within a 4 year prior, the approval shall lapse and be of no further effect.

- 2. The development shall be designed and thereafter maintained so as to be readily converted back a non-residential use with minimal structural alterations, to the satisfaction of the Chief Executive Officer – City of Fremantle.**

CARRIED: 4/3

For	Against
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Rachel Pemberton Cr Bill Massie	Cr Jon Strachan Cr Josh Wilson

The above item is referred to the Ordinary Meeting of Council for determination in accordance with 1.1 or 2.1 of the City of Fremantle Delegated Authority Register which requires that at least 5 members of the committee vote in favour of the Committee Recommendation in order to exercise its delegation.

PSC1510-15 HIGH STREET MALL, NO. 120 (LOT 124), FREMANTLE - RETROSPECTIVE APPROVAL FOR PARTIAL DEMOLITION OF EXISTING BUILDING - (AA DA0366/15)

DataWorks Reference: 059/002
Disclosure of Interest: Nil
Meeting Date: 7 October 2015 2015
Responsible Officer: Planning Officer
Actioning Officer: Manager Development Approvals and Manager Field Services (Compliance section)
Decision Making Level: Planning Services Committee
Previous Item Number/s: C1408-1 (10 September 2014)
Attachment 1: Development plans (30 July 2015)
Attachment 2: Site photos
Attachment 3: Previous report extract (DA0259/14 – 10 September 2014)
Attachment 4: Planning Compliance Matrix
Attachment 5: Internal heritage comment
Date Received: 30 July 2015
Owner Name: Silverleaf Investments
Submitted by: Meyer Shircore & Associates
Scheme: City Centre (R-AC3)
Heritage Listing: Adopted (Level 1B)
Heritage Area: West End Conservation Area
Existing Landuse: Shop, Office & Restaurant
Use Class: N/A
Use Permissibility: N/A



EXECUTIVE SUMMARY

The application seeks retrospective planning approval for the removal of a portion of the first floor of an existing heritage listed building fronting Cantonment Street for the purpose of accommodating a construction crane. The applicant notes that the removal of the flooring is temporary in nature and will be reinstated following completion of the construction works.

Development approval for redevelopment of the subject site was granted by the City on 22 September 2014 (DA0259/14). The removal of the flooring to the first floor of the Cantonment Street building was not depicted on the development plans or a subsequent building permit granted by the City.

The application was referred to the City's Heritage department for comment, which consistent with previous advice relating to the overall redevelopment of the site (pursuant to DA0259/14) advised that the floor was of heritage significance and should have been retained.

Given this level of identified significance, the application is recommended for refusal. This report also discusses possible actions for the City to take in light of the officer's recommendation to refuse the application.

BACKGROUND

The subject site is located in the West End Conservation Area Heritage Area and is adopted on the City's Heritage List. The subject site is given a management category of 'Level 1B' pursuant to the City's Municipal Heritage Inventory.

On 22 September 2014 the City granted planning approval to 'Partial demolition and alterations of existing building and construction of a four (4) storey (with basement) multiple use development (office, shop and restaurant)'. This approval included the retention of two existing buildings on the subject site fronting High Street and Cantonment Street.

The approved plans depict the retention and restoration of the existing first floor of the Cantonment Street building. The plans also depict the removal of the roof and ceiling of the first floor of this building to accommodate a new roof deck.

On 15 July 2015 the City granted a building permit for the works forming part of DA0259/14.

On the 24 July 2015, officers of the City inspected the property and established that without approval;

- a ~16m² hole had been cut into the first floor (jarrah flooring and timber joists) and roof of the building fronting Cantonment Street; and
- a tower crane had been erected through the newly created hole;
- the original timber joists that had been cut away were on the ground next to the base of the crane; and
- timber flooring was lying within the first floor space, which had become the site office.

A request to weather protect the hole in the roof, so as to protect the internal portion of the heritage listed building from adverse weather conditions, was sent to the builder on the 24 July 2015. A further letter was sent on the 28 July 2015 requesting the builder to retain all timbers on the site and to protect them from the weather.

DETAIL

The application seeks retrospective planning approval for the temporary removal of a 16m² portion of the first floor for the purpose of providing a vertical penetration for a tower crane currently erected on-site. The owner has advised that the crane would need to remain in-situ until approximately February/March 2016. It is proposed that after the removal of the tower crane, the joists, roofing and flooring would be re-instated. It is noted that the removal of roofing material formed part of DA0259/14; to accommodate a new roof deck.

The following responses (highlighted in red) were provided to queries raised by the City;

How much of the original flooring has been retained; All has been retained.

How much of the original floor joists has been retained; All are stored on site to be re-used.

What action is proposed to be taken in the restoration of the portion of the building affected by the construction of the crane through it and by when; This is expected around the start of March.

Why the crane was put through the building; This was the only location available on site to erect the crane.

The amount of timber removed (flooring and joists) and the amount that was damaged/salvaged; As noted before 15m² was removed. 5 floor joist that all still remain on site.

How it is intended to re-instatement the flooring, as joists have been cut, flooring has been damaged by removing it in the way that it was done, and how the tongue in groove flooring is to be re-instated; The floor joist will be fish plated and bolted back to getter. There is an area where the existing stair case is that needs to be removed and new flooring needs to be installed, this will all be done at the same time and tied in together. I will be getting Alan Kelsall in for his input regarding this area.

What flooring is to be used where the timber flooring has been damaged through its unauthorised removal; Above response answers this question.

When is the crane to be removed; This is anticipated to be removed around the end of Feb/ Start of March.

How long after the removal of the crane will the flooring be re-instated; This will be worked on as soon as the crane is down.

The builder has subsequently clarified that approximately 20% of the flooring was damaged, however, they will be using similar profiled timber from other parts of the site.

Development plans and site photos of the works are included in this report at **Attachment 1** and **Attachment 2**.

The development plans depict the removal of the flooring as 'temporary demolition for tower crane'.

PLANNING COMMENT

Demolition

The subject site is included on the City's Heritage List (and given a management category of Level 1B). Clause 5.15.1 of LPS4 states that Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- a) ***Has limited or no cultural heritage significance, and***
- b) *Does not make significant contribution to the broader cultural heritage significance and character of the locality in which it is located.* [Emphasis added].

A previous heritage assessment prepared pursuant to DA0259/14 identifies the Cantonment Street building to be of 'some' significance inclusive of the flooring elements of the first floor (see **Attachment 3**). It is also noted that the applicants heritage assessment submitted as part of DA0259/14 also identified this area of flooring on the Cantonment Street building as being of 'some' significance.

Further to these earlier assessment, the City's heritage department provided additional comment regarding the specific significance of the flooring and roof structure. The comments are summarised as follows;

- The original decision to support DA0259/14 was based upon balancing the need to conserve the heritage value of the place and the needs for re-use and redevelopment of places. There can be no misunderstanding of the importance of the Cantonment Street building having regard to the process undertaken in DA0259/14 involving the applicant, developer, DAC and Council staff;
- While it is recognized that that a solution has to be found that as far as possible overcomes the damage caused to this heritage building, it is emphasized that the solution should not be considered to justify the harm caused to it.;
- The proposed removal of flooring to the Cantonment Street building was not supported as part of DA0259/14 and is not supported now.

The removal of the flooring, albeit specified by the applicant to 'temporary' does not satisfy clause 5.15.1 of LPS4 above. The application is therefore recommended for refusal and a further resolution is recommended specifying that the floor be reinstated.

Should Council consider the flooring to be of lesser significance than that identified by officers of the City, it may consider clause 5.15.1 of LPS4 to be satisfied. In this instance, a resolution specifying approval would result. Officers recommend a condition specifying the reinstatement of the flooring to its original condition once the crane tower is removed, to the satisfaction of the Chief Executive Officer – City of Fremantle, be included.

COMPLIANCE COMMENTS

Approval/Permits

The removal of the timber flooring from the heritage listed building would have required planning approval and a building permit prior to the works being undertaken. The works that have been carried out are inconsistent with the planning and building permits (and the notes on those documents) for the site, as outlined below:

- 1) Planning approval – note on floor plan stated “*Existing timber floor to be retained*”
- 2) Building Permit plans:
 - a) had the following comment annotated on the plans in the location of the existing crane:
 - i) ‘*Existing carpet to be removed off floor. Floor boards to be sanded back and sealed*’.
 - ii) “*Existing suspended floor to remain*” reference was to the timber floor.
 - b) Showed the location of an 80t slewing crane on the Cantonment Street footpath. There was a note on the site plan that stated “*Tower crane reach shown dotted*”. However, there was no indication whatsoever that a tower crane was to be erected within the heritage building (as it exists now) or anywhere else on the site plan.
- 3) An Obstruction Permit was sought to close a part of Cantonment Street in front of the heritage listed building. The application indicated that a new crane was to be erected. The plans submitted with the application showed how an obstruction to the road reserve was going to happen but did not show the location of any crane within the site or the building.

Consultation

There was no consultation with City staff over this proposal to locate the crane within the heritage listed building.

Retrospective planning applications for the site

This is the second retrospective planning application the City has been required to consider for the site. The owners have previously converted the High Street Mall end of Atwell Arcade into a coffee shop without consultation or planning approval. Retrospective planning approval was subsequently granted for the unauthorised works.

Planning Compliance Matrix

The solicitors have previously provided the City with a Matrix to help the courts determine the severity of a matter. The Matrix has been filled in as far as possible in this matter – refer to **Attachment 4**.

Other similar cases

At its 3 September 2014 meeting, the PSC resolved to prosecute the owners of No. 8 Bannister Street (PSC1409-146) for undertaking unauthorised works to a heritage listed building (Heritage List LPS4; MHI Category 1B level and West End Conservation Area). The works involved the removal of original flooring within the heritage listed building

(approximately 76 m²). This was the second time unauthorised works had been carried out by the Company. The Company was fined \$30,000 in the Local Magistrates Court. By way of comparison, both buildings are on the Heritage List LPS4, have an MHI Category 1B level classification and are within the West End Conservation Area.

Compliance Options

The following compliance options have been identified in responding to the breach of LPS4. These options are based on the PSC granting retrospective planning approval to the unauthorised works or refusing retrospective planning approval for the works. Departure from LPP1.5 can occur depending upon how insignificant/significant the circumstances of the matter are. Other variations of these options could be considered:

1) Retrospective Planning Approval Compliance Options

a) No compliance action;

Option a) is not recommended on the basis that substantial time and effort was spent in the planning approval process supporting the development application while still seeking to achieve good heritage outcomes. Further, there was no consultation with the City in terms of the need for the construction of a tower crane on the site, let alone being constructed through a heritage listed building.

b) Issue Direction Notice to re-locate the crane elsewhere on the property in a position approved by the City as well as re-instating the timber flooring/joists, all within 60 days (minimum period specified in the Planning and Development Act) from the issue of the Notice;

This option could potentially impact on the continued construction of the development as it would require the existing tower crane to be dismantled and re-erected somewhere else without further impacting on the heritage fabric of the existing buildings. The flooring/joists could then be re-instated as best as possible having regard to the way in which they were removed.

c) Follow LPP1.5 – issue \$500 Planning Infringement Notice and Direction Notice requiring re-instatement of timber flooring within 4 months – time period may need to be extended if the time period for the cranes retention and time to re-instate;

This option acknowledges that the damage has been done, allows construction to continue without any penalty apart from the \$500 fine.

d) Prosecute for the unauthorised works on the heritage listed building and allow construction to continue by issuing a Direction Notice for the crane to remain in-situ until the need for the crane is finished and the joists/flooring can then be re-instated as best as possible in accordance with any specific conditions of planning approval.

This option is similar to option c), except the owners are prosecuted for the breach of LPS4 rather than the \$500 Planning Infringement Notice. Should

this process be followed, any penalty imposed in this matter would be determined in the Magistrates Court.

2) Refusal of Retrospective Planning Approval

Should the PSC refuse to grant retrospective planning approval to the works undertaken, then option b) could be used to provide direction to the owners to remedy the current situation. As to whether or not compliance action is taken is a matter for determination by the PSC.

Appeal rights to the State Administrative Tribunal exist for the owner in this matter except in the case of action taken in the Local Courts.

The matter of compliance action is submitted for consideration by the PSC following determination of the retrospective application for planning approval for the unauthorised works.

STRATEGIC IMPLICATIONS

The proposal is considered inconsistent with the following strategic documents of the City;

- Strategic Plan 2010 – 15:
'Protect and enhance our significant built and social heritage.'

OFFICER'S RECOMMENDATION

MOVED: Cr R Fittock

That the application be REFUSED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Retrospective approval for partial demolition of existing building at No. 120 (Lot 124) High Street Mall, Fremantle, as detailed on plans dated 30 July 2015, for the following reasons:

1. The proposal does not satisfy clause 5.15.1 of Local Planning Scheme No. 4 in that it results in the demolition of portions of a building identified as being of some cultural heritage significance.

COMMITTEE DECISION

Cr J Strachan requested that the matter be deferred to the 14 October 2015 Council Meeting in order for staff to formulate a recommendation for approval framed around compliance option 1c.

CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Jon Strachan	

AUDIT COMMITTEE 30 SEPTEMBER 2015

AC1509-1 INTERNAL AUDIT WORK PROGRAM AND OUTSTANDING ITEMS LIST

DataWorks Reference:	039/033
Disclosure of Interest:	Nil
Meeting Date:	31 August 2015
Previous Item:	AC1503-01 of 17 March 2015
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Alan Carmichael, Finance Manager
Decision Making Authority:	Committee
Agenda Attachments:	Outstanding Items List

EXECUTIVE SUMMARY

The audits in progress are detailed below plus the outstanding items list is attached for review. Relevant officers have been invited to attend the committee so that they can provide status reports on the progress of the work program or outstanding items.

BACKGROUND

The internal audit program is based on 20 days of activity per financial year.

COMMENT

The current work program includes the following internal audits:-

- Events and Functions
- Project Management

The Outstanding Item List covers high priority items flagged by the Audit and Risk Management Committee that they wish to maintain under review. In the current status column of the list officers have made observations and/or recommendations to assist the committee in its ongoing consideration of the items.

Information Technology is being retrieved post the resignation of the Manager Information Technology. The City engaged an independent consultant to undertake an audit of IT systems and set ups. The audit report has been concluded and is still being assessed by Officers.

A report will be provided to the next Audit and Risk Management Committee Meeting.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Nil

Operational

The internal audits to be undertaken by the city's internal auditors and will require the co-operation of relevant City of Fremantle staff.

The City is currently reviewing it's approach to project management to better suit the software application and reporting program. An update of this will be provided at the meeting.

Organisational

Nil.

CONCLUSION

That the information and report be received.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

The internal audit management reports for Events and Functions and Project Management be received and relevant actions be noted on the outstanding items register for future follow up.

Cr D Thompson MOVED a minor amendment to the Officer's Recommendation to include the following wording:

The internal audit management reports for Events and Functions and Project Management be received and relevant actions be noted on the outstanding items *for register and further report at the December meeting.*

CARRIED: 3/0

For	Against
Cr Doug Thompson Cr Andrew Sullivan Cr Josh Wilson	

COMMITTEE DECISION

MOVED: Cr J Wilson

The internal audit management reports for Events and Functions and Project Management be received and relevant actions be noted on the outstanding items *for register and further report at the December meeting.*

CARRIED: 3/0

For	Against
Cr Josh Wilson Cr Doug Thompson Cr Andrew Sullivan	

AC1509-2 PROPOSAL FOR NEW EXTERNAL AND INTERNAL AUDIT CONTRACTS

ECM Reference:	083/002; 083/004
Disclosure of Interest:	Nil
Meeting Date:	31 August 2015
Previous Item:	AC1412-5 of 28 January 2015 (external audit) AC1403-2 of 17 March 2014 (internal audit)
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Alan Carmichael, Finance Manager
Decision Making Authority:	Committee

EXECUTIVE SUMMARY

The current external financial audit contract will be completed with the finalisation of the audit for the twelve months ended 30 June 2015.

The current internal audit contract will be completed with the finalisation of the three internal audits in progress. It is anticipated the three audits will be finalised by 30 September 2015.

This item seeks committee endorsement on the process to call quotations for the appointments under the external financial audit and internal audit contracts.

BACKGROUND

The city's current external auditor is Mr Michael Hillgrove from the firm Grant Thornton and the current internal auditors are from the firm William Buck. Grant Thornton have held the last two financial audit contracts since 2005 and William Buck were first appointed in 2010.

COMMENT

Financial Audit

- The external financial auditor is appointed by council on recommendation from the Audit and Risk Management Committee.
- The contract covers the audit of the annual financial statements and grant acquittals.
- It is proposed to call equotes from WALGA's Audit Services contract panel. The panel has eight auditors and includes the auditors who are most active in local government in Western Australia. The audit regulations specify the maximum term an auditor can be appointed for is five years and it is recommended the appointment be made for four years which aligns with the ordinary council election cycle. Mr Michael Hillgrove of the firm Grant Thornton has been the city's external auditor for eleven years and therefore from a risk management perspective it is proposed that he not be considered for reappointment. Also it is recommended that the external and internal audit contracts are not allocated to same firm.

- Under Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 the CEO is required to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once every 4 financial years) and report to local government the results of those reviews. The last review was carried out by Grant Thornton in December 2014. It is recommended that the financial management systems review be undertaken annually by the external auditor and therefore added to the external audit contract specification.

Internal Audit

- The internal auditor is appointed by the CEO on recommendation from the Audit and Risk Management Committee.
- It is proposed to call quotes from WALGA's Audit Services contract panel and the existing internal audit firm of William Buck. William Buck made a management decision not to apply to be on the WALGA panel but are on the state government audit services and financial advice panel (CUA23706) that local governments can access. Given William Buck are the city's current internal auditor's and on the state government audit services panel it is recommended they should also be invited to quote. The internal audit work program is based on twenty days of activity inclusive of meetings and report writing. A contract period of three years is proposed for internal audit plus it is recommended that the internal and external audit contracts are not allocated to same firm.

RISK AND OTHER IMPLICATIONS

Financial

The recurrent budget provides for financial and internal activities. The internal audit activity is based on 20 days of work per year.

Legal

Under the Local Government Act 1995 section 7.3 (1) the council must appoint a financial auditor.

Operational

The council appointment of an external auditor is a statutory requirement whilst the appointment of an internal auditor is made by the CEO.

Organisational

The work of the auditors, especially internal audit could result in revised policies, procedures and plans.

CONCLUSION

That procurement action for audit services is undertaken as endorsed by the Audit and Risk Management Committee.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

That the Audit and Risk Management Committee endorses the following processes for appointment of auditors:-

1. For Financial audit:-
 - a) e Quotes be called from WALGA's Audit Services panel members.
 - b) Contract is for a five year term.
 - c) The requirement to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the city under Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 be included in the audit specification as an annual requirement.
 - d) Grant Thornton is not considered for renewal due to a desire for a new auditor to be appointed.
 - e) The same firm not to be awarded financial and internal audit contracts.

2. For internal audit:-
 - a) Quotations are called from WALGA's Audit Services panel members and William Buck the city's existing internal auditor.
 - b) Contract is for a three year term.
 - c) The requirement is for twenty (20) days of activity inclusive of meetings and report preparation.
 - d) The same firm not to be awarded external and internal audit contracts.

Cr D Thompson MOVED an amendment to the Officer's Recommendation to replace Part 1 (b) to the words Contract is for a *three* year term as shown in bold and italics:

CARRIED: 3/0

For	Against
Cr Doug Thompson Cr Andrew Sullivan Cr Josh Wilson	

REASON FOR CHANGE TO OFFICER'S RECOMMENDATION

To ensure that the maximum length of a single appointment over two contracts would be six years.

COMMITTEE DECISION

MOVED: Cr J Wilson

That the Audit and Risk Management Committee endorses the following processes for appointment of auditors:-

1. For Financial audit:-

- a) e Quotes be called from WALGA's Audit Services panel members.
- b) Contract is for a *three* year term.
- c) The requirement to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the city under Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996 be included in the audit specification as an annual requirement.
- d) Grant Thornton is not considered for renewal due to a desire for a new auditor to be appointed.
- e) The same firm not to be awarded financial and internal audit contracts.

2. For internal audit:-

- a) Quotations are called from WALGA's Audit Services panel members and William Buck the city's existing internal auditor.
- b) Contract is for a three year term.
- c) The requirement is for twenty (20) days of activity inclusive of meetings and report preparation.
- d) The same firm not to be awarded external and internal audit contracts.

CARRIED: 3/0

For	Against
Cr Josh Wilson Cr Doug Thompson Cr Andrew Sullivan	

**AC1509-3 PROPOSAL TO IMPLEMENT AN INTEGRATED RISK AND AUDIT
MANAGEMENT SOLUTION**

ECM Reference:	039/003
Disclosure of Interest:	As the actioning officer I disclose that I have been previously employed by CAMMS as General Manager Consulting Services
Meeting Date:	30 September 2014
Previous Item:	AC1412-5
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Wayne Wright, Manager Business Support
Decision Making Authority:	Committee
Agenda Attachments:	Proposal for Integrated Risk Manager and Audit Manager Solutions

EXECUTIVE SUMMARY

To consider a proposal to improve the management of business risks and audit recommendations through the implementation of CAMMS Integrated Risk manager (IRM) and Audit Manager solutions to streamline compliance in accordance with Regulation 17 of the Local Government (Audit) Regulations 1997.

BACKGROUND

The Local Government (Audit) Regulations 1997 require the Chief Executive Officer to undertake a review of the risk management framework for the organisation with an initial review being completed in 2014. The current framework provides for review and analysis of operational and projects risks on an ongoing basis.

COMMENT

Risk management is an important foundation of good governance and control.

Currently risk actions and audit recommendations are managed and reported on using Microsoft Word and Excel.

CAMMS as the current provider of integrated strategic, business planning and project management systems have provided a proposal to provide Integrated Risk Manager (IRM) and Audit Manager Solutions.

Their Integrated Risk Manager Software provides an integrated approach to:

- Identify and document strategic, operational and project risks
- Profile and assess risks
- Develop risk solutions as actions
- Monitor and report against the City's risk management framework

Their Audit Manager software provides an integrated approach to register and track internal and external audit recommendations and management actions in an on-line environment.

These solutions can be implemented using existing internal resources avoiding the need for external consulting services.

RISK AND OTHER IMPLICATIONS

Financial

A review of CAMMS existing licensing has identified opportunities to make sufficient saving to facilitate the implementation of these two solutions within existing Information technology budget allocations.

Legal

The level of integration between the risk management solution and existing CAMMS products limits the ability of other suppliers to provide the required levels of business process functionality

Operational

The introduction of these solutions will enhance the city's ability to meet its compliance obligations under regulation 17.

Organisational

There may be some minor reallocation of responsibilities with the Business Support Team to enhance the delivery of a robust approach to risk management across the organisation.

CONCLUSION

The requirement to improve risk management processes in accordance with the introduction of regulation 17 is a key management focus. The introduction of these software solutions will:

- Facilitate a structured approach to the identification of operational and project risks as part of the annual business planning process
- Provide easily accessible risk information to directors, managers and other key staff
- Guide staff through a structured approach to risk assessment
- Improve the analysis and evaluation of operational and project risks
- Improve risk and audit reporting capabilities

STRATEGIC AND POLICY IMPLICATIONS

Strategic Imperative Capability – Good governance structures, supporting council focus on strategic areas

COMMUNITY ENGAGEMENT

Not Applicable

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION/COMMITTEE DECISION

MOVED: Cr J Wilson

The proposal to improve the management of business risks and audit recommendations through the implementation of CAMMS Integrated Risk manager (IRM) and Audit Manager solutions be endorsed.

CARRIED: 3/0

For	Against
Cr Josh Wilson Cr Doug Thompson Cr Andrew Sullivan	

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil.

REPORTS BY THE MAYOR OR OFFICERS OF COUNCIL

STATUTORY COUNCIL ITEMS

Nil.

COUNCIL ITEMS

C1510-1 REQUEST FROM CITY OF COCKBURN TO AMEND RRRC PARTICIPANTS AGREEMENT

ECM Reference:	038/012
Disclosure of Interest:	Nil
Meeting Date:	14 October 2015
Previous Item:	Nil
Responsible Officer:	Lionel Nicholson, Acting Director Infrastructure and Project Delivery
Actioning Officer:	Lionel Nicholson, Acting Director Infrastructure and Project Delivery
Decision Making Authority:	Council
Agenda Attachments:	Southern Metropolitan Regional Council Report Request from the City Of Cockburn to Amend RRRC Project Participants Agreement

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the proposal from the City of Cockburn, as conveyed to the Southern Metropolitan Regional Council, to amend the participants agreement with regard to their implementation of a three bin trial for part of their district including the area of Hamilton and diversion of the green waste collected to the Henderson Waste recovery Park for processing.

Also the City of Cockburn has given notice it will withdraw from the collection of green waste with effect FY16/17 in order to expand the third bin system across the remainder of their district.

The SMRC are seeking Council to confirm their position regarding the City of Cockburn's proposal.

BACKGROUND

At its meeting held in August 2015 the Southern Metropolitan Regional Council resolved the CEO of the SMRC request from the participants their position in relation to Cockburn's proposal to amend the participants agreement and advise the SMRC of any negotiations between the participants that may materially affect the SMRC's FY2015-16 adopted budget or the 2016 -17 budget.

It is the SMRC's view that the acceptance of the proposal falls to the Members of the Participants Agreement to determine if they accept the amending of the agreement of the terms proposed by Cockburn.

COMMENT

Whilst City's officers are supportive in principle of trialling a three bin system and implementation across a regional local government area there are concerns about the City of Cockburn's unilateral move with regard to the following:

- (a) The implications for the continued operational viability of the SMRC in its current structure.
- (b) The economic impact on members not participating in the trial, and Cockburn's withdrawal from bulk green waste contributions from FY/16/17.
- (c) The proposed model may not yield an improved waste recovery or economies of scale for cost effectiveness for the region in the short to medium term.

The Waste Authority's main deliverables for the introduction of a three bin system are to achieve; uniform industry practice and cost effectiveness, changes to behavioural patterns in waste segregation and disposal, a reduction in contamination levels in MSW organic stream and a reduction in volume of waste disposal to landfill.

The WALGA Waste Vision paper also motivates there should be changes to the Local Governance model for waste management in the metropolitan area, and identifies the following factors are important for future regional waste councils; cost effective service for ratepayers, metropolitan wide coordination of waste management, certainty for the operating environment, utilisation of extensive Local Government experience in this area, optimisation of existing infrastructure and resources and standardisation of collection systems to maximise efficiency of service delivery and education.

Participants implementing three bin systems across a region uniformly would be most beneficial towards achieving efficient use of resources, changes in community behaviour, consistency of the recycling message and service cost benefit for its communities

RISK AND OTHER IMPLICATIONS

Financial

The economic impact on the Regional Resource Recovery Centre (RRRC) by introducing a three bin arrangement as proposed by Cockburn is estimated to result in a shortfall of \$1.5 Million for the Waste Composting Facility and a further estimated \$200,000 for the Green Waste Facility operations.

Legal

The SMRC advice that from a legal perspective there cannot be a partial withdrawal by a member however parties can amend the existing agreement.

Operational

The implementation of the City of Cockburn trial nor their withdrawal for bulk green waste contribution to the SMRC does not pose a direct impact on the City of Fremantle waste collection operations.

Organisational

The SMRC have contracted MRA Consulting Group to prepare its draft strategic plan and once adopted will set the direction for the region's Strategic Waste Management Plan.

CONCLUSION

The SMRC are currently in the process of finalising the Strategic Waste Management Plan for its members and the draft plan provides a sound basis for setting direction for future years. It is considered that there is merit that any proposal to vary the participation agreement should also align with a staged process as the SMRC transitions to improved systems and technologies of processing Municipal Solid Waste.

The adoption of a transition plan by all the participants would be the first step in a process, which aims to rationalise costs, provide the foundation for improving the sustainability and performance of SMRC waste service practices and assists in achieving the State's waste diversion from landfill targets.

STRATEGIC AND POLICY IMPLICATIONS

COMMUNITY ENGAGEMENT

Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- (1) The City Of Fremantle does not support the City of Cockburn's request to amend the Project Participants' Agreement for the Regional Resource Recovery Centre Project.**
- (2) Requests the Chief Executive Officer to inform the Southern Metropolitan Regional Council and the City of Cockburn in writing of point 1 above.**
- (3) Officers bring a further report in early 2016 setting the strategic direction for the City once the SMRC Strategic waste management plan is adopted.**

C1510-2 WALGA DISCUSSION PAPER - ELECTED MEMBER TRAINING

ECM Reference:	097/008
Disclosure of Interest:	Nil
Meeting Date:	14 October 2015
Previous Item:	Nil
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Tanya Toon-Poynton, Governance Coordinator
Decision Making Authority:	Council
Agenda Attachments:	WALGA discussion paper on Policy Options to Increase Elected Member Training Participation.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has released a discussion paper requesting feedback on the development of a policy option that seeks to increase elected member training participation rates.

This report summarises the policy options offered in the discussion paper provided to Elected Members in July 2015 and recommends to council the responses to be sent to WALGA. The paper seeks responses to five questions, and general feedback by Friday, 30 October 2015.

WALGA has noted that the **Policy framework recommendations that stem from this consultation process will be the subject of thorough Zone and State Council consideration during a subsequent Zone and State Council meeting process.**

BACKGROUND

WALGA have acknowledged that there is a potential conflict of interest in mandating elected member training as WALGA are a registered training organisation providing elected member training and has the potential to financially benefit from mandatory training. The paper focuses on nationally accredited training based on the local government training package which can be offered by any registered training organisation.

The discussion paper notes:

- *Local government sector require competent and well qualified political leadership.*
- *Calls for greater elected member training are predicated on the belief that elected members who undertake training and professional development are better able to perform in the role of elected member and are able to offer greater strategic contributions to the Councils decision making process.*

During the 2014-15 financial year, 308 elected members who participated in WALGA delivered training which was subsidised by the Royalties for Regions Country Local Government Fund (RRCLGF) rated all four courses a five out of six or better on a one to

six scale when asked to what extent they felt their personal learning objectives had been achieved.

It also notes that training for elected members became mandatory in South Australia in 2014, and the NSW Local Government Independent Review Panel recommended the introduction of mandatory elected member training in its 2013 report. The paper details some of the recommendations to come out of the 2014 Report of the Panel of Inquiry into the City of Canning in relation to elected member training.

The discussion paper refers to the Salaries and Allowances Tribunal 2014 determination which concluded that it was not appropriate to provide incentives while a program of training for elected members, funded by the Royalties for Regions Program, is being undertaken in non-metropolitan areas.

There are existing training opportunities for elected member training. The City provides the opportunity for new elected members to attend appropriate training courses, which is not deducted from the elected member allowance for training and conferences. An induction session and information packs are provided to new elected members.

COMMENT

The discussion paper offers six policy options for consideration. All the options seek to increase elected members participating in training. The options are summarised below, and include additional comments on the potential effect on the City. More detail on each option is provided in the attached discussion paper.

1. Enhance desirability of training offerings

This option attempts to increase participation by ensuring stakeholders offer training in suitable locations and formats. This option requires no significant change to legislation or policy to enforce mandatory training, rather provides for more accessible training.

WALGA notes there is a risk that some elected members may not seek further training under a voluntary framework. This option also relies on funding from the Royalties for Regions program, which may not always be available.

Officer comment: Being a metropolitan council with readily available internet coverage for access to on-line training or accessible transport options to attend in person, and there is no remuneration component discussed this option will have no significant financial or operational implications for the City or elected members.

2. Best practice induction programs

This option does not require significant policy or legislative change, it encourages councils to adopt and deliver a best practice induction program. The requirement for an induction program could either be voluntary or through legislative change.

The paper discusses that disadvantages to this approach are that an induction program is not a substitute for formal training and the content and depth of induction programs may vary significantly across local governments.

Officer comment: This could be complemented by including a minimum standard determined by the Department of Local Government.

The City already provides an induction process, and ongoing support for elected members, which includes new elected members completing an approved new elected member training course. An induction program that is developed “in-house” does ensure that the training is targeted to the specific needs of the local government and would allow flexibility for a local government to ensure it is developed at the appropriate level depending on need. One down side to this is that the induction would be developed by officers and may become dominated by governance rules and processes rather than targeted training.

3. Require councils to adopt a training policy

To implement this option, the *Local Government Act 1995* could be amended to require councils to adopt a training policy. The paper suggests that the policy would outline training that elected members should aim to complete upon election and during the first and subsequent term. Elected members would require access to suitable training and skill development and each council would need to continuously review elected member training needs. WALGA have noted their concern that, implemented in isolation, this approach may not achieve the desired outcomes and adds a compliance requirement to the local government.

Officer comment: While the Fremantle Council, being a metropolitan council can easily access training providers, this option does not discuss remuneration and this may be a barrier that prevents people from nominating for council.

A requirement to adopt an elected member training policy will impact on the operations of the City in that the policy will need to be developed and undergo regular review, and a method of capturing training for compliance purposes will also need to be considered. Consideration would need to be given to the costs that any mandatory training would generate, and whether some or all of the training costs should be borne by the City. This requirement may also have operational issues and added costs in providing multiple sessions to allow all elected members to attend. This option does leave the individual council at the control of the process, within the determined rules of the Act, and therefore may allow the council to target appropriate training based on its individual needs.

4. Requirements for candidacy

This approach requires candidates to attend an introductory training session or an information session prior to their nomination being accepted. The option seeks to ensure candidates have an awareness of the roles and responsibilities of an elected member. It may be considered appropriate that any mandatory training or information session aimed at potential candidates is provided by the Department of Local Government. The requirement to attend or complete an introductory session before nominating may discourage some potential candidates.

Officer comment: Should the department conduct this training, consideration could be given to whether training can be offered for free or incentivised for potential candidates as the requirement to attend or complete an introductory session before nominating may discourage some potential candidates.

The City of Fremantle and the Town of East Fremantle recently offered a joint information session before the nominations opened for the 2015 election. The Western Australian Electoral Commission presented information on the elections process. Of the twenty nominations subsequently received by the City of Fremantle, six attended the information session.

It is considered by officers that this option would be problematic operationally and could not be conducted by local governments.

5. Incentivisation of training

There are two options presented for incentivising training for elected members. The first option is that elected members are paid an annual training allowance if they meet specified training standards. The allowance could be tiered as an elected member completes more advanced training.

The second option is to offer a percentage bonus of their meeting fee or annual allowance for completing specified training. This could also be tiered to increase as more advanced training is completed.

The paper notes that providing a monetary incentive is considered more likely to successfully increase participation in training, without the need to mandate it and a major disadvantage is that the complexity of the remuneration framework could increase which would add to the local government's compliance requirements. Consideration should also be given to the ability of local governments to pay increased remuneration.

Officer comment: Incentivised training will have compliance, operational and financial implications on the City, however this option has some merit, as there is no penalty for non-compliance.

6. Mandatory training

The last approach is to mandate training for elected members. It is suggested that only foundation training would be suitable to be included in a mandatory training regime. Foundation training offered by WALGA is discussed in more detail in part 2 of the attached discussion paper.

There are two options to consider.

The first option is newly elected members are required to complete foundation training within a given timeframe. Careful consideration will need to be given to determining the timeframe and consequences for non-completion will need to be determined. The discussion paper provides some possible consequences, such as withholding allowances and sitting fees, or declaring the elected member's position vacant. The allowance is a sitting fee for attending council meetings, not a reward for performance, and the democratic right of voters to vote for their preferred candidate should be carefully considered, should a position be declared vacant due to non-compliance with training policies. This seems a rather onerous requirement that is not placed on any other tier of government. It also gets close to an assumption that all elected members are ineffective without training.

Another option is that mandatory training applies to all elected members. The paper notes that elected members could complete a proficiency test or demonstrate prior learning to be exempted from the training and that mandatory training would increase participation rates, and provide newly elected members with a reasonable understanding of the role of elected member soon after commencing their term. Local governments would be required to resource the provision of training and ensure compliance. Mandatory training could be a barrier that prevents people from nominating for election to council.

Officer comment: The two options that mandate training would have the greatest impact on the City. Many people who nominate for Council already have qualifications that could assist them in carrying out their role as an elected member, and while some prior learning may be recognised, as detailed in option two, mandating training, and penalising those who are unable to complete training could be a severe barrier that prevents people from nominating for council.

Either of the mandatory training options will have considerable financial and operational impact on the City. The City would be required to resource the provision of training and ensure compliance with the policy or legislation. The City may also be required to record prior learning or proficiency, and ensure it complies with whatever standard is set out under this policy.

RISK AND OTHER IMPLICATIONS

Financial

Broad indications of the financial implications for each option are discussed within the report. No specific figures are available at this point in time.

Legal

Legal implications for each option are discussed within the report.

Operational

Impact on operations for each option are discussed within the report.

Organisational

Impact on the organisation for each option are discussed within the report.

CONCLUSION

While the City supports elected member training it does not see the benefit, to either the City or elected members, of mandating training. Some people who are elected to council may have high level qualifications or a company director's background, are a long term elected member, or have been an elected member in the past. There are, of course benefits of training for elected members, especially for those who may not have any relevant qualifications or experience, and in the experience of the City, new members are already keen to undergo relevant training.

As discussed throughout the paper, mandatory training has the potential to discourage people from nominating for council. The City allows for new elected members to attend

new elected member training which is paid for by the City, to encourage new elected members to complete training that will assist them to carry out their role as an elected member as effectively as possible. The City does not see any benefit to the Fremantle community of financially penalising elected members or declaring vacant positions if elected members are unable to complete mandatory training. Elected members are voted in by the community, and therefore the appropriateness of conditioning their success in an election with the completion of mandatory training should be carefully considered.

STRATEGIC AND POLICY IMPLICATIONS

The implications for each option are discussed within the report.

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

That council provides the following responses to the questions posed by Western Australian Local Government Association (WALGA) in the Discussion Paper 'Policy Options to Increase Elected Member Training Participation':

1. Best Practice Induction Programs

Q. Does Council support Local Governments adopting and delivering a structured and thorough Council induction program?

No

a) If so, should legislation be changed for this to be a requirement, or should it remain voluntary?

Not Applicable

2. Training and Development Policy

Q. Does Council support legislative amendments to require all Councils to review and adopt an Elected Member Training and Development Policy following every biennial election?

This is the preferred option

3. Candidate Requirements

Q. Does Council support legislative amendment to require candidates to attend an information session or complete an equivalent online information session prior to nominating for election?

No

4. Incentivised Training

Q. Does Council support legislative amendments to enable Elected Members to be paid additional allowances commensurate with the level of training undertaken?

This is a second preference

a. If so, how should the fees and allowances framework be structured? I.e. should Elected Members be paid a specified annual amount, a percentage bonus or using some other method?

Once off bonus payment upon completion of training.

5. Mandatory Training

Q. Does Council support legislative amendment to require Elected Members to be required to undertake foundation training (such as the Elected Member Skill Set or equivalent)?

No

a) Should mandatory training be applied to all Elected Members or only to newly elected Elected Members?

Not applicable

b) For newly elected Elected Members, what is the appropriate timeframe within which training should be completed?

Not applicable

c) What is the appropriate penalty for non-completion of the required training?

Not applicable

C1510-3 REPORT FROM THE COMMUNITY SAFETY WORKING GROUP

ECM Reference:	039/035, 039/063
Disclosure of Interest:	Nil
Meeting Date:	14 October 2015
Previous Item:	SGS1505-9
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Matthew Piggott, Manager Field Services
Decision Making Authority:	Council
Agenda Attachments:	Community Safety & Crime Prevention – New Initiatives 2015-2016

EXECUTIVE SUMMARY

On 27 May 2015, Council established a new Community Safety Working Group to develop strategic objectives for inclusion in the City of Fremantle Community Safety and Crime Prevention Plan 2016-2020 and to identify priority projects to assist in the delivery of positive community safety and crime prevention outcomes for the City of Fremantle.

The members of the Community Safety Working Group are Cr. Dave Coggin (chair), Senior Sergeant Kellie Taylor, Officer In Charge, Fremantle Police Station (deputy chair), Mayor Brad Pettitt (ex-officio), Cr. Andrew Sullivan, Director City Business Glen Dougall and Manager Field Services Matthew Piggott.

The Community Safety Working Group has identified a number of new community safety initiatives that are proposed to be implemented in 2015/16 and funded from the City's \$150,000 Community Safety budget allocation. Additionally, the working group has identified strategic objectives for inclusion in the City of Fremantle Community Safety and Crime Prevention Plan 2016-2020.

This purpose of this report is to seek Council endorsement of the strategic objectives that are proposed to be included in the Community Safety and Crime Prevention Plan 2016-2020 and the implementation of *Community Safety & Crime Prevention – New Initiatives 2015-2016* (attachment 1).

BACKGROUND

In May and June 2015, a Community Perceptions Survey was administered by Catalyse Research and Strategy to evaluate community priorities and measure the organization's performance against key indicators in the City of Fremantle Strategic Plan 2010-2015.

Anti-social behaviour in the city was identified as the community's fourth highest priority in the *City of Fremantle Community Perceptions 2015* report produced by Catalyse Research and Strategy. Public drunkenness, loud and abusive language and drug use were identified by the survey's 404 respondents as the types of anti-social behaviour the community is most concerned with. Anti-social behaviour in suburban areas was identified as the community's 18th priority.

COMMENT

The City of Fremantle recognizes the community’s desire for the Fremantle CBD to be a safe, attractive, welcoming, vibrant and family friendly place. The Community Safety Working Group is acutely aware of the community’s heightened expectation for a stronger and less tolerant approach by the WA Police and City of Fremantle staff to criminal, anti-social and nuisance behaviour, particularly in the Fremantle CBD.

In order to determine the issues which should be addressed as a priority, the Community Safety Working Group identified daytime, evening, night time and suburban priorities which will require intervention action by the City of Fremantle and WA Police as part of a collaborative response:

CBD – Daytime	CBD – Evening	CBD – Night	Suburbs
<ul style="list-style-type: none"> • Street drinking • Anti-social behaviour • Begging • Homeless • Bottle shop opening hours 	<ul style="list-style-type: none"> • Street drinking • Anti-social behaviour • CBD is not family friendly 	<ul style="list-style-type: none"> • Night clubs & pubs 	<ul style="list-style-type: none"> • Suburban residents are concerned about safety in the CBD • Eyes on the Street • Domestic violence awareness

The Community Safety Working Group has identified a series of strategic objectives for inclusion in the Community Safety and Crime Prevention Plan 2016-2020:

- Zero tolerance for criminal behaviour including street drinking and trespass.
- Zero tolerance for anti-social behaviour including fighting and the use of loud and abusive language.
- Zero tolerance for nuisance behaviour including aggressive and opportunistic begging and the unreasonable playing of amplified music.
- City of Fremantle CBD community safety service to provide CCTV surveillance, a more visible patrol presence with expanded roster hours and additional staff resources to ensure the delivery of effective first responder intervention.
- WA Police to provide a visible patrol presence, rapid responses to City of Fremantle and community requests for service and effective intervention and enforcement action.
- Integrated and coordinated operations, including surveillance and enforcement, by City of Fremantle staff and WA Police officers.
- City of Fremantle to provide suburban surveillance patrols by Rangers in re-branded community safety vehicles.
- City of Fremantle to investigate the viability of a suburban CCTV network.

The City of Fremantle has a \$150,000 budget allocation in 2015/16 for new community safety initiatives. The Community Safety Working Group has identified the following new initiatives for implementation in 2015/16:

- Communication strategy – zero tolerance for criminal, anti-social and nuisance behaviour in the CBD.
- City of Fremantle to employ an additional CBD safety and liaison officer and expand the current staff roster to allow officers to patrol in pairs, initially between the hours of 7.00am-6.30pm, to provide a greater surveillance presence and response capability in the CBD. It will be necessary to maintain flexibility in rostering to respond to community needs and work with the WA Police to target problem behaviour. Estimated cost \$90,000.
- Signs throughout CBD promoting zero tolerance to street drinking. Estimated cost \$10,000.
- Signs throughout CBD promoting zero tolerance to begging. Estimated cost \$10,000.
- Spare change collection points at commercial and retail businesses with 100% of donations provided to welfare agencies.
- City of Fremantle officers provide effective first responder intervention in the CBD;
 - move on trouble makers,
 - instruct street drinkers to tip out liquor,
 - issue infringements for street drinking, anti-social behaviour and nuisance behaviour in public places, and
 - connect those in genuine need with welfare agencies.
- Increase in undercover and uniformed Police officer patrols of the CBD.
- WA Police to provide effective intervention and enforcement action;
 - tip out and seize liquor,
 - issue move-on notices,
 - issue infringements for street drinking, and
 - make arrests and lay charges for disorderly conduct, trespass, illegal drug use, illegal drug supply and other criminal offences.
- WA Police and City of Fremantle to work in partnership and seek Prohibited Behaviour Orders imposed on repeat offenders by a Western Australian court.
- City of Fremantle, WA Police and Fremantle Liquor Accord to request restrictions on liquor store opening hours until 12 noon on weekdays.
- City of Fremantle to provide suburban surveillance patrols by Rangers in re-branded community safety vehicles and investigate the viability of a suburban CCTV network. Estimated cost \$40,000.
- City of Fremantle to utilise its website to increase awareness, educate the community and provide contact information for expert services in respect to domestic violence.
- City of Fremantle to improve lighting in targeted dark areas throughout the locality as part of an integrated street lighting program.
- City of Fremantle to develop partnerships with government and non-government agencies and welfare service providers to explore refined funding arrangements and the potential for a coordinated response to homelessness throughout the metropolitan area.

It is recognized that this is not an exhaustive list of initiatives and it does not address all of the priority areas requiring intervention action by the City of Fremantle and WA Police.

It is, however, the proposed starting point for a new approach that emphasizes meaningful consequences for people who continue to behave inappropriately, aggressively and in a threatening manner in public. The community has articulated via the *City of Fremantle Community Perceptions 2015* report that it is no longer willing to accept feeling intimidated while visiting the Fremantle CBD.

The City of Fremantle will continue to work in partnership with the WA Police and other stakeholders to address other priority areas identified by the Community Safety Working Group. In relation to night time antisocial behaviour in the CBD, the City will utilise relationships established via the Fremantle Liquor Accord to achieve a greater commitment from licensees to responsible service of alcohol to patrons within licensed venues. The City's officers will seek greater enforcement of legislative powers under the Liquor Control Act by Department of Racing, Gaming & Liquor inspectors and WA Police officers.

It will be beneficial for Council to continue to allocate a portion of the City's annual budget and staff resources to the implementation of new community safety initiatives in the future.

RISK AND OTHER IMPLICATIONS

Financial

The City's 2015/16 budget allocates \$150,000 for new community safety initiatives. It is recommended that Council continues to allocate a portion of the City's annual budget and staff resources to the implementation of new community safety initiatives in the future.

Legal

Under the City of Fremantle's *Activities in Thoroughfares and Public Places and Trading Local Law* authorised officers can issue an infringement to a person causing a nuisance in a public place, consuming liquor in a public place and being in possession of liquor in an unsealed container in a public place. The penalty is \$125.

Operational

It is proposed that the Chief Executive Officer exercises delegated authority to appoint existing Field Services staff as authorised officers for the purpose of performing functions under the City of Fremantle's *Activities in Thoroughfares and Public Places and Trading Local Law*.

Training shall be provided to authorised officers in respect to issuing infringements to individuals who are causing a nuisance in a public place, consuming liquor in a public place and are in possession of liquor in an unsealed container in a public place. Infringement books will need to be printed.

Organisational

The City of Fremantle is striving to deliver services that enhance community safety and support crime prevention.

CONCLUSION

The Community Safety Working Group has identified the most effective use of the City's 2015/16 community safety budget allocation is to:

- Employ an additional CBD safety and liaison officer and expand the current staff roster to allow officers to patrol in pairs, initially between the hours of 7.00am-6.30pm, to provide a greater surveillance presence and response capability in the CBD. It will be necessary to maintain flexibility in rostering to respond to community needs and work with the WA Police to target problem behaviour.
- Install signs in appropriate CBD locations informing the community that street drinking, begging and anti-social behaviour will not be tolerated.
- Provide suburban surveillance patrols by Rangers in re-branded community safety vehicles and investigate the viability of a suburban CCTV network.

The Community Safety Working Group has identified a list of new initiatives for implementation in 2015/16 that do not require financial expenditure. These are documented in the 'Comment' section of this report.

STRATEGIC AND POLICY IMPLICATIONS

The City of Fremantle Strategic Plan 2010-2015 identifies Community Safety as a strategic imperative. The objective is to create a community where people feel safe in both private and public places.

COMMUNITY ENGAGEMENT

Anti-social behaviour in the city was identified as the community's fourth highest priority in the *City of Fremantle Community Perceptions 2015* report produced by Catalyse Research and Strategy. Public drunkenness, loud and abusive language and drug use were identified by the survey's 404 respondents as the types of anti-social behaviour the community is most concerned with. Anti-social behaviour in suburban areas was identified as the community's 18th priority.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

1. **Council endorse the following strategic objectives for inclusion in the Community Safety and Crime Prevention Plan 2016-2020:**
 - a) **Zero tolerance for criminal behaviour including street drinking and trespass;**
 - b) **Zero tolerance for anti-social behaviour including fighting and the use of loud and abusive language;**
 - c) **Zero tolerance for nuisance behaviour including aggressive and opportunistic begging and the unreasonable playing of amplified music;**

- d) City of Fremantle CBD community safety service to provide CCTV surveillance, a more visible patrol presence with expanded roster hours and additional staff resources to ensure the delivery of effective first responder intervention;
- e) WA Police to provide a visible patrol presence, rapid responses to City of Fremantle and community requests for service and effective intervention and enforcement action;
- f) Integrated and coordinated operations, including surveillance and enforcement, by City of Fremantle staff and WA Police officers;
- g) City of Fremantle to provide suburban surveillance patrols by Rangers in re-branded community safety vehicles; and,
- h) City of Fremantle to investigate the viability of a suburban CCTV network.

2. Council endorse the implementation of Community Safety & Crime Prevention – New Initiatives 2015-2016 as shown in attachment 1:

Issue	New initiative 2015/16	Cost
Anti-social behaviour	<p>City of Fremantle to employ an additional CBD safety and liaison officer to provide a greater surveillance presence and response capability</p> <p>Expand the current staff roster and maintain the flexibility to respond to community needs and work with the WA Police to target problem behaviour</p> <p>CBD officers patrol in pairs</p>	Estimated cost \$90,000
Street drinking	<p>Signs throughout CBD promoting zero tolerance to street drinking as part of an integrated communication strategy</p> <p>Restrictions on liquor store opening hours until 12 noon on weekdays</p>	Estimated cost \$10,000
Begging	<p>Signs throughout CBD promoting zero tolerance to begging as part of an integrated communication strategy</p> <p>Spare change collection points at commercial and retail businesses with 100% of donations provided to welfare</p>	Estimated cost \$10,000

	agencies	
Communication strategy	Zero tolerance for criminal, anti-social and nuisance behaviour in the CBD	N/A
City of Fremantle role	<p>Provide effective first responder intervention in the CBD</p> <ul style="list-style-type: none"> ✓ move on trouble makers ✓ instruct street drinkers to tip out liquor ✓ issue infringements for street drinking, anti-social behaviour and nuisance behaviour in public places ✓ connect those in genuine need with welfare agencies 	N/A
WA Police role	<p>Increase undercover and uniformed Police officer patrols of the CBD</p> <p>Provide effective intervention and enforcement action</p> <ul style="list-style-type: none"> ✓ tip out and seize liquor ✓ issue move-on notices ✓ issue infringements for street drinking ✓ make arrests ✓ lay charges for disorderly conduct, trespass, illegal drug use, illegal drug supply and other criminal offences ✓ Prohibited Behaviour Orders imposed on repeat offenders' by a Western Australian court 	N/A
Suburban safety	<p>Suburban surveillance patrols by Rangers in re-branded community safety vehicles</p> <p>Improve lighting in targeted dark areas throughout the locality as part of an integrated street lighting program</p>	Estimated cost \$40,000

	<p>Investigate the viability of a suburban CCTV network</p> <p>Domestic violence - provide resource materials and contact information for expert services</p>	
Welfare services	<p>Develop partnerships with government and non-government agencies and welfare service providers</p> <p>Explore funding arrangements and the potential for a coordinated response to homelessness throughout the metropolitan area</p>	N/A

- Council reappoint the Community Safety Working Group after the 2015 local government election for the purpose of meeting at 6 monthly intervals to review the City's implementation of new community safety initiatives, review the effectiveness of the City's community safety service and review the achievement of strategic objectives within the Community Safety and Crime Prevention Plan 2016-2020.**

C1510-4 AMENDMENTS TO THE DELEGATED AUTHORITY REGISTER

ECM Reference:	100/001
Disclosure of Interest:	Nil
Meeting Date:	Council
Previous Item:	SGS1506-11
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Melody Foster, Governance Officer
Decision Making Authority:	Council
Agenda Attachments:	Delegation Authority Register adopted 24 June 2015

EXECUTIVE SUMMARY

This item is to seek Council approval to amend the Delegated Authority Register as adopted by Council on the 24th June 2015 (item number SGS1506-11).

BACKGROUND

A major review of the Delegated Authority Register was undertaken and adopted by Council on the 24th June 2015 (as shown in attachment 1), however since the review was undertaken, it has been identified that some of the delegations require further amendments.

COMMENT

It is recommended that the following amendments be made to the Delegated Authority Register;

1. Amend delegations numbered 3.4, 3.14, 3.16, 3.17, 3.29, 3.41, 3.42 4.1, 4.2, 4.3, 4.4 (1), 4.5, 4.6, 4.7 (sub delegation), 4.9, 4.11, 4.14, 4.15 and 4.18 to include the Coordinator Field Services (22104).
2. Amend delegations numbered 3.1, 3.2, 3.4, 3.6, 3.7, 3.8, 3.17, 3.33, 3.40 and 3.45 to include the Manager Business Support (30301).

Reason for amendments:

The Coordinator Field Services and Manager Business Support are new positions that were appointed after the Delegated Authority Register was adopted. The amendments proposed to the register will enable these officer's to undertake their role with the appropriate delegation which will improve efficiency of administrative processes.

3.

4.7 Functions delegated under Local Planning Scheme No.4	
Delegated by Council to:	<p>Chief Executive Officer (11101) Director Strategic Planning and Projects (11401) Manager Development Approvals (21101) Coordinator Statutory Planning (21102)</p> <p>Part 2) 6. 2) 5. and 7. of the delegated functions <u>only</u>; Manager Field Services (23101) Coordinator Development Compliance (21201) Coordinator Field Services (22104)</p>
<p>Reason for amendment: Due to an oversight in the review, the CEO has also been added as it was removed in error and the part delegation has been changed from 2) 6. to 2) 5 and 7. The Coordinator Field Services which is a new position has also been included. (<i>Changes shown in red italics</i>).</p>	

4.

4.17 ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW	
Delegated function:	<p>The following persons are authorised by the City of Fremantle, pursuant to section 3.39 and section 9.10 of the Local Government Act 1995 to perform the functions of an authorised person under the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law and section 3.39 of the Local Government Act 1995, in accordance with section 9.10 of the Local Government Act 1995.</p>
Conditions:	Nil
Delegated by Council to:	<p>Chief Executive Officer (11101) Director Infrastructure and Project Delivery (69501) Manager Infrastructure Projects (52622) Manager City Works (62101) Compliance Officer (52107) Traffic and Civic Design Coordinator (52406) Parks Manager (52601) City Works Coordinator (57103)</p>
<p>Reason for amendment: It is recommended that this delegation be amended to give the CEO authority to appoint 'authorised persons' for the purpose of performing particular functions under this local</p>	

law and section 3.39 of the Act, which will enable the CEO to appoint or remove officers as required.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Nil

Operational

The proposed changes to the Delegated Authority Register will improve efficiency by giving officers the authority to carry out duties with appropriate delegation or authorisation as required. Appointments will be made in writing and recorded in the City's Delegated Authority and Authorisation's register.

Organisational

The City of Fremantle Delegated Authority Register will be updated to reflect any changes adopted by Council.

CONCLUSION

Changes to the Delegated Authority Register will give officer's access to delegations and authorisation required to carry out more duties within their position in a more efficient manner. It will also give the CEO discretion to appoint officers as authorised persons for the purpose of performing particular functions as required.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

The following amendments to the City of Fremantle Delegated Authority Register be adopted and amended in the Delegated Authority Register as follows;

1. Amend delegations numbered 3.4, 3.14, 3.16, 3.17, 3.29, 3.41, 3.42 4.1, 4.2, 4.3, 4.4 (1), 4.5, 4.6, 4.7 (sub delegation), 4.9, 4.11, 4.14, 4.15 and 4.18 to include the Coordinator Field Services (22104).
2. Amend delegations numbered 3.1, 3.2, 3.4, 3.6, 3.7, 3.8, 3.17, 3.33, 3.40 and 3.45 to include the Manager Business Support (30301).
- 3.

4.7 Functions delegated under Local Planning Scheme No.4	
Delegated by Council to:	<p>Chief Executive Officer (11101) Director Strategic Planning and Projects (11401) Manager Development Approvals (21101) Coordinator Statutory Planning (21102)</p> <p>Part 2) 5. and 7. of the delegated functions <u>only</u>; Manager Field Services (23101) Coordinator Development Compliance (21201) Coordinator Field Services (22104)</p>

4.

4.17 Activities in thoroughfares and public places and trading local law	
Delegated function:	<p>Authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law and section 3.39 of the Local Government Act 1995, pursuant to section 9.10 of the Local Government Act 1995.</p>
Delegated by Council to:	<p>Chief Executive Officer (11101)</p>

C1510-5 GRAPHIC DESIGN PANEL TENDER 2015-2017

DataWorks Reference:	135/001
Disclosure of Interest:	NIL
Meeting Date:	14/10/2015
Previous Item:	NIL
Responsible Officer:	Tom Griffiths, Economic Development and Marketing Manager
Actioning Officer:	Jason Cunningham, Communication Coordinator
Decision Making Authority:	Committee
Agenda Attachments:	NIL

EXECUTIVE SUMMARY

The City's official graphic design panel expired on 31 August 2015. All three members of the panel were retained on a month-by-month basis while the process to appoint a new graphic design panel for the period 1 November 2015 to 31 October 2017 was finalised.

The City called for tenders for the provision of graphic design services for a two year term on 5 August 2015. Tenders closed on 21 August 2015 at 2.00 pm.

The tender included the provision of graphic design services across all of the City's activities with the exception of:

- the Fremantle Arts Centre, which has a dedicated in-house graphic designer
- a graphic design casual pool (in-house resources) for less complex works under \$700 in value.

These two exceptions to the panel have resulted in cost-savings for the City without compromising the quality and integrity of the outputs.

Furthermore, in September 2015 the City employed a graphic designer to replace a vacated position within the Place Marketing team in Economic Development and Marketing. The new employee will be responsible for much of the design aspects of the *Fremantle. Be part of the story* initiative and is expected to further reduce costs associated with design.

The assessment panel comprised the Manager Economic Development & Marketing, Communication Coordinator, Place Marketing Coordinator and Purchasing Officer (non-voting). The panel assessed the tenders against eight criteria and recommended the appointment of two agencies. The recommendation to reduce the panel to two agencies was based on estimated workflows and the demonstrated ability of the top two rated agencies to deliver on this workflow.

BACKGROUND

The City of Fremantle contracted a graphic design panel of three (3) agencies for the period 1 September 2013 to 31 August 2015. The panel member agencies were:

1. Brown Cow Design - has since merged to become Flametree Creative (Cottesloe)
2. Media Engine (Rockingham)
3. Amy Moffatt Visual Communications – since renamed Roam Creative (Fremantle)

A tender for the new contract period was advertised in the West Australian newspaper on 5 August 2015 and on the City of Fremantle website. The tender closed on 21 August 2015.

The cost for this procurement is estimated at approximately \$660 000 (ex GST). This is based on past contracts but may be less given the appointment of an in-house graphic designer for the place marketing projects.

With in-house resources in several areas, including the place marketing team, the City anticipates further savings in the area of graphic design, without compromising the quality and integrity of the work produced.

Based on the anticipated reduction on work required from the panel, it was decided that three contractors would be too many. Therefore the tender for the new 2015-2017 Graphic Design Panel will be reduced from three (3) agencies to two (2) agencies.

COMMENT

A total of ten organisations submitted tenders for consideration. All tenders were considered by the panel to be compliant.

The ten tenders received were:

1. Bevin Creative
2. Brandstand Creative
3. Flametree Creative (formerly Brown Cow Designs)
4. Market Creations
5. Media Engine
6. Nude Design
7. Slick Design
8. Tangelo
9. The Contenders
10. Turner Design

All tenders were assessed and scored using the following criteria and weighting/

- (a) Demonstrating ability on high creative approach to marketing projects (15%)
- (b) Demonstrated ability to work within corporate style guide (15%)
- (c) Demonstrated ability to deliver product on time and within budget (15%)
- (d) Ability to work with a range of stakeholders for differing target markets (10%)

- (e) Demonstration to provide WCAG 2.0 Accessible Designs (10%)
- (f) Experience of the Consultants Team (10%)
- (g) Best Fit for Fremantle (5%).
- (h) Price (20%)

Based on the tender documents, four agencies were shortlisted with a view at this stage of the process of the possibility of retaining a three-member graphic design panel.

The four shortlisted agencies were:

- Media Engine
- Flametree Creative
- Nude Design
- Bevin Creative

A decision was made that because of the standout quality of the top rated tenders Flametree Creative and Media Engine, (and that they were serving panel members) they did not require formal interviews.

The third and fourth agencies shortlisted were invited to and subsequently attended an interview.

Following these interviews and further discussion by the assessment panel around workflows, the assessment panel recommended the City implement a two –member design panel. This recommendation came after carefully considering the needs of the City for the next two years and the ability of the top two rated agencies to effectively manage what is expected to be a reduced total workload.

Scaling back to a two-member design panel is further justified given the City now has additional internal resources including a full time designer in the place marketing team and a casual design pool (casual designers employed by the City) which Community Development are now utilising for smaller, less complex requirements

Based on tender scoring The shortlisted tenders were rated in the following order from highest scoring (1) to lowest scoring (4):

1. Media Engine
2. Flametree Creative
3. Nude Design
4. Bevin Creative

RISK AND OTHER IMPLICATIONS

Financial

NIL

Legal

NIL

Operational

NIL

Organisational

NIL

CONCLUSION

It is recommended that the following organisations be appointed to a panel for the provision of graphic design services to the City of Fremantle from 1 November 2015 until 31 October 2017.

1. Media Engine (based in Rockingham)
2. Flametree Creative (based in Cottesloe)

The City acknowledges Roam Creative (formerly Amy Moffatt Visual Communications) for its contribution to the panel over the past two years. Roam Creative did not submit a tender for the upcoming tender period.

STRATEGIC AND POLICY IMPLICATIONS

NIL

COMMUNITY ENGAGEMENT

NIL

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

The following organisations be appointed to a graphic design panel for the provision of graphic design services to the City of Fremantle from 1 November 2015 until 31 October 2017.

- **Media Engine**
- **Flametree Creative (formerly Brown Cow Design)**

**C1510-6 COUNCIL AND COMMITTEE MEETING SCHEDULE FOR NOVEMBER
2015-DECEMBER 2015**

DataWorks Reference: 096/009
Disclosure of Interest: Nil
Meeting Date: 14 October 2015
Previous Item: Nil
Responsible Officer: Glen Dougall, Director City Business
Actioning Officer: Linda Keys, PA to the Director City Business
Decision Making Authority: Council
Agenda Attachments: Attachment 1 - Meeting Schedule

EXECUTIVE SUMMARY

This item seeks Council's approval to adopt the meeting schedule for the standing committees and Ordinary Meeting of Council for the period of November 2015 to December 2015.

BACKGROUND

In accordance with the Local Government Act 1995, Council is requested to approve the meeting dates for Committee and Council for the remainder of the year.

COMMENT

The new schedule provides a monthly cycle of meeting dates.

Planning Services Committee meetings are to be held on the first Wednesday of each month.

Special Projects Committee meetings are to be held on the second Wednesday of each month.

Strategic and General Services Committee meetings are to be held every third Wednesday of each month.

The Ordinary Meeting of Council is to be held on the fourth Wednesday of each month.

Library Advisory Committee meetings are to be held on a Wednesday evening, every quarter, prior to the Special Projects Committee meeting.

All committee and council meetings will be held in the Council Chamber at the Town Hall Centre, 8 William Street Fremantle at 6.00 pm.

RISK AND OTHER IMPLICATIONS

Financial

Nil

Legal

Section 5.25 (g) of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 require that local public notice of meeting dates are to be advertised in advance.

Operational

The meeting schedule is to be set in advance for operational planning purposes.

Organisational

Nil

CONCLUSION

As per comment.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. That Council adopts the meeting schedule as shown in the attachments of the Ordinary Meeting of Council agenda 14 October 2015, for the period of November 2015 to December 2015, to be held in the City of Fremantle Council Chambers at the Town Hall Centre, 8 William Street Fremantle.**

C1510-7 MONTHLY FINANCIAL REPORT - SEPTEMBER 2015

ECM Reference:	087/002
Disclosure of Interest:	Nil
Meeting Date:	14 October 2015
Previous Item:	SGS1509-14 of 23 September 2015
Responsible Officer:	Glen Dougall, Director City Business
Actioning Officer:	Alan Carmichael, Finance Manager
Decision Making Authority:	Council
Agenda Attachments:	Statement of Financial Activity by Nature to 30 September 2015 Statement of Financial Position as at 30 September 2015 Determination of Closing Funds (Net Current Assets) as at 30 September 2015 Schedule of Accounts Paid September 2015 Investment Report to 30 September 2015 Debtors Outstanding as at 30 September 2015 Payment Report (EFT & Cheque) for September 2015 (viewed electronically) Payment Report (Purchasing Cards) for August 2015 (viewed electronically)

EXECUTIVE SUMMARY

The City adopted its annual budget for 2015/2016 on 24 June 2015 with an estimated municipal surplus brought forward from 30 June 2015 of \$3 563 186 and estimated municipal surplus at 30 June 2016 of \$100 000.

At the 24 June 2015 ordinary council meeting \$125,395 of budget funding was approved for the continuation of the Financial Counselling Service (C1506-2 refers). As a consequence the estimated municipal surplus to 30 June 2016 was amended to a deficit of \$25,395.

BACKGROUND

The 2015/16 budget was adopted on 24 June 2015 with an estimated municipal surplus brought forward from 30 June 2015 of \$3 563 186 and estimated municipal surplus at 30 June 2016 of \$100 000.

At its meeting on 29 July 2015 (Item SGS1507-9 refers), Council adopted nature and type as the preferred reporting format with 2.5% and a threshold of \$300 000 as the level for explanation of variances.

At the 24 June 2015 ordinary council meeting \$125,395 of budget funding was approved for the continuation of the Financial Counselling Service (C1506-2 refers). As a consequence the estimated municipal surplus to 30 June 2016 was amended to a deficit of \$25,395.

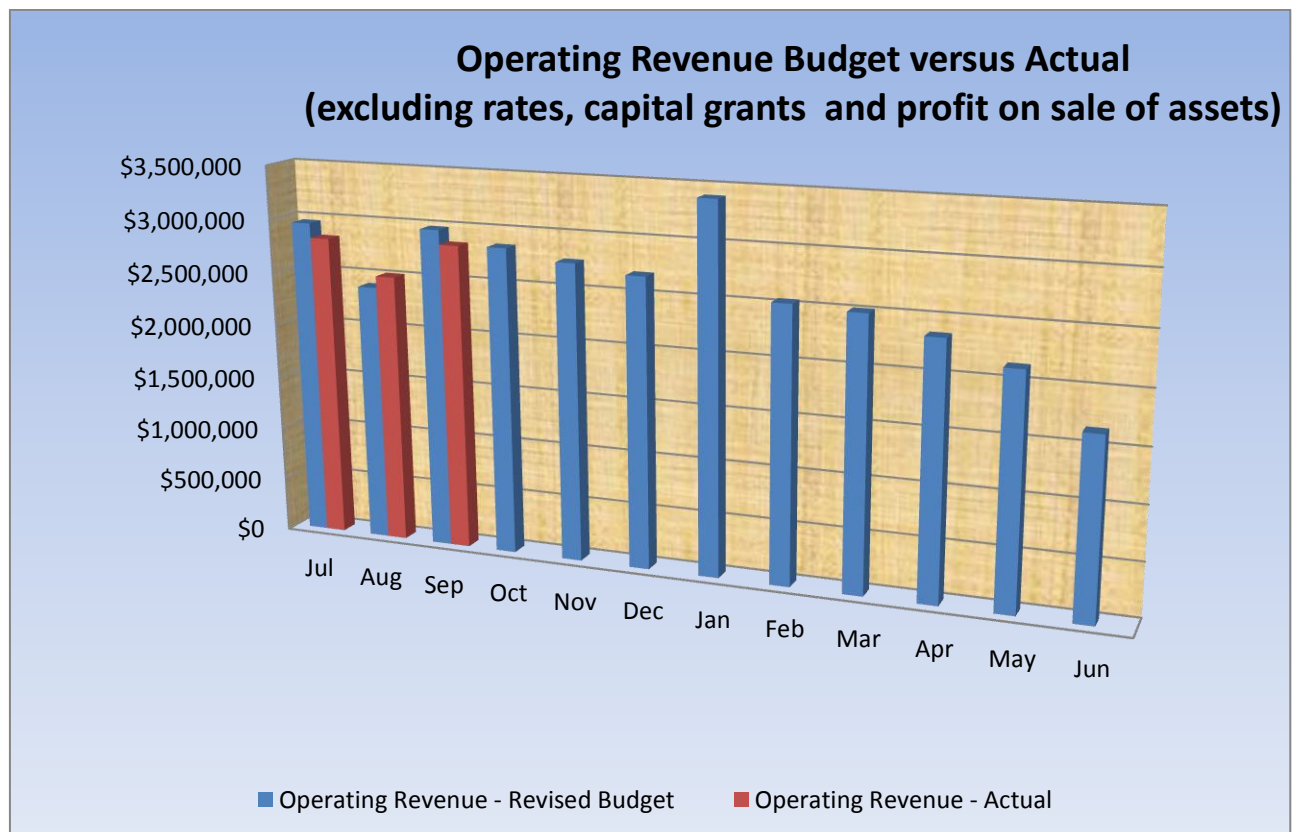
COMMENT

In finalising the 2015/16 budget, it was estimated that we would have a closing municipal surplus at 30 June 2015 of \$3 563 186 which in turn became the opening municipal surplus in the 2015/16 budget. However after the 2015-16 budget was adopted the Department of Local Government and Communities advised on 29 June 2015 that on 30 June 2015 \$526,024 would be deposited in the city’s bank account as an advance on the 2015-16 Grants Commission grant. The amount of the advance payment will need to be adjusted in the budget review to be held in the first quarter of the 2016 calendar year and effectively means a closing surplus at 30 June 2015 of \$4,089,210 is needed to meet our opening budget target.

With the external auditors now reviewing the annual financial statements for the year ended 30 June 2015, we are reporting a closing position surplus of \$3,934,439 in the attached 30 September 2015 Statement of Financial Activity.

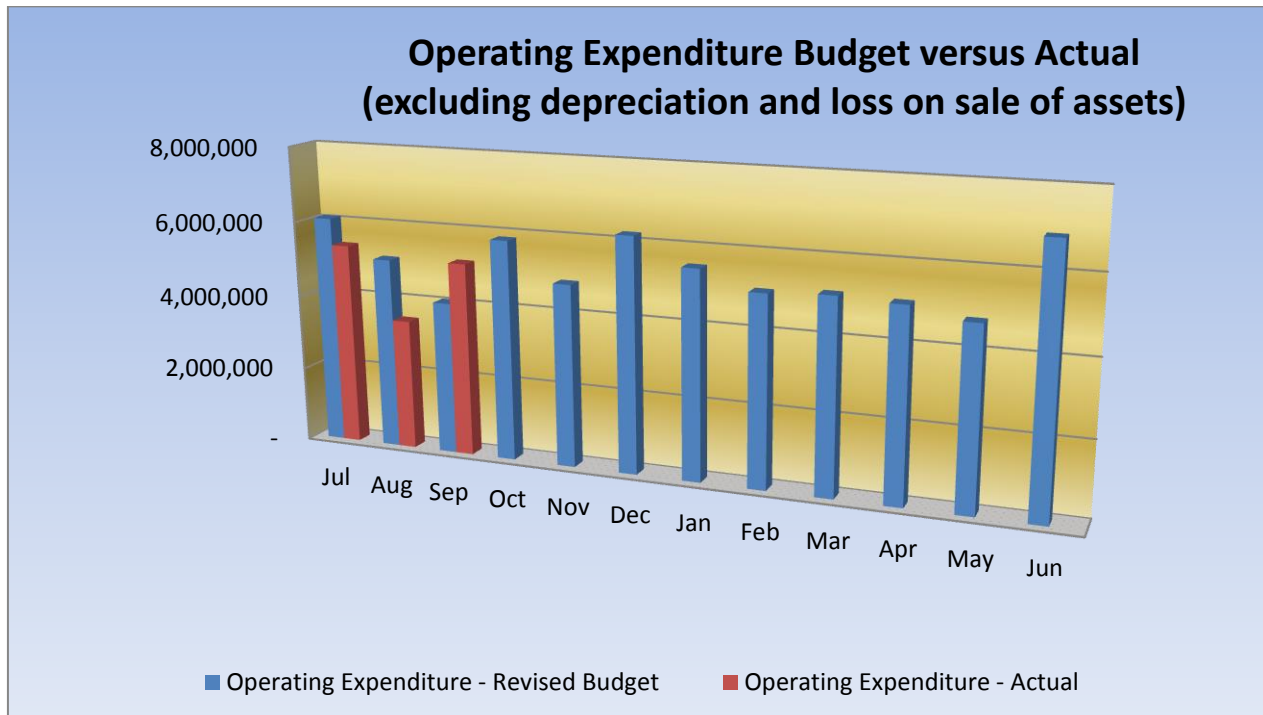
Organisational Revenue

Below is a graph for actual operating revenue by month versus the revised budget. Rates have been excluded as \$40 million is brought to account in one month and distorts the picture as does capital grants and profit on sale of assets which have also been excluded. The total revenue to date is marginally behind the year to date estimate.



Organisational Expenses

Below is a graph for actual operating expenditure by month versus their revised budget. The non-cash entries of depreciation and loss on sale of assets have been excluded from the graph as they can distort the picture. Despite material fluctuations in the monthly comparisons, the total expenditure to date is materially under year to date budget and relates to phasing of various activity budgets.



Nature and/or Type Comments

With a quarter of the financial year elapsed there are no major trends that have emerged. Comments on variances are as follows:-

Depreciation

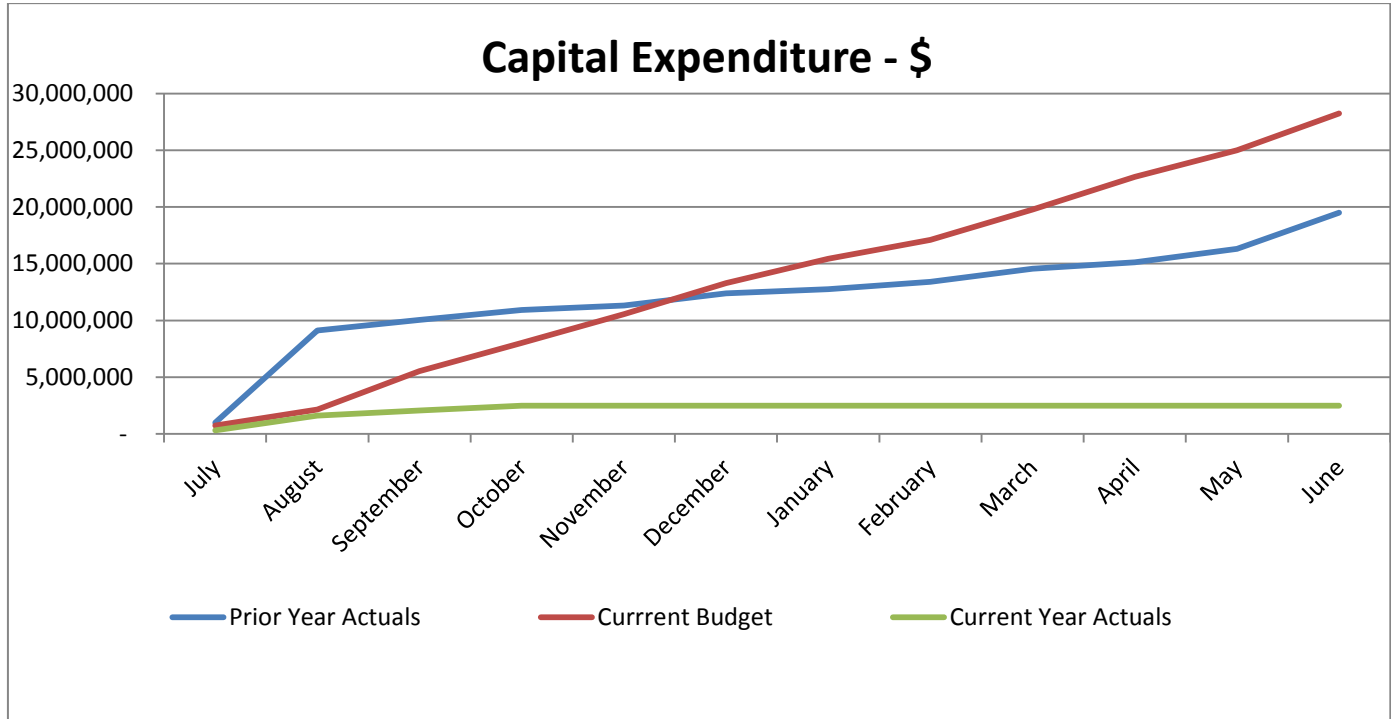
Until asset revaluations at 30 June 2015 have been finalised and the asset ledger rolled over to 2015/2016 we cannot run the depreciation expense. We are currently awaiting finalisation of the audit and the associated fair valuations at 30 June 2015 before rolling the asset balances. Anticipate it will be the October report that will be submitted to the November meeting cycle before the depreciation expense will be available.

Materials and Contracts

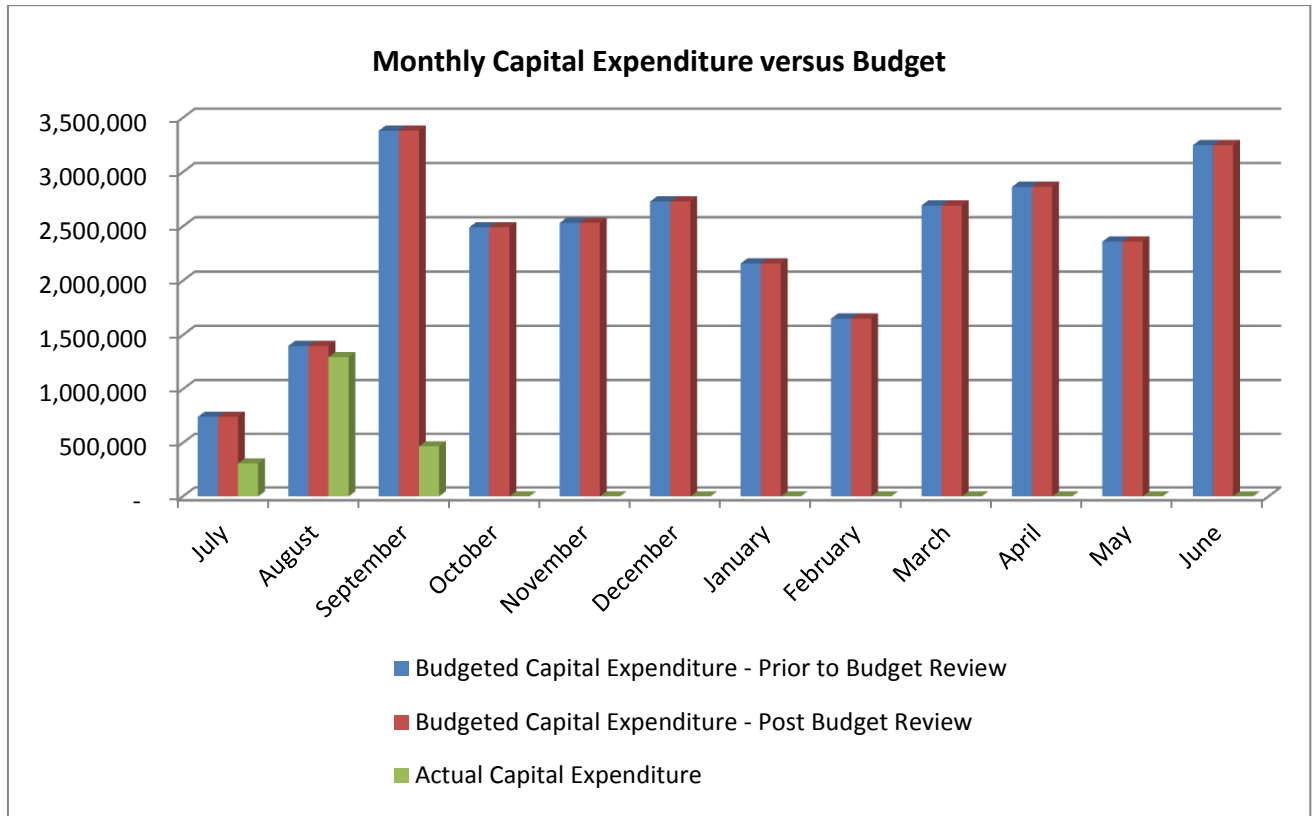
The majority of activities are operating at a level under that indicated by their budget phasing thus producing an \$851,000 underspend to the year to date budget. The major activities underspending are Information Technology (\$236,000), City Works (\$178,000), Economic Development (\$103,000) Infrastructure Services (\$102,000 and Arts Centre (\$99,000).

Capital Program

As can be seen from the following graphs capital expenditure to date is well under what the project budgets indicate:-

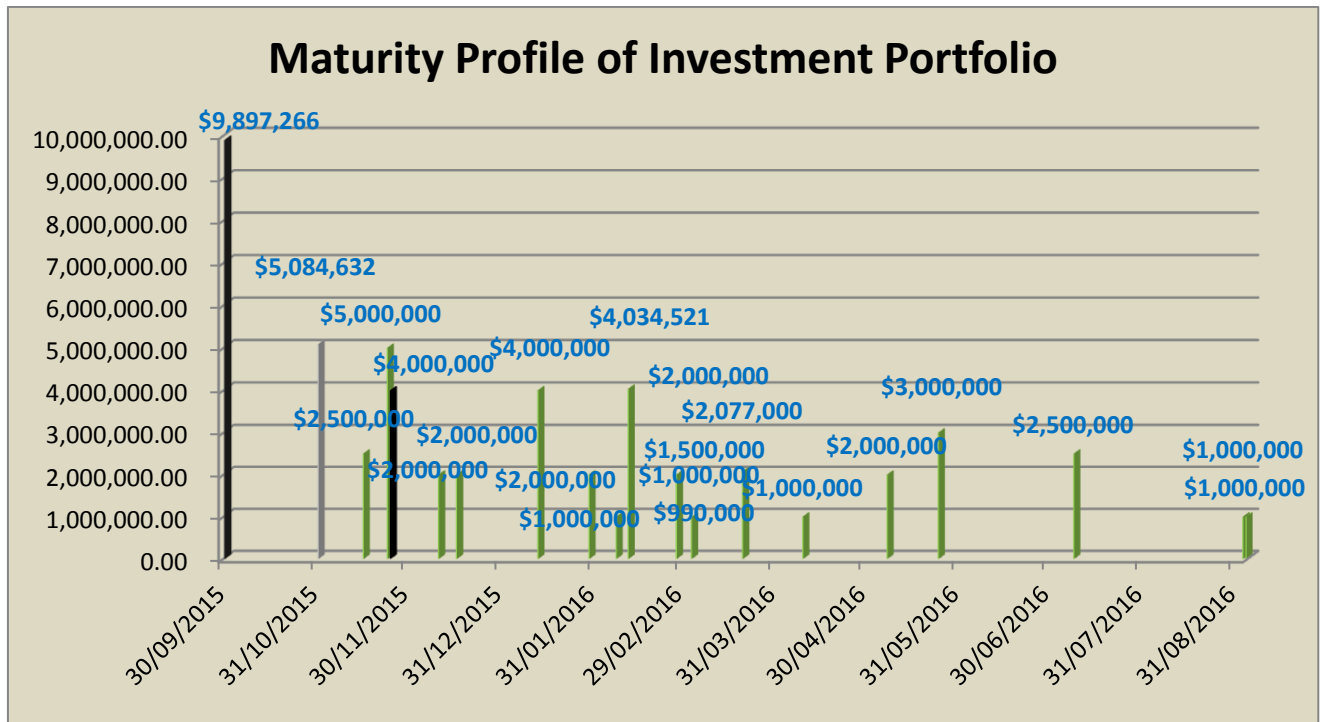


Note: August 2014 Purchase of New Depot Property for \$7,800,000

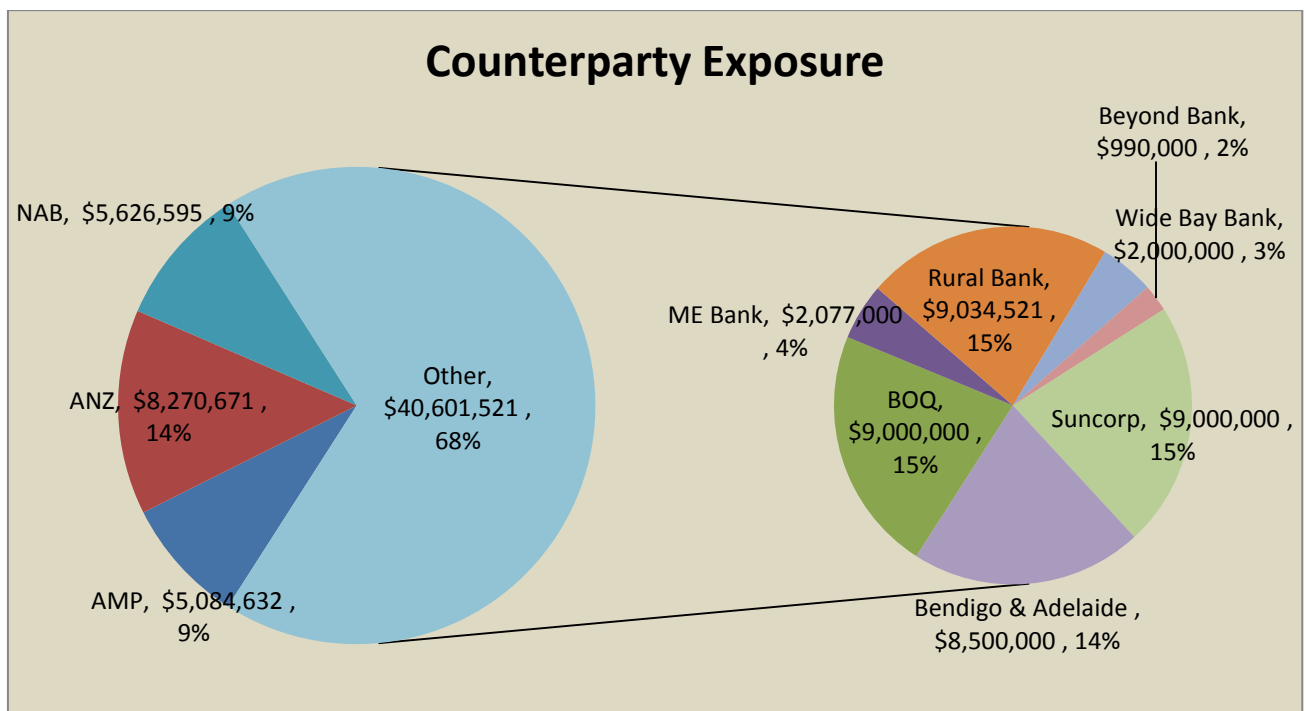


Cash investments

Below is a graph of the maturity profile of our investments with the green coloured bars representing investments with financial institutions listed as not supporting unlocking of carbon. The graph shows longer term investments are all with financial institutions listed as not supporting unlocking of carbon.



Below is a graph showing the cash investment situation at 30 September 2015 and the carbon support/non-support position by financial institution.



As was predicted at the end of last month, cash deposits from operating activities had peaked leading up to the first rate instalment on 2 September and the cash burn since

then has seen the percentage invested with financial institutions not supporting the unlocking of carbon increase by 4% compared to August.

The current investment profile, the investment policy counter party limits and maintaining interest returns produces a challenging environment in placing funds with suitable financial institutions that do not support the unlocking of carbon.

Purchase Card Expenditure Reports

Officers had not finalised the detail for their September 2015 purchases at the time this agenda closed so the September 2015 purchase card report will be tabled at the October 2015 meeting. This agenda includes the August 2015 purchase card transactions.

RISK AND OTHER IMPLICATIONS

Financial

This report is provided to enable Council to keep track of how the allocation of costs and receipt of revenues is tracking against the budget. It is also provided to identify any issues against budget which Council should be informed of.

Legal

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement along with explanation of any material variances to be prepared and presented to an ordinary meeting of council.

Under section 6.10 of the *Local Government Act 1995* and *Local Government (Financial Management) Regulation 12(1)*;

- a) Council has delegated authority to the CEO under item 3.2, Accounts for Payment - Authorisation Of, to make payments from the municipal fund and trust fund.

The lists of accounts paid are presented in accordance with *Local Government (Financial Management) Regulations 13(1) and (3)*

Operational

This report is provided to Council to keep track of the operational issues affecting the implementation of projects and activities provided for under the 2015/16 adopted budget by reporting actual revenue and expenditure against budget.

Organisational

No direct impact but results year to date may highlight matters that have arisen or may need to be addressed in the future.

CONCLUSION

The financial statements as attached for further review of payments made during September 2015, purchase card transactions during August 2015 and cash deposits at the end of September 2015. Also attached is the year to date statement of financial activity and statement of financial position for information.

The attached Statement of Financial Activity is showing a surplus closing position of \$3,938,400 at 30 June 2015 against our advance payment adjusted target of \$4,089,210 and this is not likely vary significantly before the audit for the 2014-15 financial year is undertaken.

STRATEGIC AND POLICY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

- 1. The City of Fremantle Financial Report including the Statement of Financial Activity, Statement of Financial Position and Statement of Closing position for the period ended 30 September 2015 is received,**
- 2. Council receives the payments authorised under delegated authority and detailed in the list of invoices for September 2015 plus purchase cards for August 2015, presented as per the summaries set out in the attached schedules and include creditors that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.**

CONFIDENTIAL MATTERS

AC1509-4 REVIEW OF FINANCIAL STRUCTURES - CONFIDENTIAL REPORT

ECM Reference: 039/033
Disclosure of Interest: Nil
Meeting Date: Committee 30 September, 2015
Previous Item: Nil
Responsible Officer: Glen Dougall, Director City Business
Actioning Officer: Glen Dougall, Director City Business
Decision Making Authority: Council
Agenda Attachments: Review of Financial Structure Report

SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION

The Council adopted a Community Engagement Policy in December 2010 to give effect to its commitment to involving citizens in its decision-making processes.

The City values community engagement and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective community engagement requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

How consultative processes work at the City of Fremantle	
The City's decision makers	1 The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
Various participation opportunities	2 The City provides opportunities for participation in the decision-making process by citizens via its council appointed working groups, its community precinct system, and targeted community engagement processes in relation to specific issues or decisions.
Objective processes also used	3 The City also seeks to understand the needs and views of the community via scientific and objective processes such as its bi-ennial community survey.
All decisions are made by Council or the CEO	4 These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
Precinct focus is primarily local, but also city-wide	5 The community precinct system establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
All input is of equal value	6 No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
Decisions will not necessarily reflect the majority view received	7 Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters

How consultative processes work at the City of Fremantle	
	of budgetary considerations. All consultations will clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8 The Local Government Act requires decision-makers to make decisions in the interests of “the good government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9 The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
City officers must follow policy and procedures	11 The City’s community engagement policy identifies nine principles that apply to all community engagement processes, including a commitment to be clear, transparent, responsive, inclusive, accountable and timely. City officers are responsible for ensuring that the policy and any other relevant procedure is fully complied with so that citizens are not deprived of their rights to be heard.

How consultative processes work at the City of Fremantle

<p>Community engagement processes have cut-off dates that will be adhered to.</p>	<p>1 As City officers have the responsibility to provide 2 objective, professional advice to decision-makers, 3 they are entitled to an appropriate period of time 4 and resource base to undertake the analysis 5 required and to prepare reports. As a 6 consequence, community engagement processes 7 need to have defined and rigorously observed cut- 8 off dates, after which date officers will not include 9 'late' input in their analysis. In such 10 circumstances, the existence of 'late' input will be 11 made known to decision-makers. In most cases 12 where community input is involved, the Council is 13 the decision-maker and this affords community 14 members the opportunity to make input after the 15 cut-off date via personal representations to 16 individual Elected Members and via presentations 17 to Committee and Council Meetings.</p>
<p>Citizens need to check for any changes to decision making arrangements made</p>	<p>1 The City will take initial responsibility for making 2 citizens aware of expected time-frames and 3 decision making processes, including dates of 4 Standing Committee and Council Meetings if 5 relevant. However, as these details can change, 6 it is the citizens responsibility to check for any 7 changes by visiting the City's website, checking 8 the Fremantle News in the Fremantle Gazette or 9 inquiring at the Customer Service Centre by 10 phone, email or in-person.</p>
<p>Citizens are entitled to know how their input has been assessed</p>	<p>1 In reporting to decision-makers, City officers will in 2 all cases produce a community engagement 3 outcomes report that summarises comment and 4 recommends whether it should be taken on board, 5 with reasons.</p>
<p>Reasons for decisions must be transparent</p>	<p>1 Decision-makers must provide the reasons for 2 their decisions.</p>
<p>Decisions posted on the City's website</p>	<p>1 Decisions of the City need to be transparent and 2 easily accessed. For reasons of cost, citizens 3 making input on an issue will not be individually 4 notified of the outcome, but can access the 5 decision at the City's website under 'community 6 engagement' or at the City Library or Service and 7 Information Centre.</p>

Issues that Council May Treat as Confidential

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
 - a) all council meetings; and
 - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
 - a) a matter affecting an employee or employees;
 - b) the personal affairs of any person;
 - c) 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;
 - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - e) a matter that if disclosed, would reveal –
 - i) a trade secret;
 - ii) information that has a commercial value to a person; or
 - iii) information about the business, professional, commercial or financial affairs of a person.Where the trade secret or information is held by, or is about, a person other than the local government.
 - f) a matter that if disclosed, could be reasonably expected to -
 - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - ii) endanger the security of the local government's property; or
 - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
 - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.