



# MINUTES

## Ordinary Meeting of Council

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Wednesday, 28 November 2012, 6.00pm

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## **CLOSURE OF MEETING**

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## **ORDINARY MEETING OF COUNCIL**

Minutes of the Ordinary Meeting of Council  
held in the Council Chambers, Fremantle City Council  
on **28 November 2012** at 6.00 pm.

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### **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Mayor, Mr Brad Pettitt declared the meeting open at 6.00 pm and welcomed members of the public to the meeting.

### **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."

### **IN ATTENDANCE**

Brad Pettitt	Mayor
Cr Doug Thompson	North Ward
Cr Robert Fittock	North Ward
Cr Rachel Pemberton	City Ward
Cr Tim Grey-Smith	City Ward
Cr Dave Coggin	East Ward
Cr Ingrid Waltham	East Ward
Cr Sam Wainwright	Hilton Ward
Cr Jon Strachan	South Ward (arrived at 6.07 pm)
Cr Andrew Sullivan	South Ward
Cr Josh Wilson	Deputy Mayor / Beaconsfield Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Glen Dougall	Director Corporate Services
Ms Marisa Spaziani	Director Community Development
Mr Philip St John	Director Planning and Development Services
Mr Peter Pikor	Director Technical Services
Mr Ian James	Strategic Urban Designer
Mr Alan Kelsall	Heritage Coordinator
Ms Natalie Martin-Goode	Strategic Planning Officer
Mrs Sharron Kent	Minute Secretary

*There were approximately 23 members of the public and 0 member/s of the press in attendance.*

## **APOLOGIES**

Cr Bill Massie  
Cr David Hume

Hilton Ward  
Beaconsfield Ward

## **LEAVE OF ABSENCE**

Nil

## **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **PUBLIC QUESTION TIME**

### **Summary of Question by June Hutchison on behalf of the Convener of the South City Precinct**

Concern that the Planning Services Committee is prepared to allow additional heights for new buildings where current building heights are restricted. Seeking opportunity to discuss concerns more fully. What arrangements can be made to do this.

### **Summary of Response from Director Planning and Development Services**

Happy to meet with the convener or anybody from South City Precinct in relation to height and compliance.

### **Summary of Question by June Hutchison regarding PSC1211-170**

Will the City actively pursue the opportunity to meet with the Department of Housing in relation to the Burt Street proposal to achieve affordable housing outcomes on the site?

### **Summary of Response from Director Planning and Development Services**

The City is continually meeting with the Department of Housing and actively pursuing the Burt Street proposal which is due to go before Council in December 2012 for scheme amendments and draft deed for consideration and possible adoption by Council and will continue to meet as necessary.

### **The following member/s of the public spoke in favour of the Officer's Recommendation for item SGS1211-8:**

Tim Milsom - CEO, Fremantle Chamber of Commerce representing the Arthur Head Precinct.

### **The following member/s of the public spoke against the Officer's Recommendation for item SGS1211-8:**

Shirley Burbidge - President of the Fremantle Heritage Guides - raised concerns of location of the tour guides base.

**Summary of Comment by Greg Tonnison - Fremantle Pilots in relation to SGS1211-8**

Spoke to a proposal emailed to elected members. Expressed desire for the Pilots to continue its tenancy and vital operations from the cottage. Emphasises the importance of the location to the Pilots in terms of operational activities and the history of the cottage as a base for Fremantle Port pilots. The pilots would also like to contribute to the management of Arthur Head.

**At 6.25 pm Cr T Grey-Smith declared a financial interest in item number PSC1211-180 and was absent during public discussion of this item.**

**The following member/s of the public spoke against the Officer's Recommendation for item PSC1211-180:**

Roel Loopers - President, Fremantle Society

Anthony Calalesinia - resident of Douro Road

Susie Gibbs

Alan Nuttal

Brad Pantall

Gary Robinson

Deanne Tuxford – resident of Thomas Street

Susie Gibbs on behalf of James Barrie

**Summary of Questions by Susie Gibbs in relation to PSC1211-180**

Is Council aware that a complaint has been made to the Liquor Licensing about the ongoing noise issue?

What's the definition of a qualified consultant? Can the City employ a consultant from the Australian Association of Acoustic Consultant Members? Can such testing be done post construction, not just measures in the design of the plan?

Is it possible to consider an addendum to the recommendation that the rear courtyard area be vacated by 11.00 pm.

**Summary of Response from Director Planning and Development Services**

Yes the Australian body can be employed. Can be done post construction. Explained how attenuation measures are done in the design according to industry standard. The condition can be added if council votes it in.



### **Summary of Questions by Brad Pantall in relation to PSC1211-180**

How is the proposal for limiting persons to 20 going to be policed?

Since the 2008 application what's the increase in the operating hours of the restaurant?

### **Summary of Response from Director Planning and Development Services**

The council can conduct compliance inspections but it also relies on complaints received. Inspections can be organised on request. Citizens can also police the numbers and attest in a court with evidence that the conditions have been breached - inspections are not limited to authorities.

The second question has been taken on notice - the answer will be submitted in writing.

### **The following member/s of the public spoke in favour of the Officer's Recommendation for item SGS1211-5:**

Roel Loopers - President, Fremantle Society.

Georgie Adeane - Bathers Beach Market organiser.

**Cr T Grey-Smith returned to the meeting at 6.40 pm.**

### **DISCLOSURES OF INTEREST BY MEMBERS**

Cr Ingrid Waltham, in relation to C1211-5, put on the record that she is on the management committee of a farmers market in South Fremantle which is managed by the applicant but the application is completely independent on the market so the interest is an impartiality interest.

**At 6.25 pm Cr T Grey-Smith declared a financial interest in item number PSC1211-180 and was absent during discussion and voting of this item.**

### **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Cr I Waltham presented a petition by residents regarding netball parking and the amenities at Gibson Park.

Cr S Wainwright represented the City on the Board of the Port Welfare Committee.

Cr J Wilson represented the Mayor at the *Premiers 2012 Awards for Public Sector Excellence* where he accepted an award for Excellence in Developing the Economy. Cr J Wilson recognised the work done by members of the Economic Development Working Group and on the Economic Development Strategy. The award was handed to the Mayor.

Cr A Sullivan represented the Mayor at the Planning Institute of Australia State Awards for Planning Excellence where he accepted two awards (Excellence and The President's Award) in the category of 'best planning ideas' for the small affordable planning scheme amendment – small secondary dwellings. The awards were handed to the Mayor.

## **CONFIRMATION OF MINUTES**

**MOVED: Mayor, Brad Pettitt**

**That the Minutes of the Ordinary Meeting of Council dated 24 October 2012 be confirmed as a true and accurate record.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Rachel Pemberton Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## **ANNOUNCEMENTS BY THE MAYOR**

Nil

## **QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS**

Cr D Thompson noted the City of Canning Inquiry Report.

## **TABLED DOCUMENTS**

The following documents were tabled at the meeting and are attached to the Minutes:

1. Additional Documents containing:
  - a) PSC1211-180 - 2008 council report only requested by Planning Services Committee
  - b) C1211-1 - Annual Report 30 June 2012
  - c) C1211-5 - Amendment to Officer's Recommendation
  - d) C1211-6 - Amendment to Officer's Recommendation
2. Late Item relating to PSC1211-180.
3. Confidential Late Item relating to C1211-12.
4. Petition by residents around Gibson Park to stop Council fining them for parking on their front verges.

## **LATE ITEMS NOTED**

1. Late Item relating to PSC1211-180.
2. Confidential Late Item relating to C1211-12.

## COMMITTEE REPORTS

At 7:00 pm Mayor, B Pettitt brought forward item PSC1211-180 for discussion due to it being a late item.

At 7.00 pm Cr T Grey-Smith declared a financial interest in item number PSC1211-180 and was absent during discussion and voting of this item.

### **PSC1211-180 DOURO ROAD NO. 25 (LOT 95), SOUTH FREMANTLE ALTERATIONS TO EXISTING COMMERCIAL BUILDING (RESTAURANT) (AD DA0434/11)**

The following item has been added to the agenda for the Ordinary Meeting of Council to be held on 28 November 2012. It was referred from the Planning Services Committee meeting held on 21 November 2012

<b>DataWorks Reference:</b>	059/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	21 November 2012 (PSC)
<b>Responsible Officer:</b>	Manager Statutory Planning
<b>Actioning Officer:</b>	Acting Coordinator Statutory Planning
<b>Decision Making Level:</b>	Planning Services Committee
<b>Previous Item Number/s:</b>	PSC0811-309 (DA337/08) – 19 November 2008; PSC1009-163 (DA0197/10) – 22 September 2010; PSC1106-108 (DA0143/11) – 15 June 2011
<b>Attachments:</b>	Development Plans (as amended)
<b>Date Received:</b>	26 June 2012 (amended plans)
<b>Owner Name:</b>	Lisa Ramakrishnan & Naimish Patel
<b>Submitted by:</b>	Tim Grey-Smith
<b>Scheme:</b>	Neighbourhood Centre Zone (R25)
<b>Heritage Listing:</b>	MHI – Management Category Level 3, South Fremantle Heritage Area
<b>Existing Landuse:</b>	Restaurant
<b>Use Class:</b>	Restaurant
<b>Use Permissibility:</b>	'A'



## EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee (PSC) due to the nature of the proposed variations sought and submissions which have been received which raise concerns that cannot be dealt with via the imposition of conditions.

The applicant is seeking Planning Approval for alterations to the existing commercial building ('Restaurant') at No. 25 (Lot 95) Douro Road, South Fremantle. Broadly speaking, the alterations pertain exclusively to modifications to the existing rear courtyard area of the 'Restaurant', otherwise known as 'The Crowded House' to facilitate use of that area for the purposes of dining.

The application is recommended for conditional approval.

## BACKGROUND

The site is zoned 'Neighbourhood Centre' under the City's Local Planning Scheme No. 4 (LPS4) with a density coding of R25 and is located within the South Fremantle Local Planning Area 4 (LPA 4) as prescribed in Schedule 12 of LPS4. The site is located in the street block bound by Hulbert Street to the west, Ocean Road to the south, Douro Road to the north and Thomas Street to the east. The site is listed on the City's Heritage List and the City's Municipal Heritage Inventory (MHI) as a Management Category Level 3, and is located within the South Fremantle Heritage Area which is a prescribed Heritage Area under Clause 7.2 of LPS4.

The subject site is 455m<sup>2</sup> and is located on the south-eastern side of the intersection of Douro Road and Thomas Street, South Fremantle. The site has a north-south orientation and is currently improved by a single storey commercial building and associated structures and is relatively flat in terms of topography. The site is currently approved for use as a 'Restaurant' and is otherwise known as 'The Crowded House'.

A review of the property file revealed the following relevant information:

- On 19 March 1986, conditional Planning Approval was granted for a Restaurant use at No. 25 (Lot 95) Douro Road, South Fremantle under the City's former Town Planning Scheme No. 2 (TPS2) (refer DA2/86);
- At its meeting held 19 November 2008, the PSC resolved to refuse an application seeking Planning Approval for the use of an outdoor covered area for dining purposes, change of hours of operation to an existing Restaurant use and replacement sign at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC0811-309 (DA337/08)), as it was deemed contrary to the objectives of the Neighbourhood Centre zone as prescribed by Clause 4.2.1(ii) of LPS4, for the following reasons:
  - "a) the proposed outdoor covered dining area will adversely impact on the amenity of the adjoining and surrounding residential properties due to noise; and
  - b) the proposed extended trading hours of the restaurant activities, coupled with the proposed outdoor dining area, will exacerbate the potential adverse impact on the adjoining/surrounding residential properties."

- At its meeting held 22 September 2010, the PSC resolved to grant conditional Planning Approval for proposed change in the hours of operation and capacity of the existing Restaurant use and a replacement sign at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC1009-163 (DA0197/10)); and
- At its meeting held 15 June 2011, the PSC resolved to grant conditional Planning Approval for proposed change to approved days and hours of operation for the existing Restaurant at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC1106-108 (DA0143/11)).

## **DETAIL**

On 8 September 2011, the City received an application seeking Planning Approval for alterations to the existing commercial building (restaurant) at No. 25 (Lot 95) Douro Road, South Fremantle (refer DA0434/11). Details of the proposal are as follows:

### Alterations:

The applicant is seeking Planning Approval for alterations to the existing commercial building (restaurant) which comprises of modifications to the rear courtyard area which is currently covered by a patio. The ultimate purpose of the modifications is to facilitate the use of the covered rear courtyard area as a dining area. The modifications to the covered rear courtyard area include the removal of *“existing lattice on all openings, installing glass brick on the Southern and Western walls, and installing glass louvers on the Eastern wall to allow ventilation.”* The applicant has stated in their covering letter that the purpose of these modifications is to *“ensure that there is no impact on the amenity of directly adjoining neighbours due to the sound of dining in this area.”*

Further, the applicant has outlined the following measures be put in place to limit the overall impact the use of the rear courtyard area for dining may have on adjoining properties, of which they have stated their willingness for these matters to be addressed via conditions of Planning Approval:

- *“Seating capacity of this space to be limited to 20 persons.*
- *That the area only be used for formal dining, and not as a function space, or karaoke.*
- *That the space only be used in ‘peak’ periods (ie when planning approval allows 60 seats in total and at all other times be closed).*
- *Live entertainment shall not be permitted in this area.*
- *Amplified music shall be limited to background noise only.”*

On 26 June 2012, the City received amended development plans from the applicant which included “plasterboard ceiling insulation with acoustic insulation” to the rear alfresco area.

The proposed development plans (as amended) are contained as ‘Attachment 1’ of this report.

## CONSULTATION

### Community

The application was 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 proposal sought discretionary decisions to the prescribed standards contained within LPS4. At the conclusion of the advertising period, being 4 October 2011, the City had received nineteen (19) submissions pertaining to the proposal, raising the following relevant planning concerns:

- Car parking and traffic;
- Proximity to residential areas;
- Impact on amenity (noise).

In addition to the concerns raised above, the following concern was raised in the submissions; however they are not considered relevant planning considerations:

- Anti-social behaviour.

It is further noted one of the submissions received was in the form of a petition signed by 57 people whom 'strongly object' to this proposal.

Accordingly, the relevant planning concerns outlined above will be discussed in the 'Planning Comment' section of this report.

## STATUTORY AND POLICY ASSESSMENT

The proposal was assessed against the relevant provisions of LPS4 and Council's Local Planning Policies. Variations to the prescribed standards sought are discussed in the 'Planning Comment' section of this report.

## PLANNING COMMENT

### Local Planning Scheme No. 4 (LPS4)

#### Car Parking

Under the provisions of Table 3 – Vehicle Parking of the City's LPS4, the parking requirement for a 'Restaurant' is as follows:

Car Parking Bays	Delivery Bays	Bicycle Racks
1: 5 seats; or 1: 5m <sup>2</sup> dining area, whichever is the greater	1: service/storage area	1: 30 seats or *1: 100 people accommodated
Required	Provided (on-site)	Discretion
13 bays (62m <sup>2</sup> / 5m <sup>2</sup> )	0	-13

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, 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 (i). In terms of public transport (ii), the subject site has a bus stop within approximately 20 metres of its location, and is also located within 300 metres of Hampton Road, which supports high-frequency bus services as well.



It would be reasonable to expect that by the very nature of current approved 'Restaurant' use, and any liquor license that has been granted for that site, that patrons may plan their night ahead, whether that be car pooling, catching a taxi or alternative means of transport other than driving. In this regard, it is considered that this may reduced the overall impact of car parking shortfall associated with this change of use application.

Importantly, Condition No. 3 of the Planning Approval for DA0143/11 dated 14 July 2011 essentially restricted the maximum seating capacity of the approved 'Restaurant' use to 60 persons (customers) on-site at any given time. In this regard, given that the current application does not seek to increase the number of customers above the maximum 60 already approved, whilst the actual parking requirement has increased, by its very nature, Condition No. 3 of the Planning Approval for DA0143/11 negates any perceived car parking shortfall proposed by the current application as there is no increase to the number of customers proposed.

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

## **Consultation**

### *Impact on Amenity (Noise)*

In its current form, if the application were to be approved by Council, alterations would need to be carried out in order for the development to comply with the prescribed environmental health regulations regarding noise. In this regard, it is considered that this can be addressed via a condition of the approval. It is recommended that the condition be worded so as to afford the applicant thirty (30) days from the commencement of the rear courtyard area being used for the purposes of dining to provide this information to the City.

This approach is recommended for the following reasons:

- It will provide a degree of flexibility to the applicant to begin using the rear courtyard area for the purposes of dining; and
- It will provide an opportunity to the Noise Consultant ultimately engaged by the applicant to prepare their report based on actual data (ie people using in the dining area) as opposed to predicting data (ie what the noise levels may actually be).

## **CONCLUSION**

Whilst a number of concerns have been conveyed in relation potential for issues arising as a result of the proposed development, it is important to note that there is an existing regulatory framework external to planning control to deal issues such as noise and anti-social behaviour.

The proposal is considered to be generally consistent with the planning requirements encompassed within the City's LPS4. It is considered that the proposal will act to strengthen the purpose of the Neighbourhood Centre zone in providing enhanced flexibility for an existing use which will in turn contribute to the vitality of the South Fremantle locality and the City as a whole. On this basis, it is considered that a refusal is not warranted in this circumstance.

Based on concerns related to noise, a condition of approval will be included to require that the applicant submit a report detailing noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the *Environmental Protection (Noise) Regulations 1997*, as well as any design measures proposed to address sound attenuation both internally and externally. If these matters cannot be resolved within thirty (30) days from commencement of the rear courtyard area being used for the purposes of dining, the applicant would not be in compliance with their Planning Approval.

Accordingly, the proposal is recommended for approval subject to conditions.

## **OFFICER'S RECOMMENDATION**

### **MOVED: Cr A Sullivan**

That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 21 June 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Within thirty (30) days of commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a) Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the *Environmental Protection (Noise) Regulations 1997*, and
  - b) Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.
3. The rear courtyard area hereby approved for the purposes of dining shall:
  - a) be limited to a maximum number of 20 persons at any given time;
  - b) only be used for formal dining, and not as a function space, or karaoke;
  - c) only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;
  - d) not be used for the purposes of live entertainment; and
  - e) only have amplified music in the form of background music only.
4. All storm water discharge shall be contained and disposed of on-site.

**Cr J Wilson MOVED** an amendment to the Officer's Recommendation to change the wording of condition 2 to state the following:

2. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997, and
  - b. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

**Cr A Sullivan MOVED** an amendment to the Officer's Recommendation to include the following wording to condition 2:

The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

## **COMMITTEE RECOMMENDATION**

**MOVED: Cr A Sullivan**

That the application be **APPROVED** under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:

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2. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - c. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997, and
  - d. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.

The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.

3. The rear courtyard area hereby approved for the purposes of dining shall:
  - a. be limited to a maximum number of 20 persons at any given time;
  - b. only be used for formal dining, and not as a function space, or karaoke;
  - c. only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;
  - d. not be used for the purposes of live entertainment; and
  - e. only have amplified music in the form of background music only.
4. All storm water discharge shall be contained and disposed of on-site.

**CARRIED: 6/0**

**Cr J Wilson requested the item be referred to the Ordinary Meeting of Council.  
Seconded by Cr B Massie.**

## **COMMITTEE RECOMMENDATION**

**MOVED: Cr A Sullivan**

That the application be **APPROVED** under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:

2. This approval relates only to the development as indicated on the approved plans, dated 21 June 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
3. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - e. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997, and
  - f. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.

The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.

5. The rear courtyard area hereby approved for the purposes of dining shall:
  - a. be limited to a maximum number of 20 persons at any given time;
  - b. only be used for formal dining, and not as a function space, or karaoke;
  - c. only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;
  - d. not be used for the purposes of live entertainment; and
  - e. only have amplified music in the form of background music only.
6. All storm water discharge shall be contained and disposed of on-site.

**SECONDED: Cr R Fittock**

**Cr J Wilson MOVED an amendment to the Committee Recommendation to add f. to point 3. as follows:**

3. The rear courtyard area hereby approved for the purposes of dining shall:  
*f. be vacated by staff between 11.00 pm and 6.00 am*

**SECONDED: Cr I Waltham**

**CARRIED: 10/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Cr J Strachan MOVED an amendment to the Committee Recommendation to add a separate point B) as follows:**

- B) That officers be requested to undertake a noise assessment on the property within three months of commencement of the development.*

**SECONDED: Cr R Pemberton**

**CARRIED: 9/1**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Andrew Sullivan Cr Doug Thompson	Cr Dave Coggin

## **COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**A) That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:**

**1. This approval relates only to the development as indicated on the approved plans, dated 21 June 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

**2. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:**

**a. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997; and**

**b. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.**

**The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.**

**3. The rear courtyard area hereby approved for the purposes of dining shall:**

**a. be limited to a maximum number of 20 persons at any given time;**

**b. only be used for formal dining, and not as a function space, or karaoke;**

**c. only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;**

**d. not be used for the purposes of live entertainment; and**

**e. only have amplified music in the form of background music only.**

**f. be vacated by staff between the hours of 11.00 pm and 6.00 am**

**4. All storm water discharge shall be contained and disposed of on-site. of the development.**

**B) That officers be requested to undertake a noise assessment on the property within three months of commencement**

**SECONDED: Cr R Fittock**

**CARRIED: 10/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**REASON FOR CHANGE TO COMMITTEE RECOMMENDATION**

Measures put in place to ensure future noise reduction.



Cr T Grey-Smith returned to the meeting at 7.19 pm.

**LIBRARY ADVISORY COMMITTEE 8 AUGUST 2012**

Cr J Strachan MOVED en bloc recommendations numbered LAC1208-98 and LAC1208-99.

**That recommendations numbered LAC1208-98 and LAC1208-99 be moved en bloc.**

**SECONDED: Cr R Fittock**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number LAC1208-98 was MOVED and carried en bloc earlier in the meeting.

**LAC1208-98 LIBRARY AND INFORMATION SERVICE REPORT - APRIL - JUNE 2012**

**DataWorks Reference:** 039/007  
**Disclosure of Interest:** Nil  
**Meeting Date:** 8 August 2012  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Previous Item:** Nil  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

To provide information to the two Councils on the operation and performance of the Fremantle City Library during the previous quarter.  
 This item reports on Library operations, issues and achievements for the quarter April - June 2012.

**STATISTICS**

**(a) Membership - April - June 2012**

**Performance Indicators**

<b>Members per capita:</b>	
Fremantle	3.9
East Fremantle	2.8

<b>% of total Membership:</b>	
New Members	5.6%
Expired Members	2.7%

## **Statistics**

<b>Population</b>	
City of Fremantle	24,835
Town of East Fremantle	6,697

<b>Membership</b>	
Fremantle (residents, workers, students)	9691
East Fremantle (residents, workers, students)	1917
Melville residents	1,123
Cockburn residents	1,743
Cottesloe residents	408
Kwinana residents	69
Rockingham residents	92
Other WA residents	876
Online members	0
Staff	33
Temporary members	384
Total	16,336

<b>New members</b>	<b>Expired members</b>
909	443

## **(b) Library Access - April - June 2012**

### **Performance Indicators**

	<b>Per hour open</b>	<b>Per staff FTE</b>	<b>Per library member</b>
Circulation transactions	140.5	8,959	5.9
Visitors	80	3,394	3
Active borrowers	41	2,613	1.7
Reference enquiries	6	392	0.25
Local History enquiries	2.5	473.5	0.05
Fre-info enquiries	2.5	1,754	0.1
Internet use within library	8	841	0.5

	<b>% of loans</b>
Requests for items in stock	6.2%
Items borrowed from other libraries	2.3%
Overdue notices sent	3.4%

**Statistics**

<b>Library access</b>	
Hours open	688.5
Visitors	51,593
Active borrowers	28,220
Staff (FTE)	15.2
In House Internet Use	5,631
Wifi Use	3,450

<b>Circulation transactions</b>	
Loans and renewals	51,753
Returns	45,008
Items on loan	13,072
Reservations	3,240
Requests sent to other libraries	1,155
Requests received from other libraries	1,299

**(c) Access to Information and Resources - April - June 2012**

**Performance Indicators**

	<b>% of total stock</b>
Total loans and renewals	111%
Items on loan	28%
New stock received	6.2%

**Statistics**

<b>User assistance</b>	
Service desk reference enquiries	4,238
Fre-info enquiries	1,754
Local History enquiries	947
Online catalogue searches	13,435
Library web page hits	19,962

<b>Use of Online Databases</b>	
Fre-info	24,756
Local History online photographs	1,814
Britannica Online	2,541
Health and Wellness	111
ANZ Reference Centre	181
Novelist	11
Popular Magazines	56
Ancestry.com	5,000
Carters Antiques	115
Freegal	211

### **Other**

East Fremantle Parking permits issued	49
New stock items received	2,906

### **COMMENT**

Usage of the library has remained steady this quarter with over 700 people visiting daily. The snapshot of items on loan showed April to June having the heaviest usage this year. Internet guest passes accounted for 30% of in house use of that service, down on 44% in the last quarter, but more than likely reflecting the lower tourist numbers as summer moved into autumn and the academic year got underway.

Use of the Freegal music download service is slowly increasing, and now that has been joined by audio book download capacity, and the package will soon include ebook downloads, a higher promotional campaign to increase community awareness of these products is planned.

### **Young People's Services (YPS)**

With almost 2600 people participating in 71 programs or activities during the quarter, the YPS area has been very busy. Attendance per session averaged at 36 people, of whom two thirds were children.

<b>Program</b>	<b>Number of sessions</b>	<b>Children</b>	<b>Adults</b>	<b>Total attendance</b>
Baby Rhyme Time	10	205	207	412
New Parent's Groups	3	32	33	65
Toddler Tales	9	76	76	152
Storytime	27	360	272	632
School Holiday Activity Sessions	3	102	43	145
Class visits to the library	10	402	30	432
Outreach sessions to schools, playgroups, day care centres etc	9	561	200	761
<b>Total</b>	<b>71</b>	<b>1738</b>	<b>861</b>	<b>2599</b>

The Librarian: Young People's Services returned from long service leave in time to present the April School holiday program. Two sessions of Lego in the Library for children aged 5-9 years were fully booked, with participants creating some very interesting structures. Hey Presto's magic show attracted more than 60 children, who enjoyed his engaging and interactive style. Mystery Bags were once again in demand, with 202 borrowed throughout the holidays.

Eight primary schools accepted an invitation to participate in Better Beginnings for Kindergarten and Pre-Primary children in 2012. Visits to schools to present reading packs began in May. Students from North Fremantle, Christ the King and Beaconsfield Primary Schools and Kulunga Aboriginal Kindergarten received packs, which include a picture book and information about the library and the importance of reading to children at home. Visits to the remainder of participating schools are scheduled for Term 3.

Fifty seven Better Beginnings early literacy promotional bags for 0-3 year olds were distributed this quarter, with more than half presented directly to a parent by a library staff member, and the remainder of parents receiving their bags from a Child Health Nurse.

Year One students at Winterfold and Richmond Primary Schools enjoyed a visit to their classes by the Librarian: YPS to promote Reading Rewards. North Fremantle Primary School's Play and Learn Group invited the Librarian to talk to parents about how the library supports early literacy.

A group of Stage One students from the Diploma of Library and Information Services course at the Central Institute of Technology visited the Children's Library to learn about the practical aspects of displays in a public library. Their lecturer reported that the visit inspired students to approach a library and produce a display as part of their assessment. One student set up a display at Fremantle, featuring the titles of current joint Children's Laureate Alison Lester.

Library and Information Week was celebrated with two days of class visits to “Meet the Author” events. Fremantle author and artist Wendy Binks revealed how her love of animals and career as a potter led her to writing and illustrating picture books for children. Children from White Gum Valley and Fremantle Primary Schools enjoyed learning about how Wendy turns an idea for a story into a book and the older students had fun drawing kookaburras. Liliana Stafford spoke to classes visiting from Beaconsfield and St Patrick’s Primary Schools. She demonstrated how all of her story ideas have some connection to events in her real life and encouraged students to think about their own experiences when writing stories.

National Simultaneous Storytime was a national literacy campaign run during Library and Information Week, aiming to get large numbers of young Australians reading. “The Very Cranky Bear” by Nick Bland was shared with Australian children on 23<sup>rd</sup> May. Fremantle Library organised two simultaneous celebrations, with illustrator and National Year of Reading Ambassador Frane Lessac visiting East Fremantle Primary School to share the book with 150 children; and the Librarian YPS visiting Beaconsfield Primary School to share stories with enthusiastic Year Two students.

Regular programs for babies and toddlers have continued to attract good attendances. Storytime programs this term have celebrated Easter, Heritage Week and National Whale Day, with June sessions each programmed around a different colour. “Read a Rainbow” displays in the Children’s Library tied in with the Storytime themes and grouped books according to cover colour to produce attractive displays promoting a wide variety of topics and genres.

The Librarian YPS attended the annual Children's Book Council conference, which showcased papers on and by Australian and international children's authors. The conference featured well known authors such as Alison Lester, Mem Fox and Eoin Colfer. Papers discussed graphic novels, an indigenous writing program, and writing history, humour and fantasy for children. The closing session was a panel discussion on the future of the book. The development of knowledge in this area is invaluable to enhance skills in talking about reading and children's literature with parents and young people in the library and the local community..

## **Local History**

The highlight of the last quarter has been the annual Heritage Festival and accompanying Local History Awards. Two very successful events were held in Local History, both of which were well attended and very interesting and informative. Historian, Kris Bizzaca talked about researching the history of your house, Kris has been very generous with her time over the years and indicated that it was the twelfth time she had presented the talk, but she always manages to draw a crowd of interested people. The second event was a presentation by Wendy Brown based on a book about her experience in researching her own family history. The talk offered some very useful advice and tips for family historians and highlighted some of the common problems encountered.

The Local History Awards are always popular, with eleven entries received this year, six published, four unpublished and one multi media entry. The published awards winner was 'Voices from the West End: stories, people and events that shaped Fremantle' from the Western Australian Museum; Madison Lloyd-Jones took top honours in the unpublished awards for her paper called 'Homefront heroines & Hollywood heroes? Fremantle women and the impact of the American servicemen that passed through Fremantle 1942-1945'. The addition of all entries to the collection enhances the information available for historians and researchers into the future.

Local History librarians have been busy assisting researchers including the annual influx of students from Notre Dame University for an assignment on the Fremantle area. A recent donation included a large collection of photographs of ships boats and ferries from a shipping collector in New South Wales. This collection will complement the Bruce Farrington photograph collection as it includes many images from the 1950s and 1960s.

Oral history interviews have been completed with individuals involved in various organisations in Fremantle including The Meeting Place and the Circus School. Interviews have also been conducted with individuals involved in community services in the Town of East Fremantle. Advice was received recently from the National Library that processing of the Fremantle Herald 1867 – 1886 will begin in the 2012-2013 financial year. Access to this newspaper online through the Trove database, will provide a valuable resource for researchers. Processing, documenting and scanning of the East Fremantle photograph collection has commenced.

Staff were saddened to hear of the death of Helen Marchese who volunteered in Local History from 2005 to 2009, assisting with filing and shelf checking. The contribution of volunteers to the Local History area is very much appreciated as they complete a number of labour intensive tasks that staff struggle to find time for, and enable information to be more readily accessible to customers.

### **Library Operations**

Self serve machines were introduced during June to enable customers to complete their own loan transactions. An implementation plan was developed by a staff working group, and procedures developed to ensure a smooth transition for customers, and clear staff understanding of the changes in work processes that would come with the new service.

The implementation went smoothly, and the overall reception from the public has been very positive. Many members had used similar facilities elsewhere and were instantly accepting of the change. Self serve allows more privacy for customers wanting to borrow sensitive materials, as well as saving them queuing for service from staff who are required for a number of customer service functions. The new machines scanned 8849 items in the final weeks of June from 2984 customers.

Staff are now able to spend more time assisting and interacting with customers and to have a greater presence on the library floor where they are viewed as more accessible to people wanting help in finding information. The major advantage of the implementation has been that staff are now better able to meet customer requests, which can often be lengthy and complicated. They can guide customers through each stage of the reference enquiry process, and provide more comprehensive technical assistance with the public computers and internet.



There has been some staff disruption during the quarter, with a number of people taking extended sick, long service or maternity leave. Although the gaps were able to be filled with existing casual staff, a high level of training and upskilling for those people was required.

A student from Santa Maria College participating in the In Step programme completed her Semester One placement in the Library. She was able to experience many different aspects of working in a public library, and the practicum was a positive one for both the student and library staff who appreciated her capable assistance.

Branding for library print material was finalised during the quarter, with standardised headers and footers developed, identifying the library and its services in line with the corporate branding project.

### **eLibrary**

A new debt collection module was implemented in the Library Management system, which will automate several workflows related to the follow up process for non returned, lost or damaged items.

A digital audiobook download service was purchased in June. The product offers customers a wider selection of audiobooks than can be accessed in the physical collection. Titles can be downloaded from a link on the library webpage to people's own devices, such as iPhones and MP3 players for listening at their convenience. The titles are lent to people in the same way as hard copies, and deactivate on their devices after their 'due date'. These titles can also be loaded to the Navigator devices provided last year for use by print impaired people and will be welcome for the wider range of audio reading material that can now be made available for those people.

Following a tender process, State Library of Western Australia (SLWA) announced their contract with a company to provide ebooks for loan in public libraries across the state. The Librarian, Collections and Programs is representing Public Libraries Western Australia (PLWA) on the eBook implementation project group which comprises SLWA staff, vendor representatives and public librarians. The projected live date is August, as the configuration and testing process across Local Governments is time consuming.

One of the challenges of this project will be to manage customer expectations. Several large international publishers have withdrawn their ebook titles from being available to public libraries, which means that many popular authors and best sellers will not be available as part of this service.

The introduction of self serve machines was a major project for the eLibrarian this quarter. Liaison with IT staff for the installation, completing the local configuration, writing help sheets and training staff were time consuming, but overall went very smoothly.

The E-Librarian provided training on Google Analytics to other Council staff with responsibility for web pages. Google Analytics is a website statistical tool, giving information such as the number of visitors, pages viewed, percentage of users utilising smart phones or iPads and common pathways through a site. Web editors will now be able to monitor the usage of their sections and provide feedback to managers.

The Amlib Library Management System vendors announced the closure of their Perth office, with all support now based in Melbourne. One staff member will remain in WA to provide some part time support and conduct local training sessions. It is disappointing that a product originally developed in Perth to fit the Western Australian public library system has lost its local office, and now is better placed to meet demands of libraries on the eastern seaboard.

## **Promotions**

The trial of an outdoor reading room during the summer months was successfully extended into April for the school holidays. The work done by the Librarian Collections and Development, and other staff to make this a success was rewarded during Australian Library and Information Week when the project won the Library Board of Western Australia's Excellence Award. This award is open to all Western Australian public libraries for 'activities which symbolise excellence of achievement'. The \$5000 prize money will contribute to purchase of customised furniture to enhance the provision of this service into future years.

The Library continued to promote National Year of Reading through its events. The year's keynote event was 'The great book debate! The book is dead', held during Australian Library Week, in collaboration with the Cities of Melville and Rockingham library services. Sixty-one people heard Professor Sherman Young, acting Head of Media, Macquarie University and author of "The book is dead, long live the book" present on the history of reading and the technological developments that will shape our reading in the future. His talk was followed by a panel discussion with author Niall Lucy from Curtin University, publisher Clive Newman from Fremantle Press and Ann Zubrick who represented the readers of Fremantle.

Feedback on the event was positive and audience members appreciated the opportunity to voice their concerns and opinions publicly and engage with leading national and local experts on the topic. It was clear that the library will need to take the preference of many members for hard copy books into account when planning future services.

Robyn Johnston from ABC's Radio National interviewed Susan Swinger author of "The house of fiction: Leonard, Susan and Elizabeth Jolley" in front of a crowd of 84 people. The event generated tremendous interest locally, with many people having known the Jolley family. People travelled from as far away as Mandurah to attend. The subject matter was controversial and the evening could have been tense and filled with conflict. However, Robyn Johnston eased the audience into the story of pain and abandonment that was Susan Swinger's childhood. Susan revealed herself to be a woman of great integrity and compassion, simply telling her own story with no resentment or ill will toward Leonard and Elizabeth Jolley. A crew from the ABC's Australian Story filmed the evening for an episode featuring Susan that will air later in the year. Many people visited the library to borrow books after the talk and commented what a great night it had been.

June was promoted as "Reading Fremantle", a celebration of the rich literary culture and history of Fremantle. Posters, book displays and flyers focused on Fremantle's heritage, authors and publisher. The final week was most successful with books being borrowed heavily.

The Librarian, Collections and Programs was one of the Western Australian judges in the National Year of Reading “Our Story” review writing competition. Judges read the entries from all states and selected the best reviews for this national competition.

Tuesday morning and Thursday afternoon book clubs continue to run each month, however attendance at the Thursday meeting is dropping with several members on prolonged holidays. The advent of warmer weather in the next quarter may boost the numbers again.

The Library hosted the City of Fremantle’s “Australia’s Biggest Morning Tea” event which was open to council staff and members of the public to raise money for the Cancer Council. Sally Blane, spoke to 47 people about the research and services that are supported by donations made at the biggest morning tea and other fund raisers associated with the Cancer Council.

A group of ESL students visited the library in April for an introduction to the Library and its services. These groups comprise people from a range of localities, so talks to them are usually generic about what they might find in their local public library. Some group members did become members of this library.

The library’s quarterly book sale raised over \$600 from the sale of obsolete books, magazines, toys and other resources. Thanks go once again to the group of volunteers who enable this regular event to happen.

Displays during the quarter included:

- ☐ Hard work bears fruit - a display promoting the international Independent Publisher awards won by local authors Carina Hoang and John Dowson, silver and gold respectively;
- ☐ Book spine poetry created by library staff to celebrate Australian Library and Information Week and the Great book debate;
- ☐ Reading Fremantle;
- ☐ Outdoor Reading Room and the Library Board of Western Australia Excellence Award;
- ☐ Read! Anytime Anywhere Anyhow display supporting the state wide National Year of Reading; and
- ☐ Macular Degeneration Awareness Week.

## **Fre-info**

Website issues continued to demand attention this quarter, with issues around the calendar and uploading of the community information databases to the website. No information has been able to be uploaded to the event calendar since early April due to some issues with uploading information however this is being worked through. This has not affected the e-newsletter which attracted 470 new subscribers this quarter, including 116 competition entrants provided by the Marketing Business Unit.

The quarterly statistics of hits on the What's On section and calendar pages on the website indicate that these sections are being well used, mainly by date or searches for a particular events. Popular events for April include:

- Anzac day - 2360 hits
- Street Arts Festival - 1910 hits
- School holiday guide - 441 hits
- Cruise ship visits - 271 hits
- Indian Food Fair - 183 hits.

The event with the most hits during May and June by far was the Shaun Tan exhibition at Fremantle Arts Centre, followed by the Heritage Festival, Gyuto monks visit, May Day Fair, the Croatian Food Fair and the Refugee Welcome Festival.

The Fre-info database on the website received more than usual hits this quarter, with a total of 2498 hits. At least 1800 of these hits came from Google searches and 1500 were return visitors to the database. Common search terms used included Fre-info, Fremantle, dancing, skateboard, art, chess and Buster the fun bus.

The annual updating of the restaurants database and the monthly task of updating the community information records happened during the quarter. One interesting trend was the opening of a number of new Indian restaurants in Fremantle. There have also been quite a few enquires about holding displays in the library. The glass cabinet and newly cleared space nearby has permitted a number of displays in that area, including an interesting craft display by the art students from the Multicultural Centre in Fremantle. FotoFreo held a post FotoFreo exhibition using the walls in the library for six weeks.

Interesting queries this quarter included a request from a woman who prefaced her question with the statement that she would normally ring Telstra but Fre-info is more reliable for answers. Her question was about who to ring to find out how many demerit points she has!

Two separate requests were received from overseas travellers about how to get married in Australia. Fre-info does get email requests for information about Fremantle from overseas. Often these requests are for Fremantle paraphernalia such as booklets and book marks or for general historical and tourist information but there was an unusual query for an image of one of the City's rubbish trucks from a student in Texas, who apparently collects images from around the world.

Another unusual query was: Is there a funeral in Fremantle today?

The Community Information Librarian was of course, able to provide answers to all of these queries.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

The April to June quarter marked a significant change in the way library members access the resources, with the introduction of self serve loan machines. The machines had instant acceptance from the majority of customers, an indication of the prevalence of this type of service in the world. The availability of downloadable audio books also took the library one step further in the use of technology to provide its services.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Information only no decision required.

## **OFFICER'S RECOMMENDATION**

**That the information be received.**

## **COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr Jon Strachan**

**That the information be received.**

**SECONDED: Cr D Coggin**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number LAC1208-99 was MOVED and carried en bloc earlier in the meeting.

**LAC1208-99 TOY LIBRARY QUARTERLY REPORT APRIL - JUNE 2012**

**DataWorks Reference:** 023/013  
**Disclosure of Interest:** Nil  
**Meeting Date:** 8 August 2012  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

A summary of the operation and performance of the Fremantle Toy Library for the quarter is provided.

**BACKGROUND**

The Fremantle Toy Library is jointly provided by the City of Fremantle and Town of East Fremantle with grant funding support from the Department of Education, Employment and Workplace Relations (DEEWR).

**COMMENT**

**Membership**

	<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
Individuals	316	78	394
Families	189	37	226

**New Members**

<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
78	9	87

**Deleted Members**

<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
44	21	65

## Visitors

<b>April</b>	652
<b>May</b>	900
<b>June</b>	916
<b>Total</b>	2468

\*Family means at least one parent and usually one or more accompanying children

## Loans

	<b>East Fremantle residents</b>	<b>Fremantle residents</b>	<b>Total</b>
Toys	428	2181	2609
Books	185	1745	1930
Audio Visual items	38	348	386
Total	651	4274	4925

## Income

	<b>6 month concession</b>	<b>12 month concession</b>	<b>6 month full fees</b>	<b>12 month full fees</b>	<b>Dress up hire</b>	<b>Total</b>
April	88.00	0	826.00	980.00	12.60	1906.60
May	44.00	156.00	472.00	1666.00	0	2338.00
June	0	0	649.00	980.00	0	1629.00
Total	132.00	156.00	1947.00	3626.00	12.60	5873.00

At the end of its second full quarter after the relocation to Hilton, The Toy Library recorded an 18.5% overall increase in loans when compared with the March 2012 quarter. Loans to Fremantle members have increased whilst East Fremantle loans and memberships have decreased. This was the trend expected following the move back from East Fremantle.

As the Toy Library has returned to its now permanent home, it was interesting to look back to the same quarter in 2007 when the Toy Library first moved under the auspices of the Fremantle City Library. At that time there were 153 members, many of whom were inactive, and only seven new members during the quarter. This equates to only 38% of current members and to 8% of the people who joined from April to June this year. The success of the service in its current incarnation is demonstrated by the usage.

The Toy Library Officer has selected, purchased and catalogued 62 new items this quarter. New costumes and a supermarket checkout toy have proved to be particularly popular. Old and worn stock was withdrawn and included in the Library's booksale in May.

Prints by local artist, potter and children's author/illustrator Wendy Binks were mounted on the Toy Library walls in May. Mobiles featuring Wendy's emu character Stripey were donated by Wendy and are also hanging in the Toy Library. The placement of these works enhances the facility, breaking up the expanses of white wall to the high ceilings.



Volunteer Doug Dowdell's 20 years of volunteer work for the Toy Library was acknowledged with an article in the Fremantle News page in the Fremantle Gazette in May. The Toy Library has a small team of volunteers who assist the Toy Library Officer by fixing, assembling and cleaning toys, counting pieces and sewing costumes and all of their contributions are valued.

Toy Library storytimes were held in the foyer area of the Hilton Community Centre in April and June. The Acting Librarian Young People's Services(YPS) presented an Easter themed session to a group of 11 children and 10 parents who braved very stormy weather to enjoy the stories and craft activities. In June, the Librarian YPS shared "Crazy Clothes" stories to 15 children and 11 adults. The children were invited to dress up in their own costume or borrow one from the Toy Library's collection and a group of fairies, princesses, a policeman and a horse gathered to listen to stories read by the Librarian dressed as Mister Magnolia. On both days the Toy Library recorded over 90 visitors before noon.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

Toy Library usage continues to grow strongly following its relocation to Hilton.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Information only no decision required.

**OFFICER'S RECOMMENDATION**

**That the information be received.**

**COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr Jon Strachan**

**That the information be received.**

**SECONDED: Cr D Coggin**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

At 7:00 pm Mayor, B Pettitt brought forward item SGS1211-8 and subsequently Strategic and General Services Committee 14 November 2012 for discussion.

## **STRATEGIC AND GENERAL SERVICES COMMITTEE 14 NOVEMBER 2012**

Cr R Fittock vacated the chamber at 7.20 pm during the following item and returned at 7.21 pm prior to determination.

### **SGS1211-8 MANAGEMENT OF ARTHUR HEAD CITY PROPOSAL**

<b>DataWorks Reference:</b>	046/004
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	14 November 2012
<b>Previous Item:</b>	SGS1206-2
<b>Responsible Officer:</b>	Marisa Spaziani Director Community Development,
<b>Actioning Officer:</b>	Marisa Spaziani Director Community Development,
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Attachment 1 - Management brief Request for Proposals Attachment 2 - Arthur Head Implementation Plan

## **EXECUTIVE SUMMARY**

The City developed a management brief (Attachment 1) and called for proposals for the management of Arthur Head in line with the vision and principles set by Council. Two proposals were received, however the assessment panel did not consider that either of the proposals met the criteria and they were judged not suitable. The City has subsequently developed an implementation plan for the management of Arthur Head in line with the June 2012 council resolution.

## **BACKGROUND**

At its June 2012 round of meetings Council resolved:

The City develop a management brief, and call for proposals for managing the uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by the City. In the event of no suitable submission under the expressions of interest, the City to develop a proposal for in house management of the area.

Existing lease arrangements will be honoured by the City, however, future leasing arrangements with current and future tenants will be managed by the management contractor once appointed.

As of 1 July 2012 income from existing tenancies and any future leasing payments be set aside for maintenance and management of the Arthur Head site.

Enterprises and individuals that have artistic endeavours as their core business will not be excluded from holding leases in the subject properties.

A request for proposal was developed (Attachment 1) and advertised for a 4 week period. A panel comprising City of Fremantle staff, as well as two elected members, Crs Wilson and Pemberton met to assess the proposals.

## **COMMENT**

Two proposals were received. The panel met to assess and discuss the proposals and it was unanimously recommended that neither proponent satisfied the panel to a point that a decision to appoint a management body could be made.

Given the outcome of the panel decision, the City will now manage the area. It is proposed that a number of steps be taken to progress the project that includes (not in any priority order):

Call for and implement a management committee (paid expert group that has no conflict of interest), chaired by the City to recommend tenants, use of spaces, assist in the development of tenancy agreements, setting of performance criteria.

Existing tenants who do not comply with arts uses will not have leases renewed but will be given reasonable notice period.

Developing a template for new tenancy agreements.

Developing and implementing improvements to the public space.

Auditing current buildings and deciding upon uses for these properties.

Developing a maintenance plan based on the condition audit of all buildings.

Advertise and select new tenancies (by selection committee).

Overseeing the development and implementation of performance criteria for new tenants going forward.

Developing an Arthur Head/Bathers Beach tenants working group to advise and support the activation of the space.

Community Engagement Plan.

A project team of City staff from parks, technical services, heritage, property and community development has been formed to ensure that all aspects of the site as a whole are considered in both planning and practical implementation of any plans for the area. This team has considered and had input into the practical steps that the City would need to implement as per the attached implementation plan. It is understood that the time that any one space remains vacant should be kept to a minimum, whilst any maintenance works are completed.

It is considered that the role of the management committee, made up of people experienced in arts, property management or similar and without a conflict of interest, would recommend to the City, tenants and uses for spaces as well as performance criteria. The management committee would be a time limited group, after a number of initial actions are completed and may only need to be reconvened to recommend applicants for tenancies when vacancies occur. The day to day decisions and planning for the area as a whole will be overseen and managed by City staff.

An implementation plan (Attachment 2) has been developed based upon these steps and to be implemented by the City in line with budgets for the area.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The Arthur Head project has \$150,000 allocated in the 2012/2013 budget. There is an additional \$75,000 allocated for trails and pathways.

### **Legal**

Tenancy agreements once developed will require legal advice.

### **Operational**

The Community Development Directorate will be responsible for the management of Arthur Head in line with the vision and principles set by the City.

### **Organisational**

A project team has been formed that includes staff with responsibilities across all directorates.

## **CONCLUSION**

Managing the overall development of the Arthur Head site in line with the principles and vision as set by Council will be undertaken by City staff. This will require both expert input and engagement with current tenants to ensure that changes are implemented in a considered, staged approach.

## **STRATEGIC AND POLICY IMPLICATIONS**

An action of the Cultural Development Strategy.

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **OFFICER'S RECOMMENDATION**

The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.

**Mayor, Brad Pettitt moved the following alternative recommendation;**

1. The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.
2. The management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head reserve to include the following:
  - Established practicing arts businesses in the Arthur Head precinct which have demonstrated strong activation of the area consistent with the plan are to be offered longer performance- based tenancy agreements. This includes current art businesses like Glen Cowen' photography, Greg James and Jenny Dawson. The new tenancy agreements to be subject to a performance-based approach based on mentoring, active use and on-going improved activation of area.
  - 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 the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.
  - The area around J-shed and Kidogo to be considered as part of a sculpture gallery.
  - Heritage Guides and Fremantle Society and other heritage uses to be considered for the shared community use of one cottage in the Arthur Head precinct.
  - City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.
  - The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.

**Cr D Hume moved an amendment to the alternative recommendation to include an additional dot point in part 2. to read as follows:**

- The provision of a new 5 years lease is given to the Fremantle Pilots at the Pilot Cottages.*

**LOST: 2/5**

<b>For</b>	<b>Against</b>
Cr David Hume Cr Jon Strachan	Mayor, Brad Pettitt Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson

**Cr Doug Thompson moved an amendment to the alternative recommendation part 2) dot point 1 to read as follows;**

- Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.***

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

#### **REASON/S FOR CHANGE TO RECOMMENDATION**

To remove the reference to names as it is too prescriptive.

**Cr Jon Strachan moved dot point 1 of part 2. of the alternative recommendation as amended;**

- Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.***

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**Cr Jon Strachan moved dot point 2 of the alternative recommendation;**

- **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 the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.**

**CARRIED: 6/1**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	Cr Tim Grey-Smith

**Cr Jon Strachan moved dot point 3 of the alternative recommendation;**

- **The area around J-shed and Kidogo to be considered as part of a sculpture gallery.**

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**Cr Dave Coggin moved an amendment to the alternative recommendation part 2) dot point 4 to read as follows;**

- **Heritage uses can be considered for the shared community use of a space within the Arthur Head precinct.**



**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Sam Wainwright Cr Dave Coggin	Cr Tim Grey-Smith Cr Doug Thompson

**REASON/S FOR CHANGE TO RECOMMENDATION**

To remove the reference to names and the words 'one cottage' as it is too prescriptive.

**Cr Jon Strachan moved dot point 5 of the alternative recommendation;**

- **City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.**

**CARRIED: 6/1**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin	Cr Doug Thompson

**Cr Jon Strachan moved dot point 6 of the alternative recommendation;**

- **The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.**

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

**Cr Jon Strachan moved the amended alternative recommendation to read as follows;**

## COMMITTEE RECOMMENDATION / COUNCIL DECISION

1. The City undertake the management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head in line with the vision and principles set by Council and in line with the attached implementation plan.
2. The management of uses, activities and strategic priorities of the buildings and urban environment of Arthur Head reserve to include the following:
  - Established practicing arts businesses which can demonstrate strong activation of the area consistent with the plan can be offered longer performance- based tenancy agreements. The new tenancy agreements will be subject to a performance-based approach based on mentoring, active use and on-going improved activation of designated areas.
  - 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 the Arthur Head precinct to be able to exhibit their work on a priority basis. At other times the gallery space would be for rent like the Moores Building.
  - The area around J-shed and Kidogo to be considered as part of a sculpture gallery.
  - Heritage uses can be considered for the shared community use of a space within the Arthur Head precinct.
  - City to identify a possible site for an indigenous cultural centre with in Arthurs Head reserve and to work with the Indigenous Action Group to explore the feasibility of this including how it might be funded, staffed and managed.
  - The rest of spaces in the Arthur Head precinct to be used for arts purposes consistent with cultural development strategy.

**SECONDED:** Cr Dave Coggin

**CARRIED:** 11/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Cr J Strachan MOVED en bloc recommendations numbered SGS1211-4, SGS1211-6, SGS1211-7, SGS1211-9, SGS1211-11, SGS1211-5, SGS1211-10 and SGS1211-12.**

**That recommendations numbered SGS1211-4, SGS1211-6, SGS1211-7, SGS1211-9, SGS1211-11, SGS1211-5, SGS1211-10 and SGS1211-12 be moved en bloc.**

**SECONDED: Cr R Fittock**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number SGS1211-4 was MOVED and carried en bloc earlier in the meeting.

**SGS1211-4 FINES ENFORCEMENT REGISTRY (FER) WRITE-OFFS AND CATEGORY CHANGE AND UNRESOLVED INFRINGEMENTS WRITE OFFS ISSUED TO VEHICLES NOT REGISTERED IN WESTERN AUSTRALIA**

<b>DataWorks Reference:</b>	122/003
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	14 November 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Cameron Bartkowski, Manager Community Safety & Parking
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	(FER) List of Write-offs (Confidential Attachment)

## **EXECUTIVE SUMMARY**

From 1 July to 31 October of the financial year 2012-2013, the Fines Enforcement Registry is advising its intention to write-off \$8,569.97 of unpaid fines and collection costs, dating back to some matters registered in year 2004. Of this amount, approximately \$1,567.77 is associated with the cost of registering the case for enforcement, the remainder is the original modified penalty of the infringement notice, plus statutory fees chargeable by City of Fremantle during the statutory enforcement process. The amount for write-off represents approximately 2 per cent of the amount received by City of Fremantle from the Registry for recovered fines during the same period. This item is to enable the formal resolution of the write-off.

These matters are regarded by the Registry as unenforceable, due to factors including death, uneconomical to enforce due to amount owing, insufficient details, time elapsed since registration.

The Registry operates pursuant to the *Fines Penalties and Infringement Notices Enforcement Act 1994*. By this statute, the Registry is the sole provider of the service enabled under this legislation.

## **BACKGROUND**

City of Fremantle uses the Fines Enforcement Registry to assist in recovery of unpaid parking fines. This Registry is the sole provider of a service which is able to cancel driver and vehicle licences and undertake recovery action. This service comes at a cost which can be greater than the fine itself, and these costs are also recoverable once the alleged offender is located. City of Fremantle received recovery payments from the Registry to the value of \$376,550.67 from 1 July to 31 October of the financial year 2012-2013. The amount sought to be written-off represents approximately 2 per cent of that amount, over the same period.

Each year the Registry identifies those registrations for which it has exhausted all avenues of enforcement, removing those records from the Registry. Consequently, writing-off by the Registry ends further recovery on those records.

City of Fremantle uses data provided by the Department of Transport to identify the registered owner of vehicles when enforcing unpaid modified penalties. This data is used to provide written notification to owners, using regulatory Final Demand notices and subsequent registration with Fines Enforcement Registry to assist in recovery of unpaid parking fines. There continue to be moves by Western Australia Local Government Association to seek additional information from Department of Transport so as to minimise the number of records found to be unenforceable due to insufficient details.

## **COMMENT**

The Fines Enforcement Registry has advised that \$10,797.97 is to be written-off as unrecoverable. Of this amount, approximately \$1,567.77 is associated with the cost of registering the case for enforcement, the remainder is the original modified penalty of the infringement notice, plus statutory fees chargeable by City of Fremantle during the statutory enforcement process. These registrations date back to year 2004.

City of Fremantle received recovery payments from the Registry to the value of \$376,550.67 from 1 July to 31 October of the financial year 2012-2013. The amount being considered for write-off in this item represents approximately 2 per cent of the collections over this period.

The Registry has exhausted all avenues of recovery for these registered infringement notices for which writing-off is advised.

The list of affected records is not attached to this item, being a public document, having regard to privacy considerations.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The amounts stated in the advice from Fines Enforcement Registry are not included on Council's balance sheet as debtors. The City records any monies recovered as revenue in the year it is recovered and as a result no impact will be made upon Council's financial statements.

### **Legal**

The operation of the Fines Enforcement Registry is provided for by *Fines Penalties and Infringement Notices Enforcement Act 1994*.

### **Operational**

Nil

### **Organisational**

Nil

## CONCLUSION

It is recommended that City of Fremantle supports the advice from Fines Enforcement Registry.

## STRATEGIC AND POLICY IMPLICATIONS

As the actions listed at the Registry represent a write-off of debt for the City, it is necessary for Council to formally recognise this write-off.

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Cr J Strachan**

**That City of Fremantle resolves to write-off \$10,797.97 in unpaid fines and associated recovery costs with the Department of Attorney General's Fines Enforcement Registry as advised by the Registry in its e-mail dated 23 October 2012 being schedules 41750 and 41320.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number SGS1211-6 was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-6      ACCEPTANCE OF FUNDING FROM LOTTERYWEST AND  
DEPARTMENT OF SPORT AND RECREATION**

<b>DataWorks Reference:</b>	106/066; 106/004;
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	14 November 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Marisa Spaziani, Director Community Development
<b>Actioning Officer:</b>	Helen Emery, Manager Community Development
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Nil

## **EXECUTIVE SUMMARY**

The Department of Sport and Recreation has approved a grant of \$25,000 to the City for the provision of a Sport 4 All - Kidsport program during 2012/13.

## **BACKGROUND**

The Sport 4 All - Kidsport program provides funding for children and youth aged 5 to 18 years, from financially disadvantaged families to assist towards the payment of club fees. Payment is made directly to the registered Kidsport clubs.

## **COMMENT**

The DSR funding will be delivered directly to clubs to increase participation from children and youth who may not have been able to participate in sport due to financial hardship.

The City successfully applied for funding of \$12,500 in the 2011/12 financial year. The amount requested in 2011/13 financial year was increased to \$25,000 to cater for increased demand from the community and local clubs.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

DSR will provide funding to the amount of \$25,000 to the City for distribution.

### **Legal**

Nil

### **Operational**

The DSR funding will be distributed by Community Development project staff.

## Organisational

Nil

## CONCLUSION

The funding of \$25,000 DSR Kidsport program (exclusive of GST) is additional to the City's youth sporting grants programme. The budgets will need to be amended accordingly.

## STRATEGIC AND POLICY IMPLICATIONS

Nil

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Cr J Strachan**

1. The City accepts the funding of \$25,000 (exclusive of GST) from DSR for the Kidsport program.				
2. The 2012 - 2013 revenue and associated expenditure budgets be amended as summarised below.				
<b>Revenue</b>				
DSR Kidsport	0	(25,000)	(25,000)	32.32100.4311.00.00.18030
<b>Total Funding</b>	0	(25,000)	(25,000)	
<b>Expenditure</b>				
Sponsorships	0	25,000	25,000	32.32100.5961.00.00.18030
<b>Total Expenditure</b>	0	25,000	25,000	
<b>Net Variation to Budget – Deficit/(Surplus)</b>		Nil	Nil	



**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**The following item number SGS1211-7 was MOVED and carried en bloc earlier in the meeting.**

**SGS1211-7 OP24 DRAFT DISASTER RELIEF DONATIONS POLICY**

**DataWorks Reference:** 013/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** 16.12.2002 (SDRCP334)  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Marisa Spaziani, Director Community Development  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment - 1 OP24 Donations to Disaster Relief Appeals  
 Attachment - 2 Draft Donations Policy

**EXECUTIVE SUMMARY**

**The policy OP24 Donations to Disaster Relief Appeals has been updated and the scope of the policy broadened to include small donations (up to \$300) to community groups and schools given the requests through the Mayor and/or City officers for small donations.**

**BACKGROUND**

The City currently has a donations policy that only covers donations to disaster relief appeals. Donations are defined as sums of money provided with no benefit to the donor required. The City has a community development funding programme that provides medium to large lump funds for a range of purposes (up to \$10,000), with benefit to the City and requires an application and acquittal process.

The donations policy currently only requires a resolution of council.

## **COMMENT**

The Mayor and Chief Executive Officer (CEO) are subject to numerous requests for small donations from local voluntary groups or schools for either cash or prizes. There is currently no policy that covers these types of requests.

To enable positive responses to reasonable requests for small donations the current Donations to Disaster Relief Appeals policy has been updated to broaden the scope of the donations policy to include small donations (less than \$300) that could be made to local groups and/or schools. Examples are requests for prizes for a local group or school quiz night, requests for donations for local charities.

The current donations budget is \$10,000.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Budget to be set at budget time annually.

### **Legal**

Nil

### **Operational**

The donation would need to be invoiced by the recipient.

### **Organisational**

Budget sits in the governance area.

## **CONCLUSION**

The request for a donation would be made to the CEO (the delegate) for approval. The amount available in the donations budget to be set by council each year at budget time. A quarterly report of all donations provided, would be made available to council through an information report to the council round of meetings.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr J Strachan**

**The updated draft Donations Policy OP24 be adopted for implementation in the 2013/2014 financial year.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number SGS1211-9 was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-9      FREDERICK WRIGHT MEMORIAL HOMES TRANSFER TO ACCESS HOUSING**

**DataWorks Reference:** 023/006;038/036;Frederick Wright Memorial Homes; Access Housing  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** 10 October 2012  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Kerry Wood, Lands Administration Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment 1 – Legal Advice

**EXECUTIVE SUMMARY**

Access Housing submitted a proposal to the City in relation to the redevelopment of the Frederick Wright Memorial Homes (FWMH). The proposal considered by council at its October 2012 meeting, involved transferring FWMH land to Access Housing to redevelop the site for seniors affordable housing. Legal advice has been received and there is no impediment to the City seeking approval from State Lands for the transfer.

**BACKGROUND**

In October 2012, Council resolved:

1. *To seek legal advice on the transfer of vesting for Frederick Wright Homes to Access Housing.*
2. *Subject to the legal advice in 1 above being in agreement, make application to the Minister for Lands for the transfer of the vesting for Lot 2999 Rennie Crescent to Access Housing. To seek legal advice on the transfer of vesting for Frederick Wright Homes to Access Housing.*

Frederick Wright Memorial Homes is an affordable housing site for low income seniors in Rennie Crescent, Hilton. The complex was built approximately 40 years ago and there are 19 one bedroom units in the complex. The City directly provides affordable housing to seniors at the Frederick Wright site with tenants leasing under the Residential Tenancies Act. The site is 3,067m<sup>2</sup> and the City owns the Title in freehold, however, it is encumbered by the Crown Grant, Trust Conditions. The Title is held as a Crown Grant in Trust for the purpose of "Aged Persons Accommodation".

## **COMMENT**

The legal advice obtained (Attachment - 1) indicates that the City:

*... obtain the approval of the Minister for Lands to the proposed transfer of the FWMH land to Access Housing. As Access Housing intends to use the land for the purpose of aged persons accommodation, it is unlikely that approval would be refused. The City should ensure that any contract for sale of the FWMH land is conditional upon the approval of the Minister being obtained.*

It also suggests that the City could sell the land to Access Housing, however, this option was not part of the proposal received and when canvassed with Access Housing informally, they considered this would make the project unviable.

Advice received from the State Lands Metropolitan on 17 September 2012 with regard to the City's proposed transfer of FWMH to Access Housing (in part) states the following;

*"Lot 2999 and 3086 are currently held on Certificate of Title Volume 1957 Folio 32 by the City of Fremantle in Trust for 'Aged Persons Accommodation'.*

*The City of Fremantle could, subject to the approval of the Minister for Lands under section 75(5) of the Land Administration Act 1997 (LAA) (which is delegated to the Manager, State Lands-Metropolitan), transfer one or both of the Lots to Access housing being a not for profit organisation. In this case, the land would be held in Trust (conditional freehold title) by Access (Housing) Australia with the land to be utilised for 'Aged Persons Accommodation' purposes only."*

In the option the Crown Grant conditions remain unchanged for the purpose of "Aged Persons Accommodation" only.

Access Housing has also requested that the City exempt Access Housing from rates on the property until the redevelopment is completed. It is estimated that the redevelopment would commence in the 2013/2014 financial year.

It is also understood that on transfer, Access Housing would take on the management of the site including the rental agreements to tenants. Access Housing has agreed that current tenants would receive first option to relocate back to the redeveloped FWMH site.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Legal costs involved in the preparation of a statutory declaration and a transfer of land document. Landgate Statutory charges may apply in relation to a request for a "New Title Balance" currently charged at \$160.00.

### **Legal**

Legal advice as attached (Attachment - 1).

### **Operational**

The City would no longer be involved in the tenancies at FWMH.

**Organisational**

Nil

**CONCLUSION**

The transfer of land to Access Housing, together with the sale of the Tapper Street property as resolved by the Trust, will enable Access Housing to redevelop both Tapper Street and FWMH's sites to offer a greater yield of high quality affordable seniors housing options to the City of Fremantle. The City is not in a position to redevelop one or either site and this proposal does offer current tenants and future eligible tenants improved access to affordable housing options.

**STRATEGIC AND POLICY IMPLICATIONS**

More affordable and diverse (mixed use) housing for a changing and growing population.

**COMMUNITY ENGAGEMENT**

Nil

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr J Strachan**

- 1. Proceed with the transfer of Lot 2995 (only as described on Certificate of Title Volume 1957 Folio 32 located at 83 Rennie Crescent, Hilton and known as the Frederick Wright Memorial Homes (FWMH) to Access Housing Australia Ltd to be held in trust (conditional freehold title) for the purpose of Aged Persons Accommodation subject to the approval of the Minister for Lands under section 75(5) of the Land Administration Act 1997.**
- 2a. To exempt Access Housing from rates levied upon 83 Rennie Crescent, Hilton (FWMH) for 2012/13, and**
- 2b. Future rating exemptions may be provided during the period of redevelopment and will be considered by Council when setting future budgets**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number **SGS1211-11** was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-11 RATE CONCESSION SUBMISSION - 15F SEAVIEW STREET  
BEACONSFIELD - SCOTTI S & KIRKHAM L**

<b>DataWorks Reference:</b>	ROW 100 15F Seaview Street Beaconsfield
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	SGS Committee 14 November 2012
<b>Previous Item:</b>	SGS1109-10 28 September 2011
<b>Responsible Officer:</b>	A Carmichael, Manager Finance
<b>Actioning Officer:</b>	D Nicholson, Rates Coordinator
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Request for rate concession extension WAPC approval letter

**EXECUTIVE SUMMARY**

It is recommended that City rates levied on the right of way (ROW) at 15F Seaview Street Beaconsfield be waived for the 2012/2013 financial period to allow the owners time to finalise the combining of the ROW with the their residential property title.

**BACKGROUND**

In 2004 15 Seaview Street Beaconsfield was strata titled into a two lots resulting in an original front residence plus a new rear vacant block.  
Access to this rear block was via an adjoining right of way (ROW) which was owned by the then strata title applicants.  
This ROW in addition to being the rear block's only access was also utilised by adjoining properties for access to the rear of their properties.  
In 2006 a new residence was constructed on the rear block with the ROW being upgraded as a driveway for this new residence.  
In September 2010 both the rear residence plus the ROW were sold to the current owners, the ROW for \$1.00, resulting in the ROW being rated for the first time.  
Prior to settlement the purchaser's agent was informed of the intended rating of the ROW with interim rates issuing effectively from 1<sup>st</sup> October 2010.  
Annually this ROW is subject to the City's minimum rate, which for 2012-2013 totalled \$1,050.00, plus the emergency services levy.  
Requests to Land Valuation Services for the ROW to be valued "Contiguously" with the rear lot, thereby alleviating these rates and levy have been unsuccessful.  
This is due to the ROW and the rear lot having differing legal descriptions and the neighbouring properties right's of access.  
Council at its meeting in September 2011 approved the waiver of the 2011-2012 rates whilst the existing owners amalgamated the ROW and residential lots.  
Such procedures have been undertaken with the WA Planning Commission granting conditional approval on the 3<sup>rd</sup> September 2012 for the amalgamation of the lot's.



## **COMMENT**

The owners of the ROW are seeking a further rating concession from the City whilst they fulfil the WAPC conditions and finalise the amalgamation of the lots.  
As this ROW is the rear residences driveway and its only form of access, a further concession is considered appropriate.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Loss of revenue was \$1,014.00 in 2011-2012 and will be \$1,050.00 for 2012-2013.

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

The City should consider compiling and implementing a policy on privately owned rights of ways management.

## **CONCLUSION**

As the owners of the ROW have undertaken costly procedures to amalgamate the lots and in view of the ROW's overall purpose, it is considered that the \$1,050.00 2012-2013 rates be waived as a final concession.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: CR J STRACHAN**

**That the 2012-2013 rates levied on the right of way at 15F Seaview Street Beaconsfield totalling \$1,050.00 be waived with the owners being informed that this is the City's final concession with rates to definitely apply for future financial periods where the ROW remains rateable.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number SGS1211-5 was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-5 TO CONSIDER A REQUEST TO PERMIT GILBERT FRASER OVAL TO BECOME A DOG OFF LEASH EXERCISE AREA EXCEPT WHEN THERE IS ORGANISED SPORTING ACTIVITY**

**DataWorks Reference:** 035/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Glen Dougall, Director, Corporate Services  
**Actioning Officer:** Cameron Bartkowski, Manager Community and Parking  
**Decision Making Authority:** Council  
**Agenda Attachments:** Draft amendment *City of Fremantle Dog (Exercise Areas) Amendment Local Law 2012*  
Email Jane Page

## **EXECUTIVE SUMMARY**

On 28 March 2012 Council was handed a petition asking that Council consider a request to permit Gilbert Fraser Oval to become a Dog off leash exercise area except when there is organised sporting activity.

A letter from the North Fremantle Associated Sports Clubs was also included.

On the 9 May 2012, the Strategic and General Services Committee recommended that Council instruct City officers to make an amendment to the Dog Control Local Law to provided back to Council for consideration for advertising.

On the 8 August 2012, the Strategic and General Services Committee recommended that Council instruct City officers to make the amendment to the Dog Control Local Law advertised to the community as per the Local Government Act 1995 when changing a Local Law. Of which there was one submission in favour of the change, Jane Page 21 Rule St North Fremantle.

## **BACKGROUND**

Council Rates records reveal that there are 12,613 residential properties in the City of Fremantle. There are 8,363 dogs registered within the City of Fremantle. Of which there are 2,539 dogs registered in the Post Codes of 6160 and 6162.

The City has 18 dog exercise areas for the 8,363 City of Fremantle registered dogs and an unknown number of dogs from other areas.

The current status for this reserve is that dogs must be on a leash at all times.

The letter requesting the change and attached to the Agenda was submitted by Lou Cunningham and Yvonne Barron convenors of the North Fremantle Dog Owners.

Mr Cunningham resides at 1 Rule Street North Fremantle and Ms Barron resides at 43 Corkhill Street North Fremantle.

The petition requests Council to “change the status of Gilbert Fraser Reserve to an Official dog (off-leash) exercise area except when sporting fixtures or training are in progress”.

The request outlined in the petition requires approval from Council.

## **COMMENT**

As stated above, Gilbert Fraser Oval is subject to a single lease to the North Fremantle Associated Clubs this lease expires 29 June 2015.

There is a small section of Gilbert Fraser Reserve that is on the other side of Johanna Street that is leased by Apace Aid this section is not included in this request.

It is only the Oval that the request is made for.

Under the existing Local Law the current status for this oval is that dogs must be on a leash at all times.

The Gilbert Fraser Oval is a large open area which will be of benefit to dog owners in that they will have unrestricted observation of their dogs under this amendment.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The adoption of the proposed amendment will not have a direct immediate financial impact on the current budget other than alteration to signage if change is supported.

### **Legal**

The Dog Act 1976 enables the City a degree of flexibility in making effective Local Laws which can be amended at anytime by Council.

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

The options for Council are to either to retain the existing restriction or agree to the request to allow dogs off leash on this reserve except when organised sporting activities are in progress, at such times dogs must be on a leash.

If Council resolves to agree to the request outlined in the petition an amendment will be necessary to the *City of Fremantle Local Law Relating to Dogs*.

The following is the text of the proposed amendment to the Seventh Schedule of the *City of Fremantle Local Law Relating to Dogs*:

After the entry relating to Stevens Street Reserve, in the left hand column titled "Reserve" add a new item as follows –

"Gilbert Fraser Reserve, bounded by John Street, Johannah Street, and the western side of Reserve 36420 (being Fremantle Town Lot number 300), except during an organised sporting activity upon the Reserve";

and in the right hand column, titled "Lot No.", opposite, add the numerals "478".

If Council resolves to adopt the proposed amendment, and it is subsequently adopted by Council, the proposed amendment will become part of the *City of Fremantle Local Law Relating to Dogs*. The process for amending the Local Law is outlined below:

- Notice of the summary of the Purpose and Effect of the Local Law to be provided to the Council meeting. [THIS PARTICULAR ACTION WOULD BE NECESSARY BY COUNCIL WHEN CONSIDERING THIS ITEM SHOULD THE COMMITTEE RECOMMEND THIS PROPOSAL]
- Local Government gives Local Law and notice to Minister(s).
- Local Government receives and considers public submissions.
- If significant amendments are necessary, the procedure must be recommenced.
- Local Government makes Local Law.
- Local Government prepares Explanatory Memorandum for Committee.
- Local Government publishes Local Law in Gazette and gives a copy of Local Law to Minister(s).
- Local Government gives Statewide notice of Local Law and publicises Local Law in district.
- Parliamentary Counsel tables Local Law in both Houses of Parliament within 6 signing days of Gazettal.
- Local Government sends 10 copies of Local Law and Explanatory Memorandum to the Joint Standing Committee on Delegated Legislation.

## **PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT:**

The purpose and effect of the proposed amendment to the *City of Fremantle Local Law Relating to Dogs* is to provide for a convenient area for the exercise of dogs off leash.

## **STRATEGIC AND POLICY IMPLICATIONS**

The Community Safety and Crime Prevention Plan, is an integral component of the Community Safety commitment of the City's Strategic Plan.

## **COMMUNITY ENGAGEMENT**

Advisements of the intent to change the Local Law were placed in Fremantle News of the Fremantle Gazette, The Weekend West and the City's Web Page. Six weeks was given for people to make comments only one in favour comment has been received.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**Cr Doug Thompson moved an amendment to part 1 of the officer's recommendation to include the words 'and/or school'.**

**CARRIED: 7/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Tim Grey-Smith Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

## **REASON FOR CHANGE TO THE OFFICER'S RECOMMENDATION**

As the North Fremantle Primary School often uses Gill Fraser Oval, it was thought that it would be beneficial to specify school activity.

**Cr Jon Strachan moved the officer's recommendation as amended, to read as follows;**

## COMMITTEE RECOMMENDATION / COUNCIL DECISION

**That the Strategic and General Services Committee recommend Council to:-**

- 1. Adopt the proposed use of Gilbert Fraser Reserve as a dog off leash exercise area except during an organised sporting *and/or* school activity upon the Reserve.**
- 2. By the authority of this resolution of the Council that the Common Seal of the City of Fremantle be affixed to the new Local Law in the presence of Mayor and Chief Executive Officer and to be signed by such persons.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**The following item number SGS1211-10 was MOVED and carried en bloc earlier in the meeting.**

### **SGS1211-10 REQUEST FOR SPONSORSHIP FOTOFREO AND DISMANTLE**

**DataWorks Reference:** 013/001; FotoFreo; Dismantle  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Marisa Spaziani, Director Community Development  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment 1 - FotoFreo request for funding.  
 Attachment 2 - Dismantle request for Funding.

### **EXECUTIVE SUMMARY**

**\$75,000 of funds in the Community Development budget has historically been allocated at budget time to community projects, operated by not for profit community groups through a request directly to Council. Historically, the intent of these funds were for seed funding projects. Both FotoFreo and Dismantle have requested funding in the 2012/2013 year, with \$25,000 of unallocated funds available.**

## **BACKGROUND**

The Community Development budget has funds that have historically been allocated to community organisations that request ongoing sponsorship and/or seed funding for projects over multiple years. This is additional to the Community Development Funding Programme - an annual funding programme. The amount available is \$75,000 per annum and these funds are decided by Council at budget time. For the past 4 years, the monies have been allocated to the Men's Shed at \$50,000 per annum and FotoFreo currently at \$25,000 cash per annum. FotoFreo is also allocated \$25,000 in kind support at the time of the festival. There is no application process other than a request direct to council. This funding is not advertised to the community so there is no competitive process. FotoFreo has a sponsorship contract, Men's Shed does not. Historically, the funds have been set aside for assisting organisations who may require short term assistance to continue trading until they become sustainable or seed fund for a worthwhile project.

FotoFreo was first funded in 2005, primarily for seed funding to assist the FotoFreo festival get established. This funding has continued through a number of contracts to a total of \$215,000 over 7 years. FotoFreo has been a very successful festival growing from a relatively modest festival to a festival that goes beyond Fremantle and attracts significant sponsorship. The current FotoFreo contract ends in December 2012.

The Men's Shed is also a successful community service, providing programs to people in Fremantle. Its budgets are modest and their access to other levels of government funding is minimal.

## **COMMENT**

In the 2012/2013 budget, \$50,000 of the \$75,000 available has been allocated to the Men's Shed. The remaining \$25,000 was not allocated. The City has received two direct written requests for which these funds could be allocated. FotoFreo has requested a new funding contract with the City comprising:

- A total of \$75,000 cash over two years.
- Use of the exhibition facilities (\$25,000 in kind).
- Full-time use of an office at the Fremantle Arts Centre rent free. This space at the Arts Centre is not currently rent free. It equates to \$10,000 per annum.

For this, the City would retain the naming rights for the event along with the other usual benefits.

It is proposed by FotoFreo that \$25,000 be paid in the current financial year and the remaining \$50,000 (in two parts) in the 2013-2014 financial year (Attachment - 1).

Dismantle has also approached the City for assistance over a two year period, at \$25,000 per year to assist with their community bike recycling workshop project at the Esplanade Reserve (Attachment - 2). Dismantle believe that this seed funding will help them develop this project into a sustainable project into the future. The project would be adjacent to the new Skate Park planned for the Esplanade Reserve.



It is not possible to make judgements about allocation of funds on project value as each project is very different in nature, type and scope and worthy in its own right. Access to these funds by community groups is not currently equitable and has been allocated on either history or direct lobbying of elected members. If allocation of funds is to continue in this manner then the request from Dismantle is new and is for seed funding. It is recommended that funding for community projects should be time limited.

Many projects require seed funding that spans more than 1 year as demonstrated by both FotoFreo and Men's Shed, so an allocation that spans more than a year can be helpful. It is recommended that funding should be time limited, through the issue of a funding contract, specifying timeframe and all community organisations should be eligible to apply for project seed funding to ensure equity of access to City funds.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The amount available in the 2012/2013 budget is \$25,000. An agreement with FotoFreo commits the City to support over a 2 year period and would reduce the amount available for the Men's Shed to \$25,000 in 2013/2014, given the current budget allocations. The request from Dismantle fits within the budgetary parameters currently allocated.

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

It is recommended that all funding to community not for profit organisations is through a contract specifying the sponsorship and benefits to the City.

## **CONCLUSION**

Both FotoFreo and Dismantle offer valuable services to the community. FotoFreo has received a number of years of funding, both cash and in kind (has a monetary value) from the City in relation to the festival. The benefits of the FotoFreo project to the City of Fremantle is large and is outlined in the reports received from FotoFreo.

Dismantle has not had prior funding support for this project. Outcomes from this project are still to be realised.

If the original intention of these funds was to seed fund worthwhile community projects, and that intent is to continue, then FotoFreo no longer fits the purpose of seed funding. The Dismantle request does fit this intention.

## STRATEGIC AND POLICY IMPLICATIONS

Character: Sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history.

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

## OFFICER'S RECOMMENDATION

1. The unallocated \$25,000 in the 2012/2013 Community Development budget be allocated through a contract agreement to Dismantle as seed funding, with a further consideration of \$25,000 in the 2013/2014 budget, for the community bike recycling project at the Esplanade Reserve.
2. Commencing in the 2013/2014 budget year the available funds be advertised to the community and be allocated through an application process that provides equity and access to these funds by all community groups.

**Cr Jon Strachan moved an amendment to the officer's recommendation to include the following additional point 3. to read as follows;**

3. ***Funding for FotoFreo will be considered as part of the 2012/2013 mid-year budget review process.***

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Tim Grey-Smith Cr David Hume Cr Sam Wainwright Cr Dave Coggin Cr Doug Thompson	

## REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

Cr Jon Strachan made this amendment as he felt that these types of organisation need the City's support.

**Cr Jon Strachan moved the officer's recommendation as amended, to read as follows;**

**COMMITTEE RECOMMENDATION / COUNCIL DECISION**

- 1. The unallocated \$25,000 in the 2012/2013 Community Development budget be allocated through a contract agreement to Dismantle as seed funding, with a further consideration of \$25,000 in the 2013/2014 budget, for the community bike recycling project at the Esplanade Reserve.**
- 2. Commencing in the 2013/2014 budget year the available funds be advertised to the community and be allocated through an application process that provides equity and access to these funds by all community groups.**
- 3. *Funding for FotoFreo will be considered as part of the 2012/2013 mid-year budget review process.***

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number SGS1211-12 was **MOVED** and carried en bloc earlier in the meeting.

**SGS1211-12 PROPOSAL TO MODIFY INVESTMENT POLICY (SG41)**

<b>DataWorks Reference:</b>	006/098
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	SGS 14 November 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Alan Carmichael, Manager of Finance
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Draft Investment of Surplus Funds Policy (SG41) Draft Investment of Surplus Funds Procedure

**EXECUTIVE SUMMARY**

To approve the revision of the investment policy for the investment of surplus funds. The revision of Policy SG41 – Investment of Surplus Funds will satisfy the new requirements under the Local Government Act 1995.

The revision allows for the fact that Local Government can now only invest in;

- Bank Negotiable Certificates of Deposit,
- Interest Bearing Deposits with an Authorised Institution, and
- Commonwealth/Semi-Government Bonds.

**BACKGROUND**

In March 2012 the State Government proposed changes to the Local Government Act 1995 and associated regulations to prescribe how local government may invest surplus funds.

The basis of the changes was in response to issues surrounding the Global Financial Crisis and to ensure that local government investments were maintained in secure deposits.

These changes have effectively limited investments to approved Australian Deposit Institutions (ADI's) for short term periods of up to one year with some allowance given for investments of not more than three years in bonds.

## **COMMENT**

The changes came into effect earlier this year and as a result Council's policy needed amendment to reflect these changes.

The changes prohibit investment in the following;

- Deposits with any institution which is not an authorised institution;
- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- Bonds with a term to maturity of more than three years; and
- Foreign currency.

As a result of these changes the City has sought advice from CPG Advisory, council's current investment advisor, to draft a new policy to suit the parameters of the new requirements.

This new Policy is attached for consideration of Council. The City has separated the advice from CPG into a policy and a procedure to ensure the consistency for the new corporate governance system being developed. The policy provides the objectives of council whilst the procedure provides how the policy will be implemented. Copies of both are provided however Council only need approve the policy.

The City has commended the process of withdrawing investments which sit outside the draft policy, such as our long term surplus funds which currently sit within managed equity investments.

The policy identifies limits to the amount of investment within any single category and any one institution to ensure that there is a diverse spread of investment to manage the risk for council. The main criteria for the proposed policy is the security of the deposit.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The primary aim of the draft policy is to ensure the security of deposits.

The process to withdraw our current managed investments may see some mark to market losses depending on the timing of their withdrawal. To this point this has not yet occurred.

The new policy may see a reduction in the ability for council to maximise returns from investment when compared to the previous policy, however it will minimise the risk to volatility.

### **Legal**

Local Government Act 1995

## **Operational**

The City will now undertake a strategy of investing its surplus funds amongst approved ADI's and bonds for longer term investments.

## **Organisational**

The draft policy and procedure reflect the requirements of the recent Act changes.

## **CONCLUSION**

Council adopt the proposed new policy for the investment of surplus funds.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil.

## **COMMUNITY ENGAGEMENT**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED:** Cr J Strachan

**Council adopt the proposed Investment Policy (SG41) as per the attachment to the Strategic and General Services Agenda of 14 November, 2012.**

**SECONDED:** Cr T Grey-Smith

**CARRIED:** 11/0

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**PLANNING SERVICES COMMITTEE 7 NOVEMBER 2012**

**Cr J Strachan MOVED en bloc recommendations numbered PSC1211-173, PSC1211-175 and PSC1211-176.**

**That recommendations numbered PSC1211-173, PSC1211-175 and PSC1211-176 be moved en bloc.**

**SECONDED: Cr R Fittock**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number PSC1211-173 was **MOVED** and carried en bloc earlier in the meeting.

**PSC1211-173 SAT MATTER - WRAY AVENUE, NO. 96 (LOT 36) FREMANTLE - REQUEST FOR RECONSIDERATION: PARTIAL CHANGE OF USE TO EXHIBITION CENTRE, COMMUNITY PURPOSE, HEALTH STUDIO, CARETAKERS RESIDENCE (KS DA0477/11)**

**DataWorks Reference:** 059/002  
**Disclosure of Interest:** Nil  
**Meeting Date:** 7 November 2012  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Planning Officer  
**Decision Making Level:** Planning Services Committee  
**Previous Item Number/s:** PSC1011-231 (1 December 2010) & PSC1202-15 (1 February 2012)  
**Attachment 1:** Development Plans  
**Attachment 2:** PSC report and approved plans for DA0477/11 (PSC 1 February 2012)  
**Date Received:** 29 August 2012 (revised plans date)  
**Owner Name:** T & T Berengeli  
**Submitted by:** Bruce Abbott  
**Scheme:** Local Centre Zone  
**Heritage Listing:** Not Listed  
**Existing Landuse:** 'Garden Centre'  
**Use Class:** 'Exhibition Centre', 'Community Purpose', 'Health Studio' & 'Caretakers Residence'  
**Use Permissibility:** 'D', 'P', 'D' & use not listed.





## **EXECUTIVE SUMMARY**

The application is presented to the Planning Services Committee (PSC) as the State Administrative Tribunal (SAT) has requested Council to re-consider its decision under Section 31 of the State Administrative Tribunal Act 2004, through the SAT mediation process. The request to re-consider its decision has been made on the basis of permitting the applicant to submit additional information and revised plans for consideration by Council.

On 1 February 2012, Planning Services Committee considered an application for the partial change of use to Exhibition Centre, Community Purpose, Health Studio and Signage at No. 96 (Lot 36) Wray Avenue, Fremantle and approved the proposal subject to conditions. Conditions 3 and 4 of the approval state:

- 3. The hours of operation be limited to 7am to 9pm.*
- 4. This approval is valid for a 12 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No 4.*

The applicant lodged an application for review with the State Administrative Tribunal (SAT) specifically relating to Conditions 3 and 4. During the SAT mediation process the applicant submitted revised plans for the planning application which resulted in amendments to the land uses on site, the hours of operation and a reduction in car parking.

The revised proposal was required to be advertised in accordance with clause 9.4 of LPS4 with the City receiving one submission in support of the proposal subject to its review at a later date.

The revised proposal seeks planning approval for the change of use to Exhibition Centre, Community Purpose, Health Studio and Caretakers Residence. The revised proposal has resulted in the intensification of land uses on site, in the increase of hours of operation and a reduction in on site car parking.

Based on PSC's previous determination for conditional approval, the subject site's location within the Local Centre zone and the amendments to the hours of operation and land uses sought, under Section 31 (2) (a) of the State Administrative Tribunal Act 2004, on balance it is recommended that the SAT be advised that PSC reaffirm its previous decision of approval based on revised and additional conditions.

## **BACKGROUND**

The subject site is zoned Local Centre under the provisions of the City of Fremantle's (the City) Local Planning Scheme No. 4 (LPS4) and has a density coding of R30. The site is located within Sub Area 4.3.4 as contained in Schedule 12 of LPS4. The site is not listed on the City's Heritage List nor located within a designated Heritage Area in accordance with LSP4.

The site is located on the northern side of Wray Avenue, Fremantle and is improved by an existing single storey commercial building and ancillary rear outbuildings. The site is approximately 1,130m<sup>2</sup>. Vehicle access is provided to the site via a crossover to the south eastern corner of site. A bitumen area surrounds the existing building and an existing bus stop is located at the front of site on Wray Avenue.

A review of the property file found the following relevant planning background to the proposal:

- On 1 December 2010, Planning Services Committee considered an application for the change of use to Garden Centre and Signage at No. 96 (Lot 36) Wray Avenue, Fremantle (refer DA0482/10) and resolved:

*'...That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the Change of Use to Garden Centre and Signage at No. 96 Wray Avenue, Fremantle, subject to the following condition(s):*

- 1. This approval relates only to the change of use and signage as indicated on the approved plans, dated 20 September 2010. It does not relate to any other development on this lot.*
- 2. The sign hereby permitted shall not contain any flashing or moving light at any time.*
- 3. The proposed central crossover and vehicle access point, indicated on the plans dated 20 September 2010 is to be deleted from this application and does not form part of this planning approval.'*

- On 1 February 2012, Planning Services Committee considered an application for the partial change of use to Exhibition Centre, Community Purpose, Health Studio & Signage at No. 96 (Lot 36) Wray, Avenue, Fremantle (refer DA0477/11) and resolved:

*That the application be APPROVED under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the partial change of use to Exhibition Centre, Community Purpose, Health Studio & Signage at No. 96 Wray Avenue, Fremantle, subject to the following conditions:*

- 1. This approval relates only to the change of use as indicated on the approved plans dated 29 September 2011. It does not relate to any other development on this lot.*
- 2. The sign hereby permitted shall not contain any flashing or moving light at any time.*
- 3. The hours of operation be limited to 7am to 9pm.*
- 4. This approval is valid for a 12 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No 4.*

## **DETAIL**

The owner has requested the SAT to review PSC's decision (determined at 1 February 2012 PSC meeting) around imposing Conditions 3 and 4 (as detailed above) for DA0477/11 for the partial change of use to Exhibition Centre, Community Purpose, Health Studio, Caretakers Dwelling and Signage at the subject site. At the directions hearing held on the 14 March 2012, SAT ordered that the first on-site mediation hearing be held on 27 March 2012 at the subject site which was followed by a further 5 mediations held onsite on 8 May 2012, 31 May 2012, 3 July 2012, 14 August 2012 and 2 October 2012.

As a result of mediation the SAT invited Council to re-consider its decision and requested the applicant provide revised plans to reflect the exact nature of the development sought on site.

The next SAT mediation session has been set for the 5 December 2012 onsite and the revised plans put to be determined by PSC at its meeting scheduled for 7 November 2012. Revised plans pertaining to the partial change of use to Exhibition Centre, Community Purpose, Health Studio, Caretakers Residence and Signage, are proposed as follows:

<b>Use</b>	<b>When</b>	<b>Hours of Operation</b>	<b>Max. No. of People</b>	<b>Type</b>
<i>Health Studio</i>				
Health Studio	2-3 times per week (Monday – Sunday)	6am-8am	10	Yoga
<i>Exhibition Centre</i>				
Exhibition Centre	Monday - Sunday	10am-4pm	40/day	Exhibition space
Exhibition Centre	1-2 nights per week (weeknight/weekend)	6pm-10pm	40	Film nights / Exhibition openings
<i>Community Purpose</i>				
Community Purpose	2-3 nights per week	6pm-10pm	20	Cultural workshops
Community Purpose	2-3 nights per week	6pm-10pm	40	Film nights/community meetings
Community Purpose	Saturday & Sundays	10am-5pm	40	Weekend workshops

The revised plans propose the following major variations from the previous planning approval (DA0477/11):

- Reduction in car parking provided on site (previously approved 13 bays reduced to proposed 5);
- Reconfiguration to floor areas for previously approved uses on site:
  - Garden Centre (previously approved 236.5m<sup>2</sup> increased to proposed 318m<sup>2</sup>);
  - Health Studio (previously approved 236.5m<sup>2</sup> decreased to proposed 108m<sup>2</sup>);
  - Community Purpose & Exhibition Centre (utilising same space for each use - previously approved 153.5m<sup>2</sup> increased to proposed 273m<sup>2</sup>);
- Conversion of rear outbuilding to Caretakers Residence;
- Increase in the approved operating hours:
  - Health Studio: 6am-8am;
  - Community Purpose and Exhibition Centre: 6am-10pm

A summary of the proposed and approved use land areas is included in the table below.

Refer to 'Attachment 1' for copy of revised development plans.

## **STATUTORY AND POLICY ASSESSMENT**

The development has been assessed against the relevant provisions of LSP4 and the State Administrative Tribunal Act 2004.

Refer to the Planning Comment section of this report for further assessment and detailed discussion.

## **CONSULTATION**

### **Community**

The revised application was required to be advertised in accordance with clause 9.4 of LPS4. At the conclusion of the advertising period, being 24 September 2012, the City had received one (1) submission in support of the application subject to its review in 3 to 6 months time from the date of approval.

## PLANNING COMMENT

Use	Approved (February 2012)	Proposed (SAT)
Garden Centre	236.5m <sup>2</sup>	318m <sup>2</sup>
Health Studio	236.5m <sup>2</sup>	108m <sup>2</sup>
Community Purpose & Exhibition Centre (same space utilised for both uses)	153.5m <sup>2</sup>	273m <sup>2</sup>

### Car Parking

Table 3 of LPS4 does not contain specific car parking requirements for 'Exhibition Centre', 'Community Purpose', 'Health Studio' or 'Caretakers Dwelling' land uses. The following requirements are recommended for Council to consider:

- 'Exhibition Centre' is to be assessed against the 'Showroom' requirements of LPS4's Table 3 as previously assessed in the February 2012 report to Council.
- 'Community Purpose' is to be assessed against the Tertiary School requirements of LPS4's Table 3 as previously assessed in the February 2012 report to Council.
- 'Health Studio' is to be assessed on the basis of 1 car parking bay per 20m<sup>2</sup> of GLA as previously assessed in the February 2012 report to Council.
- 'Caretakers Dwelling' has been assessed on the basis of it being incidental in nature and its purpose being the accommodation of one caretaker, it is recommended to Council that the 'Caretakers Dwelling' have a car parking requirement of one car parking bay.

Required	Provided	Discretion
Health Studio – 6 bays; Caretakers Dwelling – 1 bays; Garden Centre – 7 bays; Community Purpose – 4 bays; and Exhibition Centre – 6 bays. 1 delivery bay Total required – 25 bays.	5 car parking bays	20 car parking bays.

On balance, the intensification of land uses on the site and the associated car parking discretion is supported on the basis of Council's previous determination for approval and the objectives of the Local Centre zone for the following reasons:

- The land uses are staggered in their peak hours of operation and are thus not considered likely to result in an overcapacity use of the site;
- The staggered hours of operation moderate the impact of the car parking discretion.
- In addition to the provision of on street car parking and the subject site's access to public transport (bus stop provided in front of site) and the site's close proximity to the City Centre, the staggered hours of operation are considered to support the car parking discretion and not result in a significant detrimental impact upon the amenity of adjoining property owners or residential properties. On this basis the proposal is considered to comply with the Relaxation of Parking Requirements of clause 5.7.3 of LPS4.
- The intensity of use of the site is considered to be limited by the size of the building and the overall capacity of the site.

- The proposal will be regulated by the Environmental Health Noise Regulations, which protects local residents from potential negative impacts associated with noise.
- The proposed uses are considered appropriate within the Local Centre zone.
- The extension to the hours of operation are not considered significant with an additional hour to the previously approved opening and closing times.

The following conditions are recommended to help ensure that the proposal does not impact upon adjoining property owners and local residents by means of overcapacity use of the site and car parking:

- *The hours of operation be limited from 6am to 10pm.*
- *That the maximum patronage associated with the 'Health Studio' not exceed 10 people to the satisfaction of the Chief Executive Officer, City of Fremantle.*
- *That the maximum patronage associated with both the 'Exhibition Centre' and 'Community Purpose' uses not exceed 40 people to the satisfaction of the Chief Executive Officer, City of Fremantle.*
- *The use of the 'Caretakers Dwelling' is to be incidental to the predominant uses of the site (those being 'Garden Centre', 'Exhibition Centre', 'Community Purpose' and 'Health Studio') and its occupancy be limited to a maximum number of 2 occupants who have a caretaking and maintenance role associated with the operation of site to the satisfaction of the Chief Executive Officer, City of Fremantle.*

## **Bicycle Rack Provision**

The deficiency in car parking is further considered to be supported by the provision of onsite bicycle facilities. The Table 3 Vehicle Parking Table requirement does not require the provision of bicycle racks for 'Showroom' (used to assess parking requirements of 'Exhibition Centre'), 'Health Studio', 'Caretakers Dwelling' or 'Garden Centre' uses. The use of the site as 'Community Purpose' as mentioned has been assessed against the vehicle parking requirements of 'Tertiary School' and requires the following bicycle rack provision:

- 1 bicycle rack for every 5 students.

It is considered that Council assess the overall site requirements for bicycle rack provision against this requirement, with the term students pertaining to patrons, at the proposal's maximum occupancy rate of 40 patrons. Such an assessment would require the proposal to have a minimum of 8 bicycle racks onsite. On this basis the following condition is recommended:

- *That the provision of a minimum of 8 bicycle racks be provided on site to the satisfaction of the Chief Executive Officer, City of Fremantle.*

## **Temporary Approval**

Council previously determined at its meeting held on 1 February 2012 that the application be granted a temporary approval for a period of twelve months. The twelve month approval was prescribed by Condition 3 of the determination as follows:

*“This approval is valid for a 12 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No. 4.”*

The above condition is one of the two conditions that the applicant lodged an appeal to SAT against.

Further to Council’s previous determination, during the advertising period the City received one submission which supported the proposal but requested that its operation be reviewed within a period of 3 to 6 months.

On balance, it is recommended that if Council does grant approval that such an approval once again be temporary to allow Council the opportunity to reconsider the proposed use of the site after its practical operation which would enable a clearer understanding of the impact upon adjoining properties and local residents.

On Balance, Council is invited to consider the following 3 timeframes for the approval of the application on a temporary basis:

### ***Twelve Months***

- Such a timeframe may be beneficial to adjoining properties and local residents as if any problems arise out of the associated development, these problems would not have to be endured for an extended period of time.

### ***Twenty Four Months***

- In contrast to the 12 month period a 24 month period may be more sufficient in allowing the proposal time to operate at its full potential which is less likely to be achieved within a 12 month time period.
- A 24 month timeframe would give the Council an extended timeframe to observe any shortcomings associated with the development. Such shortfalls, which may be of detriment to adjoining properties or residents, may not arise within the first 12 months of operation and if a subsequent long term approval is granted, these problems may be ongoing for the life of the development.

### ***Eighteen Months***

- An eighteen month time period may be a moderate alternative to the above options. This timeframe may allow sufficient time for the proposal to commence its full operation and provide adequate time for insight into any associated impacts upon adjoining properties or residents. Further, the timeframe would not subject adjoining property owners or residents to any immediate problems that may arise for such an extended period of time as 24 months.
- On balance, for the above reasons, it is recommended to PSC that the proposal be granted approval on a temporary basis for the a period of 18 months from the date of the decision letter as follows:
  - *This approval is valid for an 18 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No. 4.*

### **CONCLUSION**

The revised plans that form part of the SAT reconsideration have been assessed on the basis of PSC's previous determination for conditional approval on a temporary basis and against the requirements of the City's LPS4. Whilst the revised proposal seeks the intensification of the use of the site, on balance, the proposal is supported as the staggered nature of the hours of operation associated with the land uses subject to the conditions recommended to limit the nature of particular uses are likely to address amenity issues.

The car parking discretion is supported on the basis that the proposal is considered to be consistent with the relaxation of parking requirements of clause 5.7.3 of LPS4. Further, subject to PSC's previous determination and the comment received at the stage of advertising and the given the unusual nature of the site and its diversity of uses, on balance, the application is recommended to be approved on a temporary basis for a period of 18 months.

Accordingly, on balance, the application is recommended for conditional approval.

### **OFFICER'S RECOMMENDATION**

#### **MOVED: Cr A Sullivan**

That Council, in response to the request by the State Administrative Tribunal to review its decision under Section 31(1) of the State Administrative Tribunal Act 2004, sets aside its previous decision under Section 31(2)(c) of the State Administrative Tribunal Act and substitutes the following decision:

That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the change of use to Exhibition Centre, Community Purpose, Health Studio, Caretakers Dwelling and Signage at No. 96 (Lot 36) Wray Avenue, Fremantle, subject to the following condition(s):



1. This approval relates only to the development as indicated on the approved plans, dated 29 August 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. The sign hereby permitted shall not contain any flashing or moving lights at any time.
3. All storm water discharge shall be contained and disposed of on-site.
4. The hours of operation be limited from 6am to 10pm.
5. That the maximum patronage associated with the 'Health Studio' not exceed 10 people at any one time to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. That the maximum patronage associated with both the 'Exhibition Centre' and 'Community Purpose' uses not exceed 40 people at any one time to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. The use of the 'Caretakers Dwelling' is to be incidental to the predominant uses of the site (those being 'Garden Centre', 'Exhibition Centre', 'Community Purpose' and 'Health Studio') and its occupancy be limited to a maximum number of 2 occupants who at least 1 of the 2 residents have a caretaking and maintenance role associated with the operation of the site to the satisfaction of the Chief Executive Officer, City of Fremantle.
8. Within 90 days of this approval a minimum of 8 bicycle racks shall be provided on site and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.
9. This approval is valid for an 18 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No. 4.

**Cr R Pemberton MOVED an amendment to the Officer's Recommendation to change condition 5 to state the following:**

- 5. That the maximum patronage associated with the 'Health Studio' not exceed 20 people at any one time to the satisfaction of the Chief Executive Officer, City of Fremantle.**

**CARRIED: 4/3**

<b>For</b>	<b>Against</b>
Cr Rachel Pemberton Cr Ingrid Waltham Cr Andrew Sullivan	Cr Robert Fittock Cr Bill Massie Cr David Hume

**Cr A Sullivan used his casting vote FOR the recommendation resulting in it being CARRIED.**

**Cr A Sullivan MOVED an amendment to the Officer's Recommendation to change condition 9 to be the following:**

- 9. This approval is valid for an 24 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No. 4.**

**CARRIED: 4/2**

<b>For</b>	<b>Against</b>
Cr Rachel Pemberton Cr Ingrid Waltham Cr Andrew Sullivan Cr Robert Fittock	Cr Bill Massie Cr David Hume

## **COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**That Council, in response to the request by the State Administrative Tribunal to review its decision under Section 31(1) of the State Administrative Tribunal Act 2004, sets aside its previous decision under Section 31(2)(c) of the State Administrative Tribunal Act and substitutes the following decision:**

**That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the change of use to Exhibition Centre, Community Purpose, Health Studio, Caretakers Dwelling and Signage at No. 96 (Lot 36) Wray Avenue, Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans, dated 29 August 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The sign hereby permitted shall not contain any flashing or moving lights at any time.**
- 3. All storm water discharge shall be contained and disposed of on-site.**
- 4. The hours of operation be limited from 6am to 10pm.**
- 5. That the maximum patronage associated with the 'Health Studio' not exceed 20 people at any one time to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 6. That the maximum patronage associated with both the 'Exhibition Centre' and 'Community Purpose' uses not exceed 40 people at any one time to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 7. The use of the 'Caretakers Dwelling' is to be incidental to the predominant uses of the site (those being 'Garden Centre', 'Exhibition Centre', 'Community Purpose' and 'Health Studio') and its occupancy be limited to a maximum number of 2 occupants who at least 1 of the 2 residents have a caretaking and maintenance role associated with the operation of the site to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 8. Within 90 days of this approval a minimum of 8 bicycle racks shall be provided on site and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle.**
- 9. This approval is valid for an 24 month period from the date of the decision in accordance with clause 10.6.1 of the City of Fremantle Local Planning Scheme No. 4.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

Cr D Coggin vacated the chamber at 7.25 pm during the following item and returned at 7.26 pm prior to determination.

**PSC1211-177 WEST END WORKING GROUP - MEMBERSHIP NOMINATIONS AND CONSIDERATION OF BOUNDARY OPTIONS**

**DataWorks Reference:** 039/072  
**Disclosure of Interest:** Nil  
**Meeting Date:** 7 November 2012  
**Responsible Officer:** Director Planning and Development Services  
**Actioning Officer:** Coordinator of Heritage  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1205-77, SGS1011-11, SGS1103-11 and C1111-3  
**Attachments:** Previous Minute item – PSC1205-77  
Copies of nominations for membership of Working Group

**EXECUTIVE SUMMARY**

This report seeks Council's approval for the appointment of two community representatives to fill current vacancies on the Working Group's membership. The report also presents options for revised boundaries to the current West End Conservation Area and area for possible nomination for State heritage registration for Council's consideration, in response to a previous Council resolution dated 23<sup>rd</sup> May 2012.

**BACKGROUND**

On 23<sup>rd</sup> May 2012, Council considered a report outlining the work undertaken by the West End Working Group (WEWG) since its formation in 2011, and recommending a process for the appointment of two community representative members of the WEWG to fill vacancies which had arisen due to the resignation of previous members. After consideration of this item Council resolved as follows:

- 1. That nominations for community representative members of the West End Working Group be invited by means of public advertising, and at the end of the advertising period one nomination previously received in February 2012 and any further nominations received in response to advertising be reported to Council to determine the appointment of two community representative members.*
- 2. That the terms of reference be revised to include consideration of options for the revised boundaries of the current West End Conservation Area for further consideration by Council at the time of reporting of nomination for Committee membership.*

For further background information see copy of this previous item at Attachment 1.

**COMMENT**

Nominations for community representative members

Three nominations have been received for the two vacant community representative positions on the WEWG, including the one nomination received in response to the previous advertising process undertaken in January/February 2012. Nominations have been received from Ms Anne Brake, Mr John Dowson and Ms Kate House. Copies of the three nomination forms are attached (see Attachment 2).

The selection criteria stated in the Instrument of Appointment for the WEWG is that community representatives should have “interest, knowledge or experience in place activation and/or heritage of the West End of Fremantle”. All three nominees are considered by officers to meet the above criteria. Further details of each nominee’s relevant knowledge, experience and interest are set out in the attached nomination forms.

### Options for revised boundaries of the West End Conservation Area

The second part of Council’s resolution of 23<sup>rd</sup> May 2012 requires preparation of information on options for revised boundaries to the current West End Conservation Area for Council’s consideration. Whilst the resolution refers to the West End Conservation Area, officers’ understanding of the intent of the resolution is that it is primarily to identify options for the area considered most appropriate for nomination for State heritage listing.

Officers believe that any assessment of options needs to begin with consideration of a number of fundamental points as follows:

- The designation of any conservation area, including the West End, needs to recognise that the significance of an historic area depends upon much more than the quality of the individual buildings within it. It is the quality and significance of the West End as an area which should be the prime consideration in identifying the extent of the conservation area. Hence individual buildings should be assessed in terms of their contribution to the significance of the townscape as a whole.
- The Statement of Heritage Significance of the townscape needs to be clearly explained. This should act as a useful step to ensure that future conservation policies address the heritage values of the townscape in its broadest sense, as well as the contribution made by individual buildings.
- The area proposed for designation should be clearly seen to embody the heritage values attributed to it. Any options for the area proposed for designation need to justify that designation and clearly explain how the significance of the area will not be devalued by the inclusion of areas lacking any special significance.
- There needs to be recognition that State listing of the West End will not occur unless there is broad public understanding and support for the proposal. Options for the area to be designated therefore need to be capable of being clearly set out in a manner which will be easily understood by the wide audience that will be involved in the registration consultation process.

Having regard to these considerations the two options described below have been identified. In considering these options there needs to be an understanding that the planning of Fremantle is complex, and the original town plan did not derive from the imposition of a single planning grid on the landscape. Instead the town plan can be described in terms of its irregularly shaped, interlocking areas that were determined

firstly by the fact that the town is located on a peninsula and, secondly, by the constraints imposed by the need to adjust to the topography of the townsite. Recognising this is fundamental to understanding the urban design of Fremantle.

#### Option 1

This option comprises land bounded by Market Street/South Terrace to the east, Collie Street and Marine Terrace to the south, and the section of railway line between Marine Terrace and the station to the west and north.

This area is the precinct traditionally referred to as the West End. Early town plans show it occupying the narrowest part of the peninsula with High Street as its ordering device. High Street runs as an axis in an easterly direction from the Roundhouse on Arthur Head through the town, skimming the northern edge of Obelisk Hill (now Monument Hill) to terminate just beyond it, at the east end of the town site.

Side streets in the West End run between South Bay and North Bay (Swan River) and are arranged at right angles to the High Street. The widening of the peninsula is first accommodated by the introduction of the east / west streets in the block between Pakenham and Market Streets.

Market Street / South Terrace marks the line along which the town plan spread out from the confines of the peninsula. Market Street is set at right angles to High Street to align at one end with Ferry Point (the river port); at its other end it joins South Terrace where it runs against the limestone edge of Church Hill.

The original town plan clearly shows the West End having narrower streets, and smaller lots and blocks than the adjoining areas.

#### Option 2

This option includes all of the land within Option 1 as described above, but additionally takes in areas east of Market Street including Kings Square and the Town Hall. The eastern boundary would be formed by Queen Street, Newman Court and Paddy Troy Mall/Henderson Street.

The basis for consideration of this enlarged area compared to Option 1 is that Kings Square is part of the original town plan. The 1833 town plan shows it as the square around which a number of areas interlock. As such it was pivotal to giving order to the town plan and this is taken as an indication that Kings Square was, from the beginning, designated as a centre of Fremantle, although not necessarily the civic centre. This area east of Market Street/South Terrace also contains a number of buildings of individual heritage significance, however the boundaries are less clearly defined and the townscape less intact than in the West End area in Option 1 because the area has undergone several distinct periods of change where not only has earlier development been supplanted by the later changes but it has in some cases caused changes to the urban form.

At this stage, officers consider Option 1 probably represents the most appropriate area for nomination for 'whole area' State heritage listing, although this could be done in conjunction with the separate nomination of individual buildings of high significance in the area east of Market Street referred to in Option 2. However officers consider the merits of both options do warrant further detailed consideration through the WEWG with support

and advice from the external heritage consultant and the City's Coordinator of Heritage. Therefore it is recommended that Council refer both options to the Working Group for further examination, with a view to the Group making a recommendation back to Council as part of its revised terms of reference determined by Council on 23<sup>rd</sup> May 2012.

## **CONCLUSION**

To reinstate full membership of the WEWG and ensure appropriate community representation, the two currently vacant positions need to be filled and it is recommended that this be achieved by appointing two nominees from the three nominations received.

It is further recommended that the two options identified in this report be referred to the WEWG for more detailed examination with the purpose of identifying the area to be proposed for State heritage listing. Consideration of how this area might relate to a review of boundaries of the current West End Conservation Area could subsequently be undertaken as part of the process of preparing the Activity Centre Structure Plan for Fremantle city centre which is now under way and involves examination of issues relevant to distinct precincts within the overall city centre area.

## **OFFICER'S RECOMMENDATION**

1. That Council appoint \_\_\_\_\_ and \_\_\_\_\_ as community representative members of the West End Working Group until the project brief is concluded or until the Ordinary Election held in October 2013 (whichever occurs first):
2. That Council request the West End Working Group to consider the following two options for the area to be nominated for inclusion in the State Heritage Register and to subsequently make a recommendation to Council on a preferred option.

Option 1 – land bounded by Market Street/South Terrace to the east, Collie Street and Marine Terrace to the south, and the section of the railway line between Marine Terrace and the railway station to the west and north; with properties of State heritage significance that are outside of this area but within the area covered by Option 2 below being separately nominated for individual State registration where they are considered to meet nomination criteria.

Option 2 – land bounded by Queen Street, Newman Court and Paddy Troy Mall/Henderson Street to the east, Collie Street and Marine Terrace to the south, and the section of the railway line between Marine Terrace and the railway station to the west and north.

In considering the above options, the Working Group is requested to have regard to the factors listed as dot points in the 'Comment' section of this report.

3. That further consideration be given to options for the boundaries of the West End Conservation Area as part of the process of preparing the Activity Centre Structure Plan for Fremantle city centre.



## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr A Sullivan**

2. That Council request the West End Working Group to consider the following two options for the area to be nominated for inclusion in the State Heritage Register and to subsequently make a recommendation to Council on a preferred option.

**Option 1 – land bounded by Market Street/South Terrace to the east, Collie Street and Marine Terrace to the south, and the section of the railway line between Marine Terrace and the railway station to the west and north; with properties of State heritage significance that are outside of this area but within the area covered by Option 2 below being separately nominated for individual State registration where they are considered to meet nomination criteria.**

**Option 2 – land bounded by Queen Street, Newman Court and Paddy Troy Mall/Henderson Street to the east, Collie Street and Marine Terrace to the south, and the section of the railway line between Marine Terrace and the railway station to the west and north.**

In considering the above options, the Working Group is requested to have regard to the factors listed as dot points in the 'Comment' section of this report.

3. That further consideration be given to options for the boundaries of the West End Conservation Area as part of the process of preparing the Activity Centre Structure Plan for Fremantle city centre.

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Cr Rachel Pemberton Cr Robert Fittock Cr David Hume Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

## COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED:** Cr A Sullivan

- 1. That Council appoint Anne Brake and Kate House as community representative members of the West End Working Group until the project brief is concluded or until the Ordinary Election held in October 2013 (whichever occurs first):**

**SECONDED:** Cr T Grey-Smith

**CARRIED:** 10/1

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	Cr Jon Strachan

The following item number PSC1211-175 was MOVED and carried en bloc earlier in the meeting.

**PSC1211-175 INITIATION OF MODIFICATION TO LOCAL PLANNING POLICY 1.6 - PREPARING HERITAGE ASSESSMENTS (LPP1.6) - ADOPTION FOR PUBLIC ADVERTISING**

<b>DataWorks Reference:</b>	117/035
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	7 November 2012
<b>Responsible Officer:</b>	Manager Statutory Planning
<b>Actioning Officer:</b>	Strategic Planner
<b>Decision Making Level:</b>	Council
<b>Previous Item Number/s:</b>	None
<b>Attachments:</b>	1. Local Planning Policy 1.6 – Preparing Heritage Assessments - Adopted 25 February 2009

**EXECUTIVE SUMMARY**

This report seeks Council approval to advertise a draft modified *Local Planning Policy – Preparing Heritage Assessments (LPP1.6)*.

LPP1.6 was adopted 25 February 2009. The policy provides the framework for when a heritage assessment is required and outlines the format for heritage assessments.

The proposed modifications will overall update the wording of the policy and refine the heritage assessment format. Specifically the main changes to the policy are:

- Deleting the requirement for a Statement of Conservation;
- Increasing the applicability of a heritage assessment from two years to five years;
- Refining the Statement of Heritage Impact assessment criteria;
- Adding fences to minor development and renaming the clause;
- Including a new clause that gives senior staff discretion on when to require a heritage assessment.

It is recommended that the modified local planning policy be adopted for advertising for public comment in accordance with clause 2.4 of Local Planning Scheme No. 4 (LPS4).

**BACKGROUND**

*Local Planning Policy 1.6 – Preparing Heritage Assessments* was adopted 25 February 2009. The policy provides the framework for when a heritage assessment is required and outlines the format for heritage assessments.

Since adoption the policy has been well utilised and through its use a number of updates to refine when a heritage assessment is required and to improve the heritage assessment framework have been identified.

## CONSULTATION

If Council resolves to amend LPP1.6 as recommended in this report, the amended local planning policy will be advertised for public comment for a period of not less than 28 days in accordance with the requirements set out in clause 2.4.1 of the City's Local Planning Scheme No. 4 (LPS4) and *Local Planning Policy No. 1.3 'Public Notification of Planning Approvals'*.

## PLANNING COMMENT

The proposed modifications to *Local Planning Policy 1.6 – Preparing Heritage Assessments* (LPP1.6), will overall update the wording of the policy, refine the heritage assessment format, include an additional development that does not always require a heritage assessment, rename the 'minor development' clause, delete the requirement for a statement of conservation and introduce a new clause which allows for more discretion on when a heritage assessment is required. The changes proposed are discussed below:

### Purpose of the policy

The purpose of the policy is not proposed to be changed, however the proposed modifications will refine the purpose to clearly state that the policy provides a format for heritage assessments and outlines when a heritage assessment is required.

### Content of Heritage assessments

#### Statement of Heritage Significance

##### *Heritage Values*

Table 1, of the policy assesses the heritage values of the place. It is proposed the table be modified slightly so that it is more in line with the Burra Charter. The modifications include adding a title to the table (e.g. Table 1 – Heritage Values), updating the titles within the table and including spiritual value into the value assessment. The modifications are shown in the table below:

Current wording of LPP1.6	Proposed modifications to LPP1.6
Heritage values	Nature of significance
Aesthetic value	Aesthetic value
Historic value	Historic value
Scientific value	Scientific value
Social value	Social/spiritual value
Heritage Attributes	Degree of significance
Rarity	Rarity
Representativeness	Representativeness
Integrity	Integrity
Authenticity	Authenticity

## Heritage Significance

Table 2, of the policy identifies the overall heritage significance of the place. Only minor amendments are proposed to this section including naming the table and modifying the notes under comment to clarify the purpose of the heritage significance assessment. The significance categories in the table (e.g. exceptional, considerable, some and limited or none) will remain the same.

Current Table 2 in LPP1.6:

**Table 2**

Significance			
Exceptional	Considerable	Some	Limited or none
<b>Comments:</b> <i>The consultant shall identify the overall significance of the place using the above categories, and identify zones of significance within the place itself, and within a local context.</i>			

Proposed modifications to Table 2:

**Table 2 – Heritage Significance**

Significance			
Exceptional	Considerable	Some	Limited or none
<b>Comments:</b> <i>The Heritage Significance assessment shall identify the overall significance of the place using the above categories, and identify zones of significance within the place itself, and within a local context.</i>			

## Statement of Heritage Impact

The statement of heritage impact table 3 contains the criteria upon which the impact of the proposed development on the heritage significance of the place is assessed in the heritage assessment. Currently the table contains six criteria used to assess the compatibility of the proposed development with the existing building and streetscape and the degree of change and impact on various attributes the development will have. The proposed modifications do not alter the intent of these criteria, however the wording has been modified slightly to focus the assessment more on the impact of the proposed development and degree of permanent loss of significant fabric the development will have. A conclusion to give an overall summary of the heritage impact assessment is also proposed as part of the modifications.

## Statement of Conservation

The existing policy requires a statement of conservation for level 1 (Level 1a listed buildings are also on the State Heritage Office of Western Australia's Register of Heritage Places and level 1b listed buildings are recommended for entry on the state list) and level 2 heritage listed properties. The modifications propose to delete the requirement for a statement of conservation from the content required for a heritage assessment.

The reason for this is twofold. Firstly a statement of conservation is required for state heritage listed properties and requiring a further statement of conservation duplicates this requirement. Secondly, the statement of conservation is not based on the proposed development and “*does not necessarily inform the determination of the proposal*”. Accordingly the statement is only a recommendation, has no statutory weight and is consequently, infrequently implemented. Therefore it is a better use of the City’s heritage resources to delete this requirement from the content of a heritage assessment and provide this information to applicants, in more detail, when requested.

### **Circumstances where a Heritage Assessment will be undertaken**

This part of the policy outlines when a heritage assessment will be undertaken and specifies that a heritage assessment is valid for two years. The modifications to this part of the policy propose increasing the time period a heritage assessment is valid for from two years to five years, updating table 4 (When a Heritage Assessment is required) and including a clause into the policy which gives the Manager and Coordinator of Statutory Planning discretion on when to require a heritage assessment.

The current two year time period a heritage assessment is applicable for is considered too short. The heritage assessment criteria is clearly provided for in the policy and use of the policy has shown there is little variation to the heritage considerations of a property within two years. Accordingly it is considered a five year timeframe is more appropriate.

Table 4 outlines when a heritage assessment is required. Modifications to Table 4 are proposed for the purpose of consolidating the table and specifically include adding a title to the table, removing the statement of conservation requirement and updating the reference to ‘minor development’ to clause 2.3. The modified table is below:

Table 4 – When a Heritage Assessment is required

	State Register of Heritage Places or Heritage List or Category 1 on MHI	Heritage List (Category 2 and 3 on MHI)	Within or adjacent to West End Conservation Area	Where not on Heritage List
Heritage assessment	Required unless existing	Always required unless specified in clause 2.3	Always required unless specified in clause 2.3	Demolition of a primary structure only

Currently the clause in the policy called ‘minor development’ lists works that do not always require a heritage assessment where the property is a level 2 or 3 or within or adjacent to the West End Conservation Area (as per table 4 above). The intent of this clause is to exclude those types of development that would have a limited impact on a place’s heritage significance, from requiring a heritage assessment. The modifications propose deleting reference to ‘minor development’ and including fences to the list.

Proposed new clause 2.3 (formerly 'Minor development'):

2.3 *For the purposes of this policy, the following development would not always require a heritage assessment as per Table 4:*

- (i) *Small scale new structures on the subject site which are not attached to the building (such as sheds or outbuildings) which are located out of the front setback area.*
- (ii) *Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.*
- (iii) *Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and do not involve any significant structural alteration to the building.*
- (iv) *Non structural internal changes.*
- (v) *Fences where they are in accordance with the City's Local Planning Policy 2.8 – Fences Policy.*

The modifications also proposed including a new clause into the policy. Currently the policy contains the clause:

*3.2.1 Notwithstanding the above [Table 4], a heritage assessment may be carried out where, in the opinion of the Council, a proposal has the potential to significantly alter a place of heritage significance that is not listed on the Heritage List.*

This clause gives Council discretion to require a heritage assessment where a place is not currently on the Heritage List. The new clause proposes to increase the scope of the existing clause and allow for each application to be assessed on its own merits. The Manager Statutory Planning and Coordinator Statutory Planning will have discretion to, on the advice of the Coordinator of Heritage, require, not require or require in a modified format a Heritage Assessment.

Proposed new clause 2.2:

2.2 *Notwithstanding the requirements of Table 4 above, and at the discretion of the Manager Statutory Planning and Coordinator Statutory Planning and on the advice of the Coordinator of Heritage, a Heritage Assessment:*

- (i) *may not be required; or*
- (ii) *can be provided in a modified format; or*
- (iii) *may be required.*

### **Heritage Assessor**

This part of the policy outlines who can undertake a heritage assessment or comment. No major changes are proposed to this part of the policy; only minor changes are proposed to this part of the policy, which are for the purpose of updating the job titles.

## CONCLUSION

The proposed modifications will overall update the wording of the policy and refine the heritage assessment format. Specifically the main changes to the policy are:

- Deleting the requirement for a Statement of Conservation;
- Increasing the applicability of a heritage assessment from two years to five years;
- Refining the Statement of Heritage Impact assessment criteria;
- Adding fences to minor development and renaming the clause;
- Including a new clause that gives the Manager and Coordinator of Statutory Planning discretion on when to require a heritage assessment.

It is recommended that the amended draft local planning policy be adopted and advertised for public comment in accordance with clause 2.4 of LPS4.

## COMMITTEE AND OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Cr A Sullivan**

**That Council adopt the following draft amended *Local Planning Policy 1.6 – Preparing Heritage Assessments* for advertising in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4:**

# CITY OF FREMANTLE

## LOCAL PLANNING POLICY 1.6

### PREPARING HERITAGE ASSESSMENTS

**ADOPTION DATE: 25 February 2009**

**AMENDED: ##/##/2012**

**AUTHORITY: LOCAL PLANNING SCHEME NO.4**

## STATUTORY BACKGROUND

Clause 10.2.1 of the Scheme prescribes the matters to which the Council is required to afford due regard in considering a proposal. Included amongst these matters are any potential impacts that a proposal may have on the heritage values of an existing place and its context including the streetscape and/or heritage area.

Clause 7.4 of the Scheme prescribes that the Council may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.



In order to meet its obligations to assess various statutory planning proposals the Council will from time to time include specific expert advice on heritage matters as part of the planning assessment. In this policy, the term ‘proposals’ includes planning applications, Structure Plans, Detailed Area Plans and Town Planning Scheme amendment proposals.

## **PURPOSE**

The purpose of this policy is to provide a format for heritage assessments and outline when a heritage assessment is required.

Any Heritage Assessment provided or obtained in accordance with this policy will be considered a public document for the purpose of the assessment of planning applications.

All terms and definitions related to heritage used in this policy are based on the terms used in “*The Burra Charter 1999 – the Australia ICOMOS Charter for Places of Cultural Significance*”. Council adopted the principles of the Burra Charter as good practice for heritage listed places in June 2000.

## **POLICY**

### **1. Content of Heritage Assessment**

A Heritage Assessment shall consist of the following components:

1. Statement of Heritage Significance
2. Statement of Heritage Impact

#### **1.1 Statement of Heritage Significance**

A Statement of Heritage Significance should define the heritage values embodied in the place itself, its fabric, setting, use, and related places. Each place has its own combination of values, which together provide its heritage significance.

A Statement of Heritage Significance should be prepared through a process, of investigating the place and the records associated with it and include an assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.

As a minimum requirement, the heritage assessor shall undertake the following process of collecting and analysing information in the preparation of the Statement of Heritage Significance:

- Research of historical documents (such as rates books, archives etc)
- An inspection of the place

Additional research may be required at the discretion City of Fremantle heritage staff.

## REPORT FORMAT FOR STATEMENT OF HERITAGE SIGNIFICANCE:

### Description of the Place

- i) Historical notes
- ii) Physical descriptions

### Heritage Values

Table 1 – Heritage Values

Nature of significance	
Aesthetic value	
Historic value	
Scientific value	
Social/spiritual value	
Degree of significance	
Rarity	
Representativeness	
Integrity	
Authenticity	

### Statement of Heritage Significance

Table 2 – Statement of Heritage Significance

Significance			
Exceptional	Considerable	Some	Limited or none
<b>Comments:</b> <i>The Heritage Significance assessment shall identify the overall significance of the place using the above categories, and identify zones of significance within the place itself, and within a local context.</i>			

### 1.2 Statement of Heritage Impact

The Statement of Heritage Impact examines the impact of the proposed development on the heritage significance of the place, and includes a discretionary value judgment concerning the impact of the proposal on the identified heritage values of the place.

**REPORT FORMAT FOR STATEMENT OF HERITAGE IMPACT:**

**Statement of Heritage Impact**

**Table 3 - Statement of Heritage Impact**

The level of positive and negative impact that the proposed development will have on the heritage significance of the place with regard to the following criteria:	
The extent of loss of significant fabric.	
The extent of conservation work to significant fabric.	
The permanent impact that the proposal is likely to have on the values that contribute to the heritage significance of the place.	
The impact an addition will have on a heritage building in terms of its use siting, bulk, form, scale, character, colour, texture and materials.	
The impact the proposal will have on the visual setting and the other relationships that contribute to the heritage significance of the place.	
The impact the proposal will have on the streetscape and townscape characteristics of the area in which it stands.	
The impact the proposal will have on important public views and spaces, vistas, landmarks and landscape features.	
<b>Conclusion</b> The degree of positive and negative impact on the place in terms of its heritage significance is:	

## 2. Circumstances where a Heritage Assessment will be undertaken

- 2.1 Unless previously obtained on another similar or relevant proposal for the same property within five calendar years of the date of application, the Council will undertake heritage assessment in accordance with Table 4 below.

Where a proposal falls within two columns under this table the higher level of assessment shall be undertaken.

**Table 4 – When a Heritage Assessment is required**

	State Register of Heritage Places or Heritage List or Category 1 on MHI	Heritage List (Category 2 and 3 on MHI)	Within or adjacent to West End Conservation Area	Where not on Heritage List
Heritage assessment	Required unless existing	Always required unless specified in clause 2.3	Always required unless specified in clause 2.3	Demolition of a primary structure only

- 2.2 Notwithstanding the requirements of Table 4 above, and at the discretion of the Manager Statutory Planning and Coordinator Statutory Planning and on the advice of the Coordinator of Heritage, a Heritage Assessment:

- (i) may not be required; or
- (ii) can be provided in a modified format; or
- (iii) may be required.

- 2.3 For the purposes of this policy, the following development would not always require a heritage assessment as per Table 4:

- (i) Small scale *new* structures on the subject site which are not attached to the building (such as sheds or outbuildings) which are located out of the front setback area.
- (ii) Ancillary lightweight structures added to buildings (such as timber patios, sails, carports, pergolas) which are located out of the front setback area.
- (iii) Fixtures to buildings (such as antennae, aerials, air conditioning units, solar panels, signs), which do not face the street and do not involve any significant structural alteration to the building.
- (iv) Non structural internal changes.
- (v) Fences where they are in accordance with the *City's Local Planning Policy 2.8 – Fences Policy*.

### **3. Heritage Assessor**

#### **3.1 A Heritage Assessment may be undertaken:**

- (i) In house - A suitably qualified employee of the Council (i.e. Heritage Coordinator, Heritage Planner, Heritage Projects Officer or other City of Fremantle heritage staff); or**
- (ii) Independent - A suitably qualified heritage consultant engaged by the City specifically to undertake the heritage assessment.**

**SECONDED: Cr Robert Fittock**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number PSC1211-176 was MOVED and carried en bloc earlier in the meeting.

**PSC1211-176 PROPOSED SCHEME AMENDMENT NO. 56 - NEW SUB AREA 3 IN LOCAL PLANNING AREA 2 FREMANTLE AND REQUIREMENTS - 20 (LOT 1354) KNUITSFORD STREET, FREMANTLE - INITIATION**

**DataWorks Reference:** 218/062  
**Disclosure of Interest:** Nil  
**Meeting Date:** 7 November 2012  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Strategic Planner  
**Decision Making Level:** Council  
**Previous Item Number/s:** None  
**Attachments:** Engineering Plan – Showing Proposed Parking Spaces in the Area



## EXECUTIVE SUMMARY

The purpose of this scheme amendment is to introduce a new sub area into the City's Local Planning Scheme No. 4 for the site known as No. 20 (Lot 1354) Knutsford Street, Fremantle. The proposed new sub area will permit a broader range of working from home uses in the area and provide an additional height provision to allow for concealed roof types.

The amendments are considered appropriate for the area as it is being designed and built concurrently. The broader range of uses will provide for vibrancy in the Residential zoned area and the additional height provision will allow for greater flexibility in the design of R60 development.

**It is recommended Council resolve to initiate Scheme Amendment No. 56 to LPS4 for public advertising.**

## **BACKGROUND**

The site, bounded by Chalmers, Blinco, Amherst and Knutsford Street, is known as 20 (Lot 1354) Knutsford Street, Fremantle, and is 16472m<sup>2</sup>. The site is zoned Residential with half of the site having a density coding of R35 and the other half of the site having a density coding R60 (See map above).

LandCorp have formed a partnership with a private consortium to develop 20 (Lot 1354) Knutsford Street, Fremantle. The consortium have a vision for the site, which includes various forms of accommodation, including single residential dwellings, townhouses and multiple dwellings, and a greater opportunity to establish home based businesses in the Residential area. The development is committed to reflecting the distinct local character and lifestyle of Fremantle, and integrating the design with the existing residential neighbourhood. The consortium has started work on implementing their vision for the area, which has included:

- Conditional subdivision approval issued, 11 July 2012, by WAPC for a 28-lot green title (freehold) subdivision of No. 20 (Lot 1354) Knutsford Street, Fremantle (refer WAPC145830);
- Planning approval for site works issued, 23 October 2012, by the City (refer DA0430/12); and
- A planning application for Grouped and Multiple Dwelling development on the north eastern portion of Lot 1354 (Stage 1) is currently under assessment with the City (refer DA0377/12).

Local Planning Scheme No. 4's (LPS4) current development requirements for the site are as per the Residential Design Codes with a specific height control for R60 development under Schedule 12 Local Planning Area 2.1. The height requirement for R60 development is 9m maximum external wall height and 12m maximum height to the top of the pitched roof.

Any proposed uses on the site are currently determined by Table 2 of LPS4.

## **PLANNING COMMENT**

As the site is zoned Residential the commercial opportunities are limited to home office, home occupation and home business, which have strict definitions as per Schedule 1 of LPS4. The current height requirements also limit the full development potential of the site. Accordingly LandCorp and partners propose including a new sub area into Schedule 12 of the City's LPS4. The new sub area will include specific requirements for the area which will help enable small business operated by a resident of the dwelling and allow for increased height on R60 development.

## Proposed Scheme Amendment

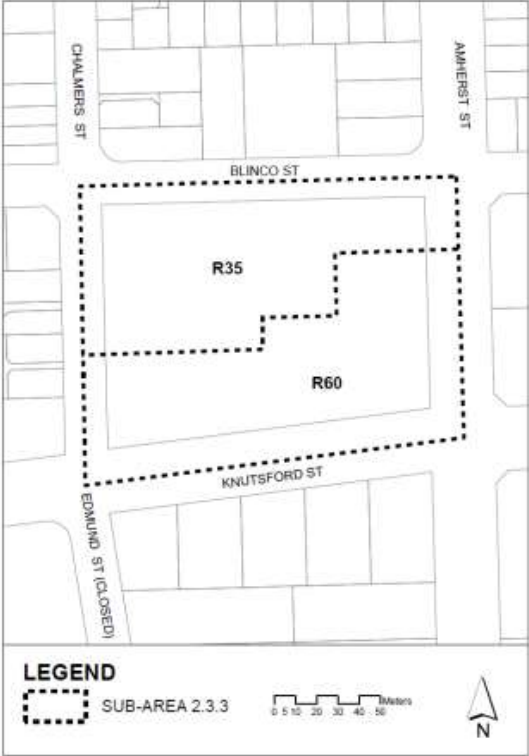
A. Delete the current wording applicable to the site from LPS4

### LOCAL PLANNING AREA 2—FREMANTLE

2.1	HEIGHT REQUIREMENTS	
	Zone (Within LPA Only)	Maximum External Wall Height
	Neighbourhood Centre	5.5 m
	Mixed Use	7.5 m
	Residential	<p>All requirements as per Residential Design Codes and special application under clause 5.4 <del>excepting that portion of Lot 1354 Knutsford Street as shown on the Scheme map as having a density coding of R60, where the following shall apply:</del></p> <ul style="list-style-type: none"> <li>9m maximum to the top of the external wall and 12m to the top of a pitched roof.</li> </ul>

B. Introduce a new sub area into Schedule 12

2.3.3	Sub Area 3 – 20 (Lot 1354) Knutsford Street, Fremantle
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The map shows a street grid in Fremantle. Knutsford Street runs horizontally across the middle. To its north is Blinco Street, and to its south is another Knutsford Street. To the west of Knutsford Street is Edmund Street (marked as closed), and to the east is Amherst Street. A specific lot on Knutsford Street is outlined with a dashed line and labeled 'SUB-AREA 2.3.3'. This lot is divided into two sections, one labeled 'R35' and the other 'R60'. A legend at the bottom left shows a dashed line box next to the text 'SUB-AREA 2.3.3'. A scale bar at the bottom center indicates distances from 0 to 50 meters. A north arrow is located at the bottom right.



1. The building height requirements on the properties coded R60 shall be as per the Category C maximum building heights of Table 3 of the Residential Design Codes
2. Notwithstanding the requirements of Table 2 – Zoning, an Office use will be permitted in Residential developments where the use meets the following:
  - i. The gla of the Office use does not exceed 80m2;
  - ii. The Office use is operated by an occupier of the household; and
  - iii. The Office use does not employ more than three employees (not including any occupiers of the household);
3. The office use mentioned in clause 2 above and the uses home occupation, home office, home business and home store shall, notwithstanding the provisions of table 2 – Zoning and table 3 – Vehicle Parking, be considered “P” uses as per clause 4.3.3.

The new height and use requirements of the proposed scheme amendment are discussed below:

### **Height Requirements**

The current specific height control for R60 development in Lot 1354 does not allow for three storey development with a flat (concealed) roof higher than 9m. This limits three storey development of this nature. The intent of the R60 density coding is to allow the opportunity for higher density development including multiple dwellings up to three storeys.

Accordingly it is proposed the current specific height requirements be deleted from LPS4 and reference to the Residential Design Codes 2010 (R-codes), Table 3 Category C (development on three levels) be inserted into the new proposed sub area. Category C has the same requirements that are currently in LPS4 (9m external wall height and 12m to of pitch roof height) with an additional requirement that caters for concealed roofs (see below).

Height measurement	Current requirements in LPS4	Category C requirements of the R-codes 2010
Top of external wall (roof above)	9m	9m
Top of external wall (concealed roof)	None	10m
Top of pitched roof	12m	12m

This amendment to the scheme will allow the consortium greater scope in design of the R60 developments, including potentially three storey development with a flat roof (concealed). Note that the current height limits still allow 3 storey's however the proposed new height limits will allow greater flexibility of design. The additional height requirement is considered minor and, as the area is being designed and built in unison, it is considered the area can adequately provide for three storey development on the R60 coded lots.

## Home Uses

### Additional use

The concept designs for the development include flexible spaces in some of the buildings which will provide for small scale, home-based business to establish within the site. However, home businesses are limited in the Residential zone through LPS4's definitions. Definitions restrict floor area and number of employees and cannot be varied.

The table below shows the home business uses applicable to the Residential zone, the permissibility of each and restrictions of the use through the definition.

Use	Permissibility (Table 2, LPS4)	Restrictions of the use through the definition
Home Office	P (Permitted)	<ul style="list-style-type: none"> <li>• Use is to be carried out solely within a dwelling by a resident of the dwelling</li> <li>• Does not entail clients or customers travelling to and from the dwelling,</li> <li>• Does not involve any advertising signs on the premises</li> </ul>
Home Store	D (Approval at Council's discretion)	<ul style="list-style-type: none"> <li>• The net lettable area does not exceeding 100 square metres;</li> <li>• Attached to a dwelling; and</li> <li>• Operated by a person resident in the dwelling.</li> </ul>
Home Occupation	D (Approval at Council's discretion)	<ul style="list-style-type: none"> <li>• Does not employ any person not a member of the occupier's household;</li> <li>• Does not occupy an area greater than 20 square metres;</li> <li>• Does not display a sign exceeding 0.2 square metres; and</li> <li>• Does not involve the retail sale, display or hire of goods of any nature.</li> </ul>
Home Business	A (Approval at Council's discretion and the application is required to be advertised)	<ul style="list-style-type: none"> <li>• Does not employ more than 2 people not members of the occupier's household</li> <li>• Does not occupy an area greater than 50 square metres.</li> <li>• Does not involve the retail sale, display or hire of goods of any nature</li> </ul>
Cottage Industry	A (Approval at Council's discretion and the application is required to be advertised)	<ul style="list-style-type: none"> <li>• Does not employ any person other than a member of the occupier's household,</li> <li>• Is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put,</li> <li>• Does not occupy an area in excess of 50 square metres, and</li> <li>• Does not display a sign exceeding 0.2 square metres in area.</li> </ul>

Some of the flexible spaces in the concept plans include larger home office space than those provided in the uses above and propose employing more than two people outside of the household. None of the current home business definitions in LPS4 would adequately provide for this. Therefore, as the definitions cannot be varied, it is proposed that an additional use of 'Office' is provided to the area, however restricted through the following provisions:

- i. The gla of the Office use does not exceed 80m<sup>2</sup>;
- ii. The Office use is operated by an occupier of the household; and
- iii. The Office use does not employ more than three employees (not including any occupiers of the household);

While the area is predominantly residential and not zoned commercial or mixed use, the purpose of this additional use is to provide for a diverse range of home based office/business uses that will increase the vibrancy of the area. A hub of small scale home uses would increase activity in the area during the day and reflect the surrounding neighbourhood's use activity on a scale appropriate to the Residential zone.

#### Permitted Uses

As the area is considered an opportunity to encourage a mix of home uses, the Scheme Amendment also proposes that the additional office use and home occupation, home office, home business and home store uses shall be considered "P" uses and the requirements of Table 3 – Vehicle Parking of LPS4 will not apply to these development types (only the office and home store use currently have vehicle parking requirements under table 3; there are no parking requirements for home occupation, home office, home business).

A "P" use is defined under clause 4.3.3 of LPS4 and means those home uses prescribed in this scheme amendment will be permitted and not require planning approval where the use "*complies with the relevant development standards and requirements of the scheme*". As the requirements of table 3 – Vehicle Parking, are further suspended through the proposed scheme amendment the requirements of the scheme will mostly be the definitions of the use under Schedule 1. Permitting these uses without planning approval lowers barriers to the establishment of small scale home uses in the area, which in turn fosters and encourages these uses.

The increased potential for home businesses, coupled with the suspended vehicle parking requirements, raises the concern of adequate vehicle parking being provided in the area and surrounds. Home business uses do not usually require more car parking on that provided on site as they are predominantly undertaken by resident(s) of the dwelling, however the consortium have provided the following information to the City to address this issue (7 September 2012):

*It is anticipated that the home based business activities would be run by the residents, or limited outside staff employed. Each dwelling will have two onsite car bays. Some residences will incorporate courtyards that can accommodate additional car parking on a temporary basis.*

*All vehicle access for residential parking will be provided from the laneways, not from the surrounding roads. Therefore, access to visitor car parking will only occur from the street network. Extensive on-street parking, based upon one car bay per two dwellings is being provided which would be sufficient to cater for visitors, not only for family friends, but also for those who might be making use of the business services being offered.*

*A total of thirty five (35) on-street parking bays are to be provided along the new internal access street, Amherst, Blinco and Chalmers Streets in selected locations. It is anticipated that that the southern side of Knutsford Street will also be developed with similar home based business opportunities and on-street parking in the future. These parking spaces are indicated on the attached engineering plan, presently with the City's Engineering department for approval [attachment 1]. It is unlikely that all residences with adaptable space will take advantage of the opportunity to establish a home based business, or office. The area of adaptable spaces will also vary. The type of businesses that establish will have a variety of clientele, some may travel to other locations and many are anticipated to operate via the internet.*

As demonstrated above, the issue of additional vehicle parking in the area has been addressed through the provision of ample on-street parking (one bay per two dwellings) and the opportunity for additional onsite vehicle parking in some of the proposed residence's courtyards. As home uses do not usually require additional vehicle parking, it is considered the proposed development would adequately provide for any additional vehicle parking required by the proposed Scheme Amendment provisions.

## **CONCLUSION**

This scheme amendment will introduce a new sub area into the LPS4 for 20 (Lot 1354) Knutsford Street, Fremantle. The new sub area will permit a broader range of home business/office uses in the area and provide an additional height provision for R60 development.

The amendments are considered appropriate for the area as it is being designed and built concurrently. The broader range of uses will provide for vibrancy in the Residential zoned area and the additional height provision will allow for greater flexibility in the design of R60 development.

It is therefore recommended that Council resolve to initiate Scheme Amendment No. 56 to LPS4 for public advertising.

## COMMITTEE AND OFFICER'S RECOMMENDATION

**MOVED: Cr A Sullivan**

**That:**

**1. Council resolve, pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No. 4 as follows:**

**A. Delete the following wording from Schedule 12, Local Planning Area 2 – Fremantle, 2.1 Height requirements:**

**excepting that portion of Lot 1354 Knutsford Street as shown on the Scheme map as having a density coding of R60, where the following shall apply:**

- 9m maximum to the top of the external wall and 12m to the top of a pitched roof.**

**B. Introduce Sub Area 3 – 20 (Lot 1354) Knutsford Street, Fremantle into Schedule 12 after Sub area 2 Queens Square (East)**

### 2.3.3

#### Sub Area 3 – 20 (Lot 1354) Knutsford Street, Fremantle



**1. The building height requirements on the properties coded R60 shall be as per the Category C maximum building**

**heights of Table 3 of the Residential Design Codes**

**2. Notwithstanding the requirements of Table 2 – Zoning, an Office use will be permitted in Residential developments where the use meets the following:**

- i. The gla of the Office use does not exceed 80m2;**
- ii. The Office use is operated by an occupier of the household; and**
- iii. The Office use does not employ more than three employees (not including any occupiers of the household);**

**3. The office use mentioned in clause 2 above and the uses home occupation, home office, home business and home store shall, notwithstanding the provisions of table 2 – Zoning and table 3 – Vehicle Parking, be considered “P” uses as per clause 4.3.3.**

- 2. The Mayor and Chief Executive Officer be authorised to execute the relevant scheme amendment documentation.**
- 3. The Local Planning Scheme Amendment be submitted to the Environmental Protection Authority requesting assessment prior to commencing public consultation.**
- 4. The Local Planning Scheme Amendment be submitted to the Western Australian Planning Commission for information.**

**Upon receipt of the environmental assessment from the Environmental Protection Authority, the amendment be advertised for a period of not less than 42 days.**

**SECONDED: Cr Robert Fittock**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

Cr R Fittock vacated the chamber at 7.50 pm during the following item and returned at 7.51 pm prior to determination.

**PLANNING SERVICES COMMITTEE 21 NOVEMBER 2012**

Cr A Sullivan **MOVED** en bloc recommendations numbered PSC1211-183, PSC1211-186 and PSC1211-187.

**That recommendations numbered PSC1211-183, PSC1211-186 and PSC1211-187 be moved en bloc.**

**SECONDED: Cr J Strachan**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number PSC1211-183 was **MOVED** and carried en bloc earlier in the meeting.

**PSC1211-183 PROPOSED PUBLIC ROAD NAMES - LOT 1354 (NO. 20)  
KNUTSFORD STREET, FREMANTLE - SUBDIVISION - KSW**

**DataWorks Reference:** 164/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 21 November 2012  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Land Administrator  
**Decision Making Level:** Council  
**Previous Item Number/s:** Nil  
**Attachment 1:** City of Fremantle Reserved Road Name Register  
**Attachment 2:** Approval letter from the Whadjuk Working Party



Figure 1 - IntraMap with Lot 1354 Knutsford Street, Fremantle.

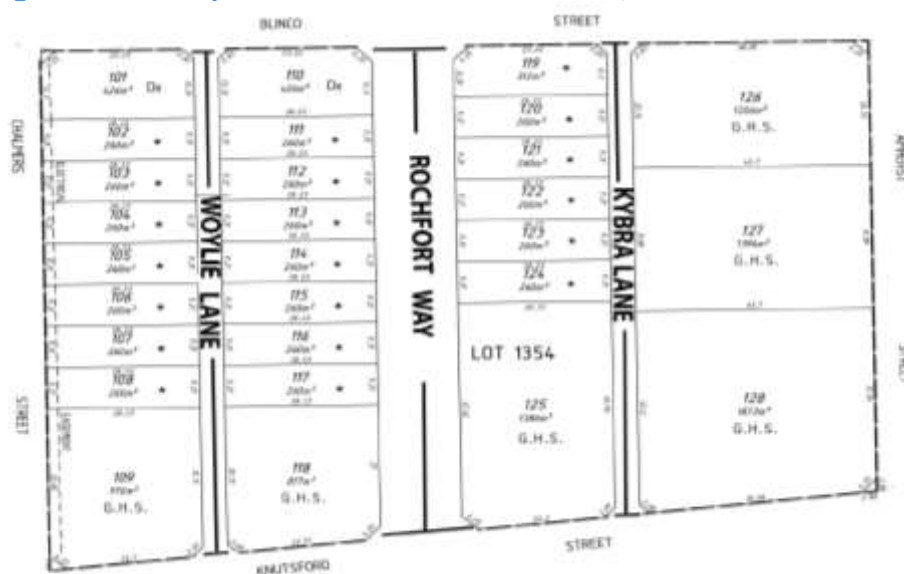


Figure 2 - McMullen Nolan mark up plan showing the location of the proposed road.



## EXECUTIVE SUMMARY

The City has received a road naming application from McMullen Nolan Group ("Applicant") in relation to the subdivision of Lot 1354 (No. 20) Knutsford Street, Fremantle ("Subdivision"). Lot 1354 Knutsford Street is bounded by Blinco Street, Amherst Street, Knutsford Street and Chalmers Street Fremantle as shown in Figure 1 with the location of the proposed public road names shown in Figure 2

The Applicant has selected three road names from the City of Fremantle Reserved Road Names Register ("Register") and one Aboriginal road name not included on the Register being "Woylie" pronounced "Woy-lee" (as detailed below).

- "Kybra Lane"
- "Rochfort Way"
- "Woylie Lane"
- "Comben Lane" - optional name

A brief detail of the name origins are summarised in the table below.

Proposed Road Name	Name Origin Summary
Kybra	Kybra - is the name of a Cargo Ship built in 1926 and regularly berthing at Fremantle Harbour. The ship was commissioned for use in WWII.
Rochfort	In honour of Frank Rochfort, of Queen Street, Fremantle who served in WWI at Gallipoli. He operated various stores around Fremantle until 1924 and later became the Commodore of Fremantle Yacht Club.
Woylie	Woylie pronounced <i>Woy-lee</i> is an Aboriginal word from the Whadjuk Nyoongar language to describe a Brush Tailed Bettong. The now critically endangered animal is classed as a marsupial and was a favourite food of the Nyoongar people.
Comben (optional name)	In honour of Charles Thomas Comben who lived in Fremantle and served in WWI as an original member of the 44 <sup>th</sup> Battalion. He served through the war until 4th July 1918 where he was killed in action.

The Geographic Names Committee (GNC) has confirmed that the names selected above are currently compliant with the general GNC Road Naming Guidelines.

The proposed name of "Woylie Lane" has received the approval from the South West Aboriginal Land and Sea Council (SWALSC), Whadjuk Working Party and named Applicants (WWP) at their bi-monthly meeting on 17 October 2012. The WWP are descendants from each of the nine (9) ancestors named in the registered Whadjuk People's Native Title Claim ("Whadjuk Claim") and are considered the appropriate body to approve the City's proposed Aboriginal road names.

The City presented four (4) additional proposed Aboriginal names at the WWP meeting for inclusion as future road names into the City's Road Names Register. Three (3) of the proposed names were approved for use by the WWP as listed below:

1. "Doolya " - meaning a fog, a mist - pronounced "*Dool-ya*"
2. "Cower" - the Purple Crown Lorikeet - pronounced "*Cow-er*"
3. "Karak" - the Red Tailed Black Cockatoo - pronounced "*Kar-ak*"

It is therefore recommended that Council approve the three (3) public road names shown in Figure 2 and submitted by the Applicant in relation to the subdivision located at Lot 1354 (No. 20) Knutsford Street, Fremantle - including the three (3) additional proposed Aboriginal names for inclusion into the City's Register (subject to approval by the GNC).

## BACKGROUND

The subdivision located at Lot 1354 Knutsford Street, Fremantle is the subject of a development agreement between the Knutsford Consortium and LandCorp, who will develop the land as a joint venture. The Subdivision is received by the Western Australian Planning Commission (WAPC) as application No. 145830 and the road naming is required in order for a Deposited Plan to be finalised at Landgate.

The Applicant has submitted three (3) proposed road names as shown in Figure 2 including the optional name of "Comben". The names were selected by the Applicant directly from the City's Register. Based upon advice from the City, the applicant made the following changes to earlier mark up plans; replacing the original choice of "Seddon Lane" with "Kybra Lane" and included the Aboriginal name of "Walyo Lane" with an optional name of "Comben Lane" - note that the WWP corrected the spelling and pronunciation of "Walyo" to "Woylie".

On 22 August 2012 - the City's Land Administrator attended the WWP bi-monthly meeting at the appointed time to present four selected names proposed for Aboriginal road naming. In the time available, only the road naming for 20 Knutsford Street, Fremantle was discussed. The proposed name of "Walyo Lane" was rejected by the WWP as incorrect in meaning and sound with the name "Woylie" pronounced "*Woy-lee*" to be the right word. Due to the lateness of the day, half of the elderly attendants had to leave and a resolution on the use of the name could not be made. The City requested attendance at the next WWP meeting on 17 October 2012 to re-present the name of "Woylie" together with other proposed Aboriginal names for inclusion into the City's Road Names Register - subject to all approval requirements.

On 17 October 2012 - the City's Land Administrator attended the WWP meeting and presented the proposed Aboriginal road name of "Woylie Lane" together with four (4) other names as listed below:

- "Middar" - meaning dance or celebrate
- "Doolya " - meaning a fog, a mist
- "Cower" - the Purple Crown Lorikeet
- "Karak" - the Red Tailed Black Cockatoo

The WWP approved the City's use of the proposed name "Woylie Lane" as described in figure 2 and in relation to the 20 Knutsford Street, Fremantle road naming. The other four (4) proposed road names listed above were discussed with changes to the spelling and usage (outlined in the comments section of this report). The name Middar was rejected by the WWP for use as a road name.

## **STATUTORY AND POLICY ASSESSMENT**

Landgate is responsible for road naming and is guided by the Geographic Names Committee (GNC). The GNC provide the guidelines in relation to the naming of roads, features, townsites and places in Western Australia. The following publications are referred to by the GNC when assessing road naming compliance;

- *The Geographic Names Committee (Western Australia) - Principles, Guidelines and Procedures* ("GNC Guidelines").
- *Australian/New Zealand Standard Rural and Urban Addressing (AS/NZS 4819:2011)*.

A copy of the GNC Guidelines is available upon request however the AS/NZS4819:2011 (containing updated road types information) is copy write protected and is available to view only.

The GNC has confirmed that the proposed road names of "Kybra Lane", "Rochfort Way", "Comben Lane" and "Woylie Lane" are currently compliant with general GNC Road Naming Guidelines.

## **COMMENT**

### **Selection of Aboriginal names for road/park naming**

The selection of an Aboriginal name from the Whadjuk Nyoongar language requires the City's engagement with a local group of Traditional Owners (TO) representing the descendants of the nine (9) named persons of the "Whadjuk Peoples" Native Title Claim (Whadjuk Claim). The City of Fremantle's process to identify TO's for the "Community Conversation" held in August 2011 was prior to the registration of the Whadjuk Claim in October 2011 and therefore do not include representatives that descend from each of the ancestors named in the Whadjuk Claim.

Upon advise from the City's Aboriginal Engagement Officer, the SWALSC Whadjuk Working Party and named Applicants (WWP) should be consulted to increase engagement with Aboriginal people who are not currently engaging with the City including the TO conversation group and the Indigenous Action Group. Proposed Aboriginal road or park names will therefore be forwarded to the WWP for verification that the selected name/s, meaning and pronunciation is correct and finally that the name/s are approved for the proposed purpose.

Officers discussed eight (8) proposed Aboriginal road names including "Woylie" as shown in the table below. The GNC rejected three (3) of the names as they sounded too similar to existing road names within the Municipality of Fremantle.

Aboriginal name	Meaning	Rejected by GNC for sounding too similar to	Forwarded to WWP
Bidi	Tracks/paths most used	Biddles Lane	No
Yoort	White ashes	York Street	No
Walken	Rainbow	Walker Street	No
Woylie	Brush-tailed Bettong		Yes
Doolya	A fog, a mist	Daly Street not to use in South Fremantle	Yes
Middar	Dance, celebrate		Yes
Cower	Purple Crown Lorikeet		Yes
Karak	Red Tailed Black Cockatoo		Yes

At the WWP meeting on 17 October 2012 five Aboriginal words were submitted by the City for proposed current and future road naming within the Fremantle Municipality - the outcomes are listed below:

1. **"Woylie"** - The name "Woylie Lane" pronounced *"Woy-lee"* was approved for use as a road name to be applied to the subdivision at 20 Knutsford Street, Fremantle (subject to Council and Ministers approval).
2. **"Doolya"** - This name was approved for the City's road naming use, however there was discussion with regard to the spelling and WWP corrected the spelling to "Doolya" pronounced *"Dool-ya"*.
3. **"Middar"** - The name "Middar" is special to the Nyoonar People and means to dance or celebrate. The word should not be used as a permanent road name; however the WWP suggested that the name could be used at the entrance way to an event like the Wardarnji Festival.
4. **"Cower"** - The name was approved for the City's road naming use, however the WWP agreed that the spelling should be "Cower" and not "Kawart". The "Cower" (Purple Crown Lorikeet) is part of the dreaming place of Cowaramup and while the bird does not originate from Fremantle it does follow the blossoms to Fremantle.
5. **"Karak"** - the Red Tailed Black Cockatoo is local to the Fremantle area and the spelling is correct, therefore the WWP has approved the use of the word for future road naming.

#### Historical Information - 20 Knutsford St, Fremantle proposed road names.

1. **Kybra** - is the name of a Cargo Ship built in 1926 regularly berthing at Fremantle Harbour and owned by Western Australian State Shipping. The "Kybra" was commissioned by the Royal Australian Navy on 21 June 1940 as an anti-submarine vessel stationed on the east coast (Known as *HMAS Kybra*) where she provided escort and radar-training support during the war years. In late 1945, the ship was refitted (which increased gross tonnage from 858 to 950) and resumed her Western Australian peacetime service in 1946. The "Kybra" was sold in 1958.

2. **Frank Rochfort**, lived in Queen Street Fremantle and served in the first Australian Imperial Force (AIF) at Gallipoli and returned to Fremantle after being wounded at Leane's Trench in August 1915. He became the recruiting officer for the Fremantle district during which time he married Janet Wardle. He was discharged from the army in February 1918 with the rank of Lieutenant. Mr Rochfort then operated various stores around Fremantle until 1924 when the family embarked on an around the world cruise. On arriving back Mr Rochfort became the Commodore of Fremantle Yacht Club and was a fishery inspector during the depression. The family later moved to Bunbury and in the 1930's moved to Palmyra. In November 1936 Frank Rochfort died of a stroke. His eldest son Max was killed in the opening month of World War II when the Merchant ship he was on was torpedoed just off England, possibly the first Australian to die in World War II due to enemy action.

3. **Woylie** - pronounced *Woy-lee* is an Aboriginal name from the *Whadjuk Nyoongar* language for the Brush-tailed Bettong. The traditional owners call the place around Fremantle *Walyalup* which means "place of the *Walyo* or *Woylie*". The *Woylie* inhabited the sparse vegetation, shrubs and bushes that grew inland of the beach and was a favourite food for the Nyoongar people of *Walyalup*. The spelling and interpretation of the word "Woylie" as the Brush-tailed Bettong is referenced by the Geographic Names Committee records from a book named "*A Nyoongar Word List from the South West of Western Australia*" by Peter Bindon and Ross Chadwick.

The Woylie (Brush-tailed Bettong or Kangaroo Rat) is a small mammal found in Western Australia and currently listed on the critically endangered species list. The small mammal's appearance has been described as a cross between a rat and a small wallaby. It is not, however a member of the rodent family but classed as a "Marsupial" or more specifically as a small "Macropod".

4. **Charles Thomas Comben** - was born at Yarraville Victoria and moved to Fremantle with his family at an early age. He attended the Beaconsfield State School and later took up work with the Fremantle Harbour Trust. Charles Comben served in World War I and was an original member of the 44<sup>th</sup> Battalion which formed at Claremont Showground. He served through the war until July 4<sup>th</sup> 1918 when he was killed during the successful Australian attack which liberated the French village of Hamel. He is buried at the Australian National Memorial in France at Villers-Brettonneux.

## **EXTERNAL SUBMISSIONS**

Neighbour Notification: Nil. The selection of names for roads is at local government discretion subject to the approval of the GNC. However approval is required from the appropriate Aboriginal people when using Aboriginal words or names for naming purposes.

Consultation is required by the GNC when naming ovals, pavilions, the naming or renaming of Parks and Reserves or the naming of Towns and Localities.

## **CONCLUSION**

The proposed road names for the unnamed public roads within the subdivision of Lot 1354 (No.20) Knutsford Street, Fremantle (as shown in figure 2) is:

- "Kybra Lane"
- "Rochfort Way"
- "Woylie Lane"
- "Comben Lane" (optional name)

The public road names are required for addressing purposes and to progress the Applicants Deposited Plan endorsement via Landgate.

The GNC has confirmed that the proposed road names are currently compliant with the general GNC Road Naming Guidelines. The WWP has provided the City with approval to use the name of "Woylie" taken from the Whadjuk Nyoongar language for the purpose of the road name as shown in figure 2. Further, the WWP has provided the City with approval to use the additional three (3) Aboriginal words (as listed below) for future road naming and inclusion on the City's Road Naming Register (subject to Council and Ministers approval);

- |             |                               |
|-------------|-------------------------------|
| • "Doolya " | pronounced " <i>Dool-ya</i> " |
| • " Cower"  | pronounced " <i>Cow-er</i> "  |
| • "Karak"   | pronounced " <i>Kar-ak</i> ". |

It is therefore recommended that Council consider the proposed road names of "Kybra Lane", "Rochfort Way" and "Woylie Lane" to be applied to the subdivision of Lot 1354 (No.20) Knutsford Street, Fremantle for approval.

Further, that Council recommend the approval of an additional three (3) Aboriginal names of "Doolya ", "Cower" and "Karak" for future road naming and inclusion into the City's road naming Register subject to the relevant approvals.

**OFFICER'S AND COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**That Council:**

1. **ADVISE** the Geographic Names Committee that it supports the proposed public road names of; "Kybra Lane", "Rochfort Way" (selected from the City of Fremantle Reserved Road Names Register) and "Woylie Lane" (pronounced *Woy-lee*) to be applied to the subdivision of Lot 1354 (No. 20) Knutsford Street, Fremantle as shown in the Applicants base mark up plan (Figure 2).
2. **ADVISE** the Geographic Names Committee that its supports the proposed Aboriginal road names for inclusion into the City of Fremantle Reserved Road Names Register for future road naming as listed below:
  - a. "Doolya " - pronounced "*Dool-ya*"
  - b. "Cower" - pronounced "*Cow-er*"
  - c. "Karak" - pronounced "*Kar-ak*".
3. **ATTEMPT** to locate a living family member where road names are approved in honour of a person/s of that family in order to notify them of the Council's decision to apply that name to a roadway.

**SECONDED: Cr J Strachan**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**PSC1211-184 DEVELOPMENT ASSESSMENT PANELS - LOCAL GOVERNMENT  
REPRESENTATIVES: NOMINATION OF FIRST ALTERNATIVE  
MEMBER**

**DataWorks Reference:** 103/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 21 November 2012  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Manager Statutory Planning  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1104-84 (27 April 2011)  
**Attachment 1:** PSC1104-84 (27 April 2011) Council Minutes

**EXECUTIVE SUMMARY**

In April 2011 Council nominated Councillors Sullivan and Wilson as the City of Fremantle Development Assessment Panel (DAP) members with the Mayor and Councillor Massie being the alternative members.

The purpose of this report is to nominate a first alternative local government DAP member.

**BACKGROUND**

On 27 April 2011 Council resolved:

1. *That Council nominates Cr Andrew Sullivan and Cr Josh Wilson as the representatives of the City of Fremantle on the relevant Development Assessment Panel, and nominates Mayor, Brad Pettitt and Cr Bill Massie as the alternate Development Assessment Panel local government members*
2. *That the Minister for Planning be informed of the above nominations*

**STATUTORY AND POLICY ASSESSMENT**

The *Planning and Development (Development Assessment Panels) Regulations 2011* requires that local government nominate four local councillors for membership on the respective DAP, comprising of two permanent panellists and two alternate panellists.

**CONSULTATION**

No public consultation is required.



## PLANNING COMMENT

To date two development applications within the City of Fremantle have been determined by a DAP including 11 Queen Victoria Street (3 - 6 storey mixed use development) in May 2012 and 23 Harvest Street (redevelopment of existing nursing home) in October 2012.

When a nominated local government member is unable to attend a DAP meeting, rather than both alternative members being invited to attend the DAP, it may be more appropriate to nominate first and second alternative members and to send an invitation to the nominated first alternative member in the first instance.

It is recommended that either Mayor Pettitt or Councillor Massie be nominated as the first alternative DAP member.

## OFFICER'S RECOMMENDATION

1. That Council nominates ----- as the first alternative Development Assessment Panel local government member for the City of Fremantle on the relevant Development Assessment Panel.

**Cr B Massie MOVED to defer the item to the Ordinary Meeting of Council on the 28<sup>th</sup> November 2012.**

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Bill Massie Cr Andrew Sullivan	

## COUNCIL DECISION

**MOVED: Cr A Sullivan**

**That Council nominates Mayor, Brad Pettitt as the first alternative Development Assessment Panel local government member for the City of Fremantle on the relevant Development Assessment Panel.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

Cr D Thompson vacated the chamber at 7.39 pm during the following item and returned at 7.42 pm prior to determination.

**PSC1211-185 LOCAL PLANNING POLICY 2.19 - CONTRIBUTIONS FOR PUBLIC ART AND/OR HERITAGE WORKS - FINAL ADOPTION**

**DataWorks Reference:** 117/055  
**Disclosure of Interest:** Nil  
**Meeting Date:** 21 November 2012  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Strategic Planner  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1111-194 23 November 2011  
PSC1209-156 26 September 2012  
**Attachments:** 1. PSC1209-156 LPP 2.19 – Adoption for Public Advertising  
2. Schedule of Submissions

**EXECUTIVE SUMMARY**

The purpose of this report is to recommend to Council final adoption of Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works. The purpose of this policy is to provide criteria upon which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute an amount equal to the value of one percent of the development's total cost to the development of public art and/or heritage works. This policy has been developed at the recommendation of the Minister for Planning upon the Minister's recent refusal of Scheme amendment no. 47 – Public Art Contribution Areas.

The draft local planning policy was placed out for public comment for not less than 28 days in accordance the requirements of Local Planning Scheme No. 4 and Local Planning Policy 1.3, with one submission received with neutral comment. This submission has been noted and no modifications to the draft policy are recommended as a result of this submission; however, officers recommend that some minor adjustments are made to ensure the consistent and correct application of the policy.

It is therefore recommended that Council adopt the local planning policy in accordance with clause 2.4 of Local Planning Scheme No. 4, with minor modification.

**BACKGROUND**

At its Ordinary Meeting of 26 September 2012, Council resolved to adopt draft Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works for the purpose of advertising (please see the full report at Attachment 1).

The policy was prepared upon notification of the Minister for Planning's refusal of the City's proposed Scheme Amendment No. 47 – Public Art Contribution Areas on 11 July 2012, with the Minister subsequently recommending that the provisions of the amendment would more appropriately be dealt with in a Local Planning Policy. The policy incorporates the provisions of amendment no. 47 and provides a means of implementing a strategic imperative of the City's 2010-2015 Strategic Plan. Furthermore, the policy recognises the contribution of major development to the amenity of the surrounding public realm, including contributions to public art and/or heritage works, and provides an appropriate level of percent for public art and/or heritage work contributions without being too onerous on new development. The local planning policy has the potential to reinforce Fremantle's status as a unique place of cultural significance as well as generate funding to help the City provide leadership to sustain and grow arts and culture in the City.

For the full background of this policy please see the Initiation for Advertising report at Attachment 1.

## **STATUTORY AND POLICY ASSESSMENT**

The draft local planning policy has been prepared under the provisions of Part 2 – Local Planning Policy Framework of Local Planning Scheme No. 4 (LPS4).

## **CONSULTATION**

The draft local planning policy was advertised in accordance with clauses 2.4 of LPS4 and *Local Planning Policy 1.3 - Public Notification of Planning Proposals*. The draft local planning policy was subsequently advertised for comment from 9 October 2012 until 9 November 2012, with advertisements being placed in the Fremantle Gazette for two consecutive weeks. The City's precinct groups were also specifically notified and copies of the policy were made available for viewing at the Service and Information Counter at the Town Hall Centre and on the City's website.

During the consultation period, one submission was received from a State agency with no issues or objections raised (neutral comment). This submission has been noted and no modifications to the policy are recommended as a result of this submission. Please refer to the Schedule of Submissions at Attachment 2 of this report for the full transcript of this submission.

## **PLANNING COMMENT**

### **Recommended Minor Modifications**

On further review of the policy by officers during the advertising period, officers recommend that some minor adjustments are made to ensure the consistent and correct application of the policy. These include consistent use of the terms public art work and heritage work, and clear interpretation of both the application and contribution requirement of the policy.

## Consistency in terms used

### *Public Art Work(s)*

The title and the 'purpose' of the policy, as advertised, refers to 'public art work', therefore all references to 'art' or 'works' as associated with public art have amended to state 'public art work(s)' to maintain consistency throughout the policy and to clarify between works as associated with a heritage building or place and/or public art.

### *Heritage Work(s)*

The policy applies to both public art work and "works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance" as stated at clause 5 of the policy. These works were referred to in the advertised policy as 'heritage work', 'heritage project' and 'heritage contribution'. For consistency within the policy, officers have amended all reference to works associated with a heritage building or place as 'heritage work(s)' and have clarified the definition of 'heritage work(s)' by placing the term 'heritage work(s)' after the above description of clause 5 of the policy. With regard to the above, the 'Purpose' of the policy has also been amended as follows clarify the application of the policy to both public art work and heritage work(s):

*The purpose of this Local Planning Policy is to provide criteria upon which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute a percentage of the development's total project cost to the development of public art works and/or heritage works.*

### Modification to Statutory Background

As advertised, the Statutory Background of the Policy states the following:

*The Council may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area so as to apply generally or for a particular class or classes of matters (Clause 2.2.1a).*

This refers to a specific clause, clause 2.2.1(a) under clause 2 – Local Planning Policy Framework of the Scheme. To maintain consistency the Statutory Background of with recently adopted local planning policy, and the consideration that clause 2 may be subject to amendment and that multiple provisions of clause 2 may apply to this policy, it the content of the Statutory Background is has been modified to state the following:

*This Local Planning Policy is prepared under the provisions of Part 2 of Local Planning Scheme No. 4 ('the Scheme').*

### Minor modification to clauses 1, 2 and 3

Clause 1 and 2 of the draft Policy were advertised as follows:

1. *Development on land as depicted in Appendix 1 – Public Art Contribution Areas, of this policy and except as specified below in clause 2, is required to contribute a cash amount equal in value to one per cent of the estimated total project cost for the development of public art works.*

2. *Clause 1 applies to all development in the Public Art Contribution Areas (appendix 1) with the exception of:*
  - (a) *Single houses and grouped dwellings;*
  - (b) *Buildings used for any industrial use class in Table 2 of LPS4;*
  - (c) *Any development with a gross lettable area of less than 1000 sq m;*
  - (d) *Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;*
  - (e) *Any other type of development with an estimated total cost of less than \$1,000,000.*

Clause 1 refers to the objective of the Policy, whereby clause 2 refers to the application of the policy (to what development the policy will apply), with each clause cross referencing the other. To maintain consistency with the format of recently adopted local planning policy (LPP 3.14 and LPP 3.7) and provide clarity to the as application and the objective of the policy, clause 1 and 2 have been inverted and modified as follows:

1. *This policy applies to all development on land as depicted in Appendix 1 - Contribution Areas with the exception of:*
  - (a) *Single houses and grouped dwellings;*
  - (b) *Buildings used for any industrial use class in Table 2 of the Scheme;*
  - (c) *Any development with a gross lettable area of less than 1000 sq m;*
  - (d) *Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;*
  - (e) *Any other type of development with an estimated total cost of less than \$1,000,000.*
2. *Development on land as specified in clause 1 is required to contribute a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art and/or heritage works to enhance the public realm.*

With regard to proposed modifications, all reference to clause 1 in the policy has been amended to state 'clause 2'. Furthermore, clause 2 as above has been modified to replace the term 'cash' contribution to 'monetary' contribution to allow payment of the contribution in other forms of transaction, and to specify that the estimated total development cost as referred to in the policy is the amount as indicated on the Form of Application for Planning Approval.

Clause 3 of the policy was advertised as follows:

3. *The public art contribution requirement shall be imposed on applicable development as a condition on the Planning Approval. The condition shall specify that the contribution must be made prior to the issuing of a Building Permit.*

Further to legal advice received by the City regarding the condition “that the contribution must be made prior to the issuing of a Building Permit”, the City has been advised to modify the condition whereby the contribution must be made prior to commencement of development, and not the issuing of a Building Permit, and this modification is as follows:

- 3. The contribution requirement shall be imposed on applicable development as a condition on the Planning Approval. The condition shall specify that the contribution must be made prior to commencement.*

Modification to the title of Appendix 1 and the title and legend of the Appendix 1 maps

The maps setting out the areas of application of the policy with the City of Fremantle are located under the heading ‘Appendix 1 – Public Art Contribution Areas’, in addition to the individual maps also containing the title ‘Public Art Contribution Areas’. As discussed previously, the purpose of the policy is to facilitate a contribution to either public art work and/or heritage work. Officers therefore recommend the removal of ‘Public Art’ from the Appendix 1 heading and from the individual maps, to state ‘Contribution Area(s)’ only. This will ensure consistency with the purpose and application of the policy.

## **CONCLUSION**

Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works has the potential to reinforce Fremantle’s status as a unique place of cultural significance as well as generate funding to help the City provide leadership to sustain and grow arts and culture in the City. The Policy is consistent with a strategic imperative and objective of the City’s 2010 - 2015 Strategic Plan, as well as the City’s 2012-2015 Public Art Plan and associated Policy.

The draft Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works was advertised in accordance with part 2 of LPS4. One submission was received with neutral comment. This submission has been noted and no modifications to the draft policy are recommended as a result of public comment; however, officers have recommended a number of minor adjustments to the policy to ensure the consistent and correct application of the policy.

It is therefore recommended that Council adopt the local planning policy in accordance with clause 2.4 of LPS4, with minor modification.

## **OFFICER'S AND COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**That Council:**

- 1. Note the submission received as detailed in the Officer's report and at Attachment 2;**
- 2. Adopt local planning policy Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works, with minor modification, in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4, as shown below:**

### **CITY OF FREMANTLE**

#### **LOCAL PLANNING POLICY 2.19**

##### **CONTRIBUTIONS FOR PUBLIC ART AND/OR HERITAGE WORKS**

**ADOPTION DATE: 28/11/2012**

**AUTHORITY: LOCAL PLANNING SCHEME NO.4**

##### **STATUTORY BACKGROUND**

This Local Planning Policy is prepared under the provisions of Part 2 of Local Planning Scheme No. 4 ("the Scheme").

Clause 10.2 of the Scheme empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

##### **PURPOSE**

The purpose of this Local Planning Policy is to provide criteria upon which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute a percentage of the development's total cost to the development of public art works and/or heritage works.

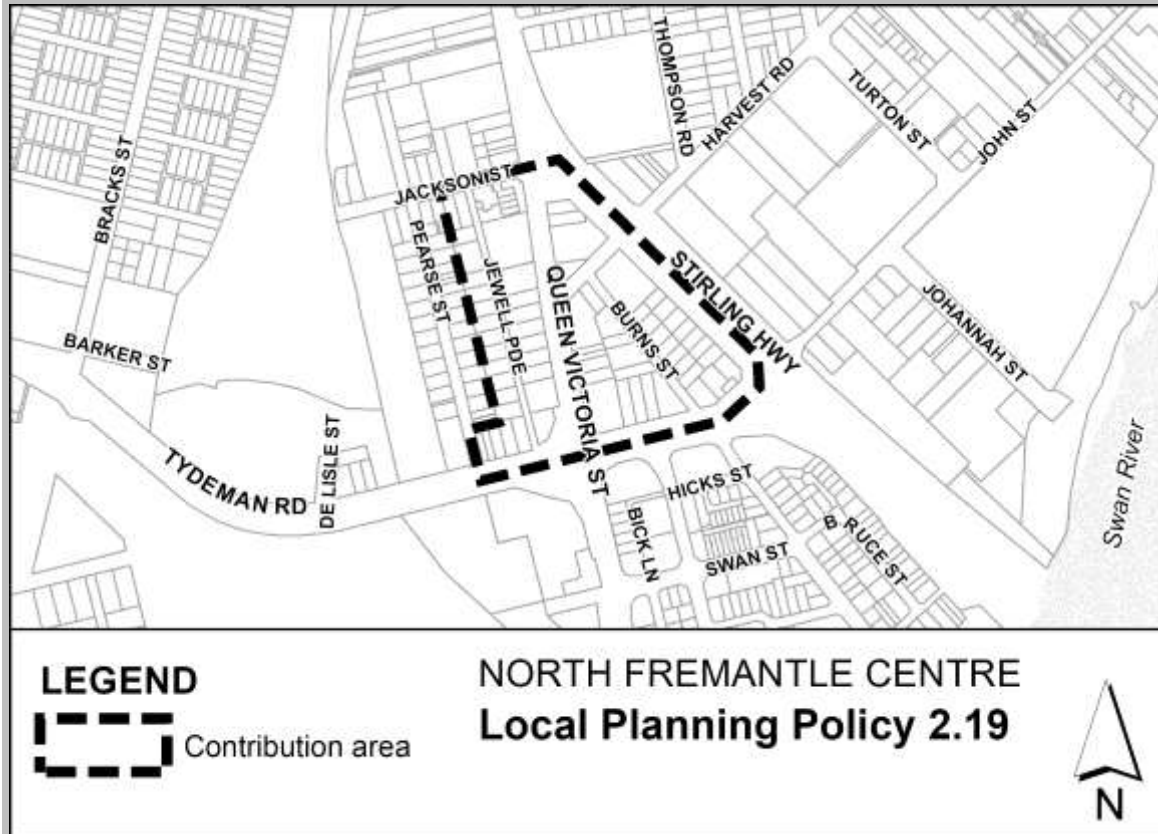
##### **POLICY**

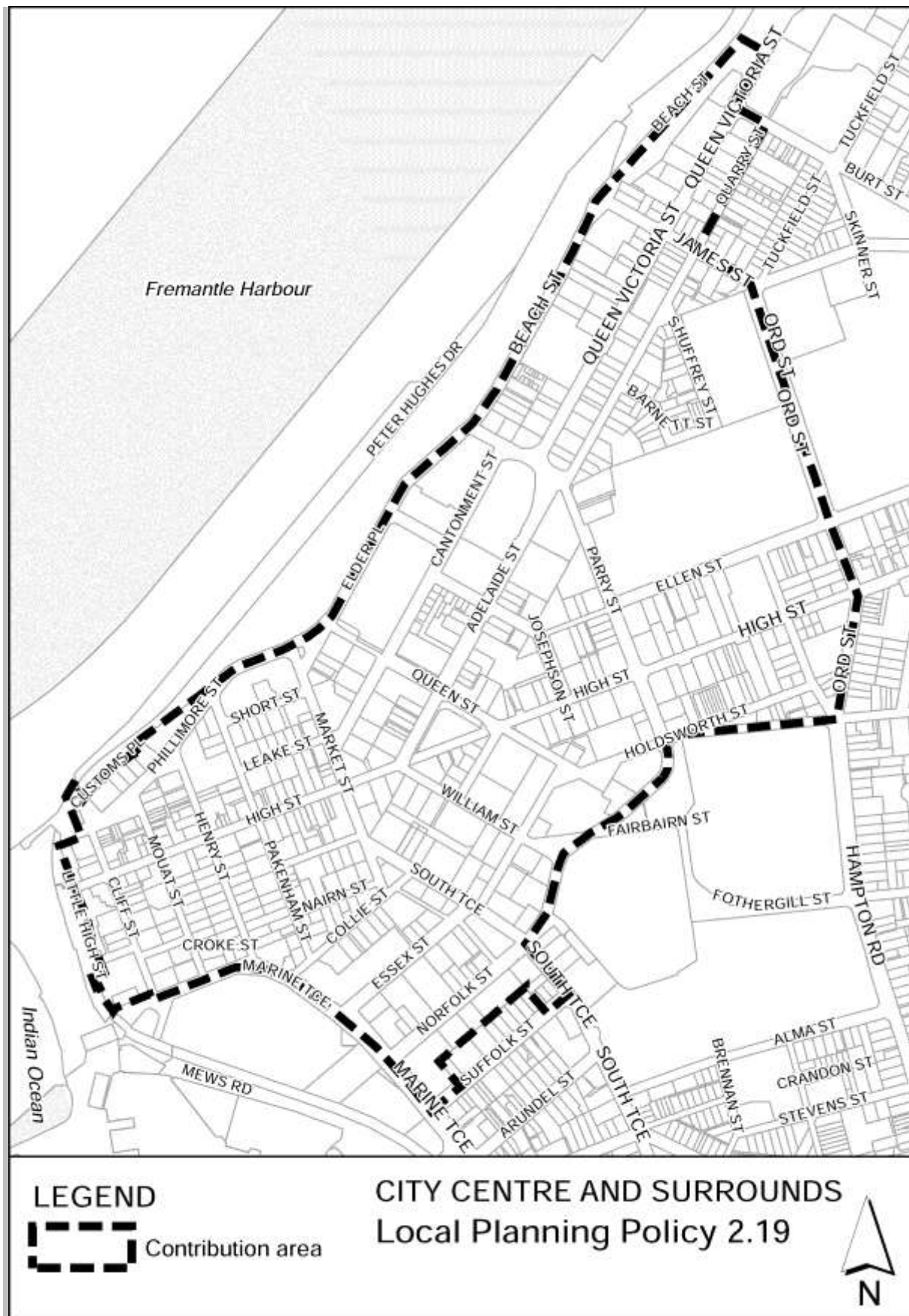
- 1. This policy applies to all development on land as depicted in Appendix 1 - Contribution Areas with the exception of:**
  - (a) Single houses and grouped dwellings;**
  - (b) Buildings used for any industrial use class in Table 2 of the Scheme;**
  - (c) Any development with a gross lettable area of less than 1000 sq m;**
  - (d) Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;**
  - (e) Any other type of development with an estimated total cost of less than \$1,000,000.**

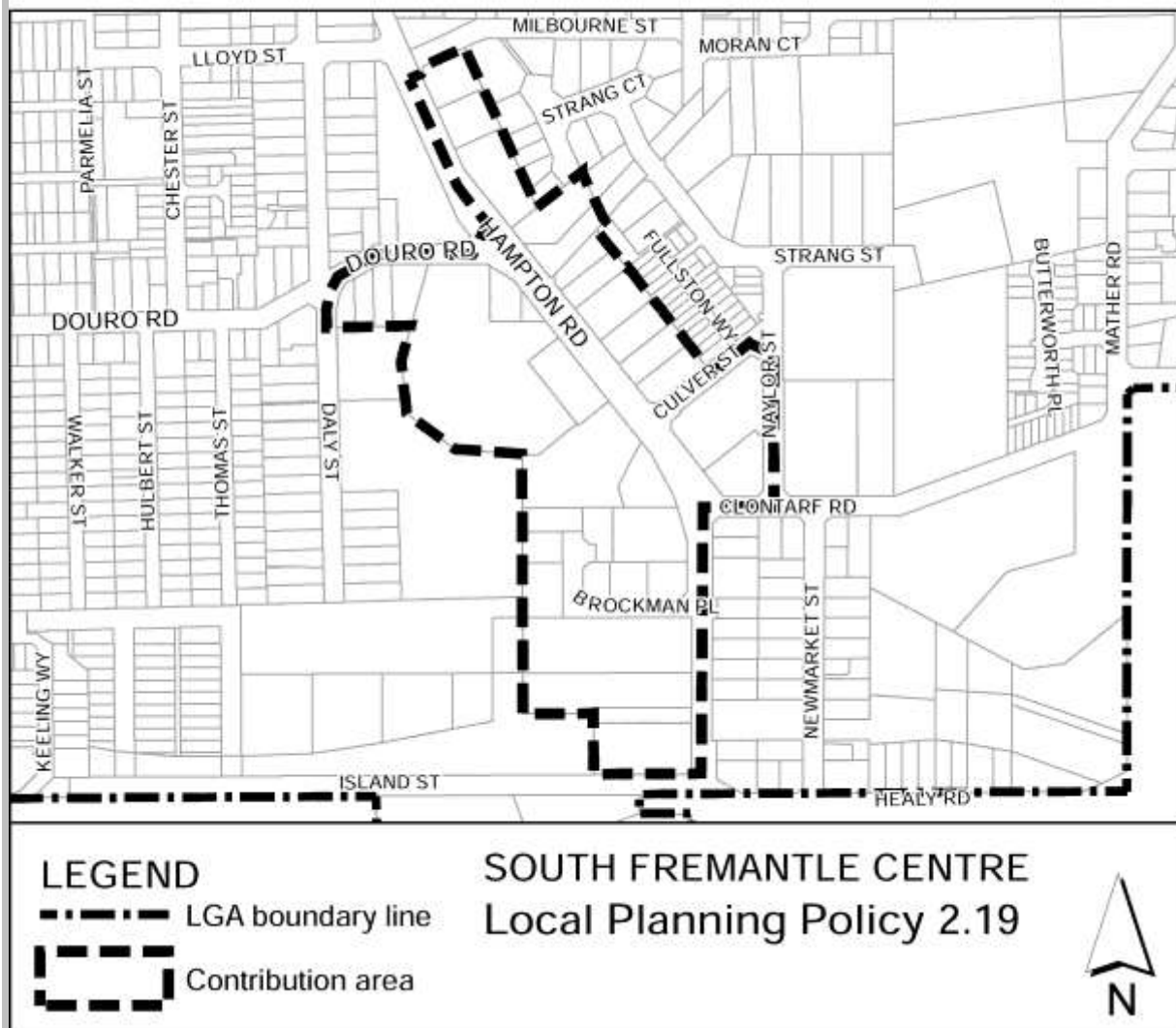


2. Development on land as specified in clause 1 is required to contribute a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm.
3. The contribution requirement shall be imposed on applicable development as a condition on the Planning Approval. The condition shall specify that the contribution must be made prior to commencement.
4. A contribution made under clause 2 shall be paid into a special fund to be used by the City for the purpose of providing public art within the locality or area of the subject site. Individual funds contributed may be accrued for more comprehensive or detailed public art projects in the locality or area as outlined in a plan adopted by the Council. Funds contributed may be used to meet any costs reasonably associated with the production, installation and documentation/identification of a public art work.
5. Council, in consultation with the applicant, may decide to use part or all of a contribution required under clause 2 to meet the cost of works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance ('heritage works') instead of or in addition to the provision of public art in cases where it is satisfied that all of the following criteria are met:
  - (a) the heritage works involves a public building or place owned by or vested in the City of Fremantle; and
  - (b) the building or place is included on the Heritage List under clause 7.1 of the Scheme; and
  - (c) the building or place is located in close proximity to the site of the proposed development that generates the contribution; and
  - (d) the heritage works funded by the contribution create a direct improvement in the appearance and condition of the building or place in terms of its presentation to the public realm.
6. The Council may waive the requirement for the public art/heritage work(s) contribution in cases where a development incorporates public art work(s) to the same value as specified in clause 2 and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site, subject to being satisfied in relation to all of the following:
  - (a) The details of the proposed public art work shall be set out as part of the application for Planning Approval. Prior to determining the application, Council shall seek relevant professional advice with regard to the appropriateness and artistic merit of the proposed public art work.
  - (b) Where the public art/heritage work is to be located on private land, the public art work and/or heritage works shall be maintained by the owner(s) of the land to the satisfaction of the Council.
  - (c) Where the public art/heritage work is to be located within a crown reserve, the owner(s) of the subject development is required to enter into a legal agreement with the City undertaking to maintain the public art/heritage work to a standard specified by the City and, if required, to temporarily remove the public art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works.

## APPENDIX 1 - CONTRIBUTION AREAS







**SECONDED: Cr T Grey-Smith**

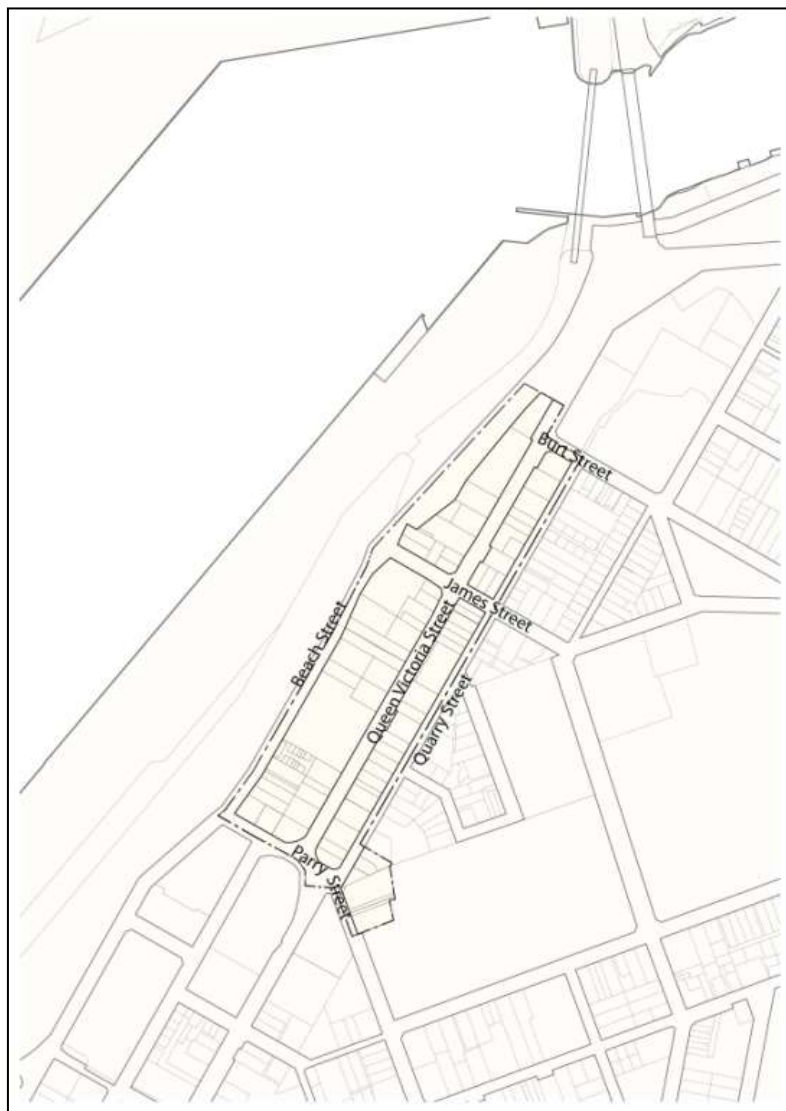
**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number PSC1211-186 was **MOVED** and carried en bloc earlier in the meeting.

**PSC1211-186 LOCAL PLANNING POLICY - PRECINCT 3 - ADOPTION FOR FINAL APPROVAL**

**DataWorks Reference:** 117/010, 117/056  
**Disclosure of Interest:** Nil  
**Meeting Date:** Planning Services Committee 21 November 2012  
**Responsible Officer:** Manager Planning Projects  
**Actioning Officer:** Urban Designer and Senior Planner  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1209-154 Draft local planning policy – Precinct 3 – Adopt for public advertising  
**Attachment 1:** Schedule of submissions  
**Attachment 2:** Local planning policy D.G.F21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area



*Precinct 3 application area*

## **EXECUTIVE SUMMARY**

**On 26 September 2012 Council resolved to advertise draft local planning policy – Precinct 3, for public comment. Precinct 3 correlates to Sub area 1 of the Fremantle Local Planning Area under Local Planning Scheme No. 4. This Sub area was created upon the gazettal of Amendment 38 – East End to LPS4 in July 2011. The draft local planning policy provides specific land use and development provisions to apply to new development within the Precinct 3 boundary; complementing the LPS4 provision relating to Sub area 1.**

**Community consultation was undertaken in accordance with Local Planning Scheme No. 4 requirements and at the end of the consultation period, being 2 November 2012, two submissions had been received by the City of Fremantle.**

**No modifications to the draft policy are recommended as a result of public comment however Officers recommend that some minor adjustments are made to ensure the consistent and correct application of the policy.**

**It is recommended that Council adopt the draft local planning policy with minor modifications. Furthermore it is recommended that local planning policy DGF21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area (DGF21), be revoked as the planning matters dealt with by DGF21 are now adequately covered by LPS4, associated local planning policies (including Precinct 3 local planning policy) and the Residential Design Codes.**

## **BACKGROUND**

### Amendment 38 to Local Planning Scheme No. 4

Amendment 38 to LPS4 was gazetted on 1 July 2011. The Amendment created Sub area 1 of the Fremantle Local Planning Area (Fremantle LPA), referred to generally as the 'East End', and introduced specific land use and development requirements for the Sub area. The policy area for the proposed draft local planning policy correlates to the boundaries of Sub area 1 of the Fremantle LPA.

### Activity Centre Structure Plan

On 27 June 2012 Council considered a report that outlined a preliminary scoping and draft study area for the Fremantle Activity Centre Structure Plan. Of particular relevance is Part 2 of the Council resolution which supported the identification of the precinct boundaries within the study area as preliminary working precinct boundaries for the preparation of local planning policies for the Amendment 49 strategic sites and 'East End' precinct (Precinct 3). The intention is to prepare local planning policies for each of the precincts within the study area, with the future local planning policies generally following the format of the currently proposed draft local planning policy. The draft local planning policy for Precinct 5 was also advertised during October and is listed on this agenda with a recommendation for final adoption.

## STATUTORY AND POLICY ASSESSMENT

Part 2 of LPS4 allows the Council to adopt local planning policies in respect of any matter related to the planning and development of the Scheme area. The proposed policy was prepared and has been advertised under these provisions.

## CONSULTATION

Community consultation was undertaken in accordance with clause 2.4 of LPS4 from 2 October 2012 to 7 November 2012 – a period of 32 days. At the end of this consultation period, two submissions had been received. The issues raised by the submitters are detailed and addressed below, however full transcripts of the submissions are also provided in Attachment 1 – Schedule of Submissions.

	Submission (summarised)	Officer comment
1	- Supportive of the policy however hopes that <i>'any decisions on height are taken with great care'</i> .	Submission noted. No modifications to the policy are recommended.
2	Fremantle Ports: - Recommends an assessment of any potential implications on the Buffer Policy, due to increased densities and associated population increases. - Submitter emphasises that the provisions of the Buffer Policy need to be applied. - Submitter suggests the City <i>'undertake an assessment of the impact of increased populations associated with the overall future development scenario on Societal Risk levels in order to ensure that individual high density developments will not be compromised at the time that development applications are submitted.'</i>	Amendment 38 to LPS4 (gazetted 1 July 2011) increased the permitted residential densities for the Precinct from R60 to R-AC3. Fremantle Ports were consulted at various stages of the Amendment process and were broadly supportive of the redevelopment project. The draft Precinct 3 policy does not increase the residential density of the area from that gazetted as part of Amendment 38.  The specific development requirements relating to development within proximity to the Fremantle Port, contained in LPS4 and local planning policy LPP2.3 Fremantle Port Buffer Area Development Guidelines, will continue to apply upon the adoption of the Precinct 3 policy.  As noted by the submitter, development proposals of more than 50 dwellings are required to undertake a formal risk assessment under the existing provisions of LPP2.3. The onus is on the applicant to ensure that the design of the proposal meets the requirements of LPP2.3 as well as those design requirements of the Precinct 3 policy. The suggestion for the City to undertake an assessment of the impact of increased populations associated with the overall future development on Societal Risk levels is noted, however is not considered necessary for the scope of the Precinct 3 policy.  Overall the submission is noted, with no modifications to the policy recommended.



Overall no modifications to the Precinct 3 local planning policy are recommended in response to the issues raised by the submitters.

## **COMMENT**

Two discussion points are covered within this section:

1. Officer recommended minor modifications; and
2. Revoking of current local planning policy.

### **1. Officer recommended minor modifications**

*Refer to other local planning policies with an appendix to the Precinct 3 policy rather than listing the other local planning policies in the Precinct 3 policy text*

The advertised draft Precinct 3 local planning policy refers to other local planning policies that would likely be applicable to development within the precinct. As this list of policies may change over time with the adoption or revocation of local planning policies, it is recommended that these local planning policies instead be listed as an appendix to the Precinct 3 policy. The appendix could then be updated by City staff when any new relevant local planning policies are adopted without requiring a formal revision of the entire Precinct 3 policy.

*Modify the reference to the principles of good design and Design Advisory Committee*

Amendment 49 was adopted by Council on 24 March 2012 and is currently awaiting approval from the Minister for Planning, as mentioned previously. Amendment 49 proposes a new clause 11.8.6.3 for LPS4 that details the design quality principles that the Design Advisory Committee are to have due regard to in providing their advice to Council. The advertised Precinct 3 policy refers specifically to clause 11.8.6.3 in Part 1 – About this document, and Part 7 – Discretionary additional building height. Rather than referring specifically to this clause, it is recommended that the reference be more general in nature to accommodate for any future changes to the clause numbering of LPS4 and/or the location of the design principles within the planning framework.

The proposed changes to the references are shown as follows:

Part 1 – About this document - draft wording as advertised:
<i>'Additionally and of particular importance are the design principles contained under clause 11.8.6.3 of the Local Planning Scheme – principles that will be used by the Design Advisory Committee to assist it in determining the design quality of development.'</i>
Part 1 – About this document – proposed wording:
<i>'Additionally and of particular importance are the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development.'</i>
Part 7 – Discretionary additional building height – draft wording as advertised:
<i>'The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the principles of good design listed under clause 11.8.6.3 of the Local Planning Scheme, and including, but not limited to ...'</i>

Part 7 – Discretionary additional building height – proposed wording:

*'The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development, and including, but not limited to ...'*

### *Cropping, enlarging and relabelling of Figures in policy*

Some of the figures in the policy have been cropped and enlarged to be easier to read. The content and purpose of the figures remains unchanged from the advertised version of the Precinct 3 local planning policy.

### *Minor typographical corrections*

Officers have identified and corrected a few minor typographical and/or grammatical errors in the advertised Precinct 3 local planning policy. None of these corrections alter the intent of the policy provisions.

## **2. Revoking of current local planning policy**

### *D.G.F21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area*

The area for the Precinct 3 local planning policy is currently subject to the provisions of local planning policy DGF21, adopted in 1980 and last amended in March 2000. DGF21 covers land use and development requirements that, if the draft Precinct 3 local planning policy is adopted, will be duplicated and in some cases inconsistent with the Precinct 3 policy and LPS4. In the interests of orderly and proper planning, particularly to have a simplified and consistent planning framework, Officers recommend that Council revoke DGF21 upon the final adoption of the proposed draft Precinct 3 local planning policy.

The contents of DGF21 and equivalent LPS4 and/or policy provisions are summarised as follows:

<b>DGF21 content</b>	<b>Equivalent LPS4 and/or policy provision</b>
Objectives	LPS4 objectives of the Mixed Use and Residential zones. Objectives of proposed Precinct 3 LPP.
1. Policy Area and Scope – Areas A, B and C	Areas A and B within proposed Precinct 3 policy area. Area C is outside the proposed Precinct 3 policy area and is zoned a mix of Residential and Mixed Use.
2. Land use requirements	LPS4 land use and zoning table and specific land use requirements of Sub area 1 of Fremantle LPA (Areas A and B)
3. Built form requirements: Building height Plot ratio and site coverage Building setbacks Form and streetscape articulation	LPS4 development requirements for Fremantle LPA, including Sub area 1. R-Codes open space and setback requirements for residential development. Proposed Precinct 3 and Residential Streetscapes policies for additional design matters.
4. Additional requirements: Overshadowing, passive solar orientation and energy efficiency, pedestrian access, protection of views and vistas.	R-Codes for residential development overshadowing. LPS4, proposed Precinct 3 and current policy requirements for energy efficient design, pedestrian access and protection of views and vistas.

5. Car parking	LPS4, including specific requirements for Sub area 1 of Fremantle LPA, and R-Codes for residential development. Location of parking addressed in proposed Precinct 3 LPP and R-Codes.
6. Conservation of Places of Cultural Heritage Significance	LPS4 heritage list and heritage assessments prepared under LPP1.6 for proposals on heritage listed property.
7. Other matters	LPS4, R-Codes and local planning policies.

## **CONCLUSION**

The Precinct 3 local planning policy provides detailed design and development provisions to guide new development within Precinct 3. The policy seeks to ensure that new development contributes positively to the public domain, particularly in terms of creating a pedestrian orientated and vibrant environment. Importantly the policy also seeks to ensure that new development responds appropriately to its setting whilst allowing and encouraging innovation and creativity in the architectural design of the new development.

The policy was advertised for public comment in accordance with the Local Planning Scheme No. 4 and no modifications are recommended to be made to the policy due to the nature of the public submissions. However Officers recommend minor modifications to improve the overall clarity and functionality of the policy in the context of the broader planning framework.

Furthermore it is recommended that the current local planning policy *D.F.G21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area*, be revoked as the content of this policy is now adequately dealt with by the Local Planning Scheme, associated policies (including Precinct 3 policy) and the Residential Design Codes.

## **OFFICER'S AND COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr A Sullivan**

### **That Council:**

- 1. Note the submissions received and as addressed in the Officer report.**
- 2. Adopt Precinct 3 Local Planning Policy, with modifications, as shown below, in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4:**



# CITY OF FREMANTLE

## LOCAL PLANNING POLICY

### PRECINCT 3

**ADOPTION DATE:** to be inserted  
**AUTHORITY:** LOCAL PLANNING SCHEME NO.4



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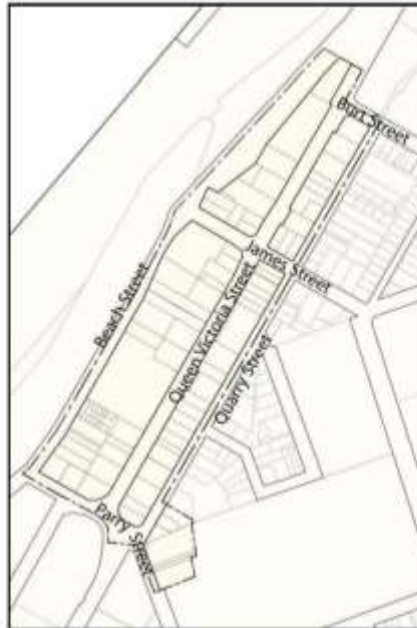
Precinct 3 Local Planning Policy

## 1. ABOUT THIS DOCUMENT

The purpose of this policy is to detail design provisions to complement the land use and development requirements prescribed in Local Planning Scheme No. 4 for Precinct 3. Precinct 3 is situated in the north eastern part of the broader Fremantle Centre area, as represented by Figure 1. Figure 2 defines the boundary of the precinct and the provisions of this policy apply to all proposed land use and development within that boundary.



*Figure 1  
Precinct 3 – location of precinct within  
broader Fremantle Centre context*



*Figure 2:  
Precinct 3 boundary*

The provisions of this policy are to be read and applied in conjunction with the relevant provisions of the Local Planning Scheme, Residential Design Codes and local planning policies. Specifically, Schedule 12 of Local Planning Scheme No. 4 details provisions relevant to Precinct 3, under clause 2.3.1 - Sub area 1 of Fremantle Local Planning Area.

Refer to the Local Planning Scheme for specific land use and development requirements relating to:

- Land use;
- Permitted building height and the setting back of buildings;
- Additional discretionary building height;
- On-site vehicle parking; and
- Diversity of residential dwellings.

In addition to this specific local planning policy, there are other local planning policies that will likely be applicable to new development and land use within the precinct. Refer to Appendix 1 of this policy for a list of these.



## Precinct 3 Local Planning Policy

Additionally and of particular importance are the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development.

The intent of this policy is to detail provisions that address principles of urban design as much as architectural design. Proposed development will be assessed on its contribution to the streetscape as well as its individual architectural merit. Good design goes beyond style and individual taste and this policy aims to assess buildings on their functionality and efficiency, as well as their aesthetics.

As the provisions of this policy are largely non-prescriptive, the City encourages applicants to utilise experts from a variety of fields to ensure that in-depth analysis and innovative solutions are developed in response to the design complexities intrinsic to the area. For these same reasons the City encourages early and ongoing engagement with the City's Design Advisory Committee.

It is also important to consider and to demonstrate how the standard of design quality will be maintained and delivered throughout all phases of the development.

## 2. PRECINCT VISION

The precinct will be rejuvenated as a vibrant, attractive and sustainable high density residential neighbourhood within walkable distance of the Fremantle city centre. The predominantly residential precinct will be supported by a hub of local commercial and community services that complements but does not compete with the city centre's commercial focus.

The precinct:

- Will provide a distinctive and highly visible statement as the northern gateway to the city centre. New buildings will have contemporary and innovative architecture that is strongly influenced by their setting and embody a high standard of environmentally sustainable design. Heritage buildings, particularly in the south west quadrant of the precinct, will be retained, re-used and integrated with new infill development.
- Reinforces the significance of the proximity to the river, port and Cantonment Hill to the precinct's sense of place through key views, linkages and the character of new buildings.
- Will focus on Queen Victoria St as a distinctive boulevard entry to Fremantle and with a lively street space of active ground level frontages providing a mixture of service, sales and hospitality with high density residential accommodation above and behind.
- Will have convenient, safe and attractive pedestrian and cyclist links that connect to the city centre and its public transport node, and to nearby parks, waterfront public open spaces, education, recreation and community facilities.
- Aims to accommodate 2500 new residents over the next 20 years in a diverse range of housing opportunities for those who enjoy a city centre location with a neighbourhood feel.

Precinct 3 Local Planning Policy

### 3. PRECINCT CHARACTER

#### *Historical overview*

The precinct was established as a residential area and has undergone several distinct periods of development to become a mixed use area broadly characterised by car showrooms and yards, commercial developments with some residential use.

#### **Period One 1830s-1880s:**

In the Early Victorian era the area was an entrance to Fremantle and contained a number of substantial freestanding houses in large gardens. This early character was influenced by the precinct edging the river.



*View of Precinct from Cantonment Hill circa 1939*

#### **Period Two 1890s-1950s:**

In the history of Fremantle, Period Two was the time of the most intense development activity and in many ways the developments that took place during this period established the city's distinctive characteristics. The reclamation of the river to provide land first for the railway and then for the harbour caused the precinct to be separated from the river and, perhaps more significantly, the development of the railway and harbour initiated changes particularly to the western side of the precinct. These changes resulted in the western face of the precinct evolving to acquire a more robust industrial character consistent with its port-related purpose, characterised by the warehouses that edged Beach Street.



*Queen Victoria Street circa 1974*



*Queen Victoria Street 2012*

Precinct 3 Local Planning Policy

**Period Three 1960s-the present day:**

The final stage of major development coincided with the advent of containerisation. The resulting profound change to shipping and associated industries completely changed the earlier interdependence between the precinct and the harbour. Development within the precinct that dates from this period is described as low grade, non-contributory.

**Existing character**

The precinct contains three broadly distinguishable areas of differing character, as shown in Figure 3.

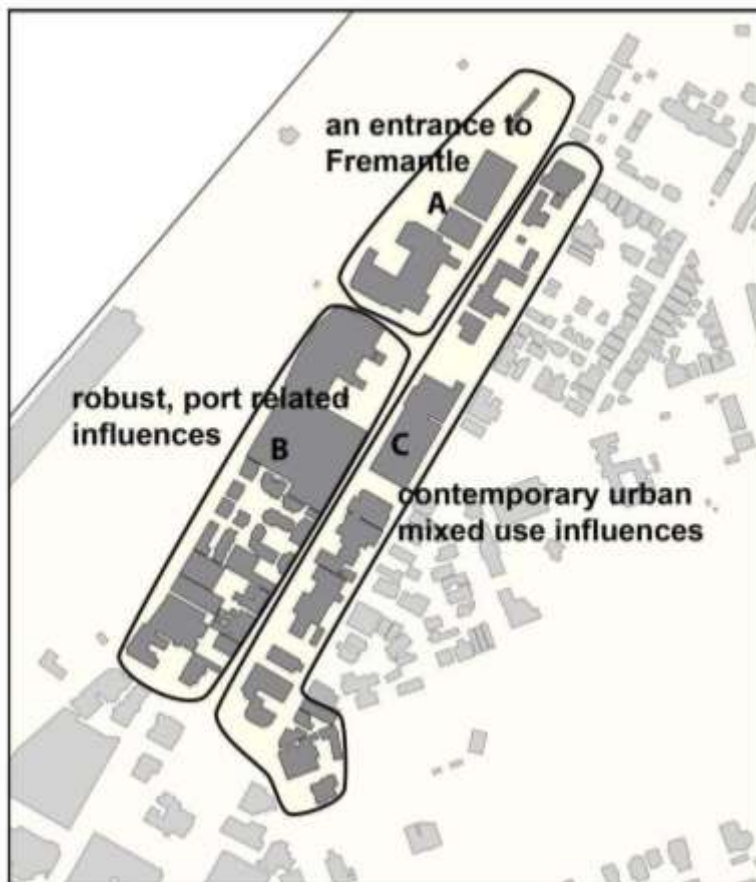


Figure 3: Character areas

The quality of the buildings and their contribution to the precinct character varies greatly. Almost all buildings that make a positive contribution to the area in which they stand are associated with Period Two and stand in Area B. The precinct has undergone several distinct periods of development where generally the earlier development has been supplanted by the later and so to a degree the townscape qualities of the precinct are set by the pervasive low quality development from Period Three.



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**Precinct 3 Local Planning Policy**

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**Area A**

Area A exhibits no strong unifying character. Rather the area is comprised of buildings of a variety of architectural styles associated with Period Three. The buildings are generally of low architectural quality and thus make a limited contribution to producing a legible streetscape or a coherent area overall.



*Area A Queen Victoria Street and Beach Street intersection*

**Area B**

Area B exhibits no strong unifying character. Rather the area is comprised of a mix of buildings of differing scales, massing and architectural styles and while the buildings are generally of medium to high quality, they do not combine to form strongly legible streetscapes or a coherent area overall. A unifying robust, industrial character does however derive generally from the buildings' port-related uses. This character is expressed most prominently in the former Dalgety's Woolstores building.



*Area B Queen Victoria Street*



*Area B Beach Street*

Precinct 3 Local Planning Policy



*Area B Beach Street frontage*

Collectively the buildings facing Beach Street made an impact that defined the urban edge where the city met the port.

**Area C**

Area C exhibits no strong unifying character. Rather the area is comprised of buildings of a variety of architectural styles associated with Periods Two and Three. The buildings from Period Three dominate the area and are generally of low architectural quality and make only a limited contribution to producing a legible streetscape or a coherent area overall.



*Area C Queen Victoria Street*



*Area C Quarry Street*

Area C seems to have undergone a less pronounced change than Area B in terms of urban grain, scale and character during Period Two and, as a result, a distinct difference in character has developed between the streetscape qualities of each. The distinct difference in character between the two areas is expressed through their contrasts.

The Area C has:

- A lower scale
- A finer urban grain
- A live edge
- A degree more retail and commercial use
- Brick is less prominent.

#### **4. DESIRED CHARACTER**

The following section details the desired character for the three areas identified in Figure 3 above.

Applicants are required to submit a design statement that explains how the proposed development has appropriately responded to the desired character statements relevant to the development's location. The response to the desired character is particularly important regarding the proposed development's relationship to the streetscape or public space. Conversely, a more flexible approach may be taken to the development's response to the desired character to portions of the building that are mid block and are not directly adjoining the streetscape or public space.

##### **Area A – An entrance to Fremantle**

New development should convey an overall contemporary design and style with high quality finishes and construction built for longevity; reflecting a high density residential neighbourhood that values progressive environmental sustainability and a vibrant cultural and artistic community.

New development within this area should also be strongly influenced by the natural features of the area and its environs, such as the river, the escarpment and Cantonment Hill, to help to appropriately identify the area as an entrance to Fremantle.

New development in Beach Street should be built on the building line to accentuate the edge of the street and the former river shoreline: it should reinforce the distinct urban wall that is a characteristic of Beach Street fronting the port.

New development should respond to the massing of existing buildings along the west side of Precinct 3 and Precinct 5 to enhance the existing distinctive skyline of the city's harbour-side edge in ways that reinforce local distinctiveness to create an identifiable sense of place.

##### **Area B –Robust, port-related influences**

New development will consist of new infill buildings and the reuse of existing buildings. New development should be sympathetic to the area's retained heritage buildings and places.

New development in Beach Street should be built on the building line to accentuate the edge of the street and the former river shoreline: it should reinforce the distinct urban wall that is a characteristic of Beach Street fronting the port.

New development should respond to the massing of existing buildings along the west side of Precincts 3 and 5 to enhance the existing distinctive skyline of the city's harbour-side edge in ways that reinforce local distinctiveness to create an identifiable sense of place.

New development should respond positively to opportunities to create a distinct difference in character between areas B and C. New development in area B should generally reflect the

Precinct 3 Local Planning Policy

area's robust, industrial character which derives from the existing buildings' original port-related uses including:

- Functional and working purpose, rather than being over-refined or decorative
- Strong definition of light and shadow on highly articulated facades
- The predominant use of face brickwork.

**Area C – Contemporary urban mixed use influences**

In Area C opportunities exist to generate new compositions and points of interest for a transition to a new character that establishes a 'sense of place' appropriate for a major residential precinct within a modern port city. A wide range of architectural solutions is therefore possible.

The interdependence between areas B and C could be acknowledged through shared built characteristics. However new development should respond positively to opportunities to create a distinct difference in character between areas B and C. New development in area C should generally present:

- A lower scale and finer urban grain in reference to small lot sizes and frontage widths. Development on amalgamated lots should retain the finer grain of original sub-divisions.
- A fineness of detail appropriate to their urban setting away from the edge of the port.
- Facades where brick is less prominent than in Area B.
- Strong definition of light and shadow on highly articulated facades



## 5. PUBLIC REALM

Figure 4: Public Realm demonstrates the hierarchy of pedestrian access routes within the precinct – Primary Street, Secondary Street and Major Off-Street Routes. Policy provisions are detailed below that apply to new development located adjacent to the relevant pedestrian access route as shown in Figure 4.

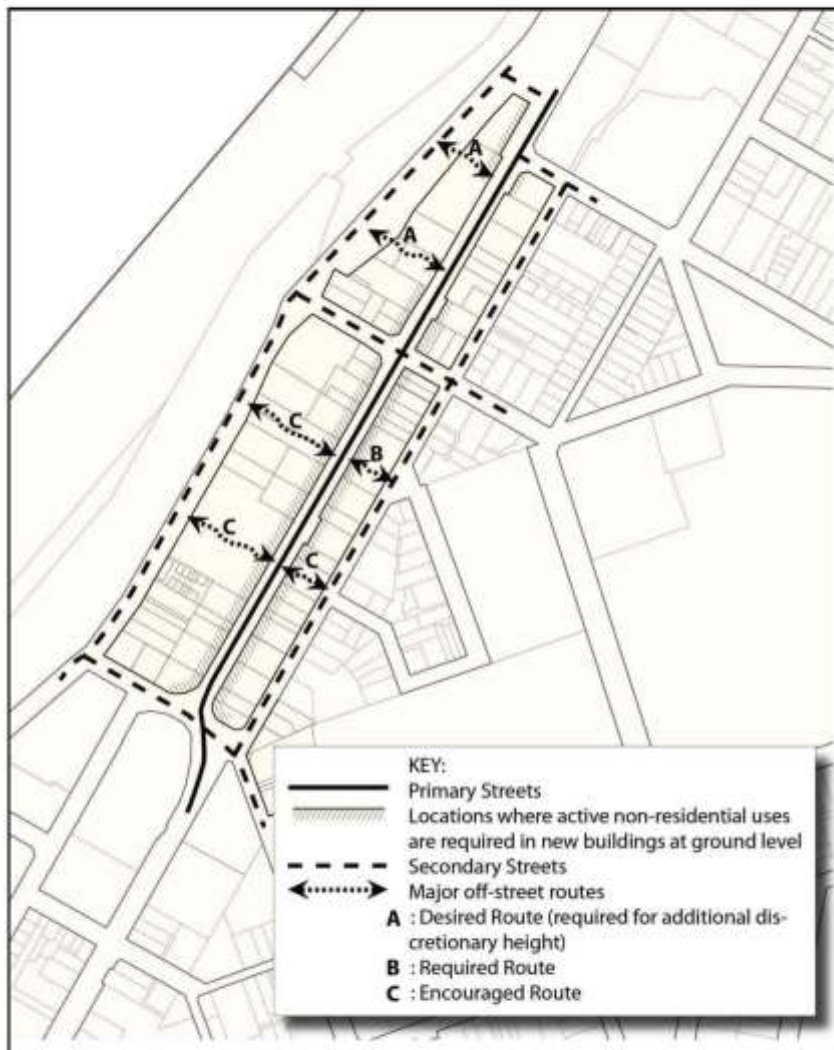


Figure 4: Public realm

The overall objective of this element is to ensure that new development throughout the precinct provides an appropriate ground level frontage for its location. In particular, street frontages in Queen Victoria St should be activated through design and by location of appropriate uses to create a vibrant, diverse, interactive and safe urban environment. Unless specific discretionary criteria are stated in the provisions below, Council may, at its discretion, vary any of the provisions where it is satisfied the development meets the overall objective of this element.

Precinct 3 Local Planning Policy

## 5.1 Primary street – Queen Victoria St

New development located on primary streets shall address the following provisions:

- 5.1.1 Lower levels of the development should be designed to reinforce the significance of the primary streets with an appropriate scale and high standard of details, materials and finishes and shall incorporate design measures to contribute to an interesting, safe and diverse public realm. The ground floor facade should provide variation and interest at a human scale along its length
- 5.1.2 No vehicle access, blank walls and/or service areas should be located on primary street frontages if alternative locations are available. If vehicle access is necessary from the primary street, vehicle entrance points and services areas are to be integrated into the overall building design and shall be designed to minimise their impact on the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible.
- 5.1.3 On-site vehicle parking is not permitted at ground level adjacent to a primary street.
- 5.1.4 Where non-residential uses are required at the ground level frontage to a primary street at the locations as shown in Figure 4 the development should:
- Be encouraged to incorporate a mix of active land uses at ground level that extend the hours of activity in the adjacent public domain beyond traditional retail hours.
  - Be predominantly glazed or open to the street at ground level and with major pedestrian entrances direct from and level with the street.
  - Accommodate multiple ground level commercial tenancies in long frontages which shall all obtain their main public pedestrian entry directly from and level with the primary street. Wide building frontages with a single use or tenancy should be limited.
  - Any area where the building is setback from the front lot boundary shall be designed and treated as part of the adjacent pedestrian domain.
  - Minimise side setbacks and other gaps in the street frontage to provide a frontage along the street that is as continuous as possible.
  - Provide weather protection along footpaths for pedestrians, either in the form of awnings or first floor balconies, and satisfy all of the following:
    - a) Shelter to be continuous along all primary street frontages;
    - b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;
    - c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);
    - d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and

Precinct 3 Local Planning Policy

- e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.

Council may, at its discretion, vary any of the above requirements where:

- i) The installation of weather protection would be incompatible with the heritage significance of the existing building; or
- ii) Necessary to ensure appropriate clearances from street infrastructure or trees; or
- iii) The installation of weather protection would present significant practical difficulties in terms of vehicle accessibility and there is no satisfactory alternative design solution available.

**5.1.5** Where residential uses are located at the ground level frontage to a primary street the development should:

- Incorporate design measures in the façade to contribute to an interesting public realm; blank walls should be minimised to no more than 3m in width.
- Locate private open space(s) and major openings to provide passive surveillance and interaction with the adjacent public realm.
- Achieve a clear distinction between the private place and public space, primarily through a difference in floor level of up to 600mm from the street.
- Accommodate multiple ground level pedestrian entries directly from the street.

## **5.2 Secondary streets**

New development located on secondary streets shall address the following provisions:

- 5.2.1** Ground level frontages to secondary streets may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm. Blank walls to secondary street frontages should be minimised to no more than 3m in width.
- 5.2.2** Retail and commercial floorspace shall provide major pedestrian entries directly from and level with from the street.
- 5.2.3** Vehicle entrance points and services areas are to be integrated into the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible.
- 5.2.4** On-site vehicle parking at ground level adjacent to a secondary street should be screened and incorporate design measures to contribute to an interesting and safe public realm.
- 5.2.5** Where residential uses are located at ground level, the design should achieve a clear distinction between the private place and public space, whilst still allowing for passive surveillance and interaction with the street.

Precinct 3 Local Planning Policy

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**Major off-street pedestrian routes**

- 5.3.1 Provision of the major off-street routes that are accessible by the public at the general locations as shown in Figure 4 is strongly encouraged in new development. Provision of the route adjacent to Shuffrey St (shown as B in Figure 4) is required in any new development at that location. Refer to section 7 of this policy for specific requirements where the provision of off-street pedestrian links is a criteria for seeking discretionary additional building height (at locations A in Figure 4).
- 5.3.2 The exact course and location of these major off-street routes don't necessarily need to align between street blocks but connections between them should be clearly legible.
- 5.3.3 Major off-street routes are to be designed to be safe for users in accordance with Crime Prevention through Environmental Design (CPTED) principles.
- 5.3.4 Universal access is required for the whole length of the off-street routes from street to street.
- 5.3.5 Additional pedestrian connections shall be provided from the major off-street route to any on-site public or communal space.
- 5.3.6 Ground level frontages to major off-street routes may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm. Upper level balconies over the major off-street route are encouraged.



## 6. BUILT FORM AND LEGIBILITY

Figure 5: Views and landmarks displays the major views, major landmarks and desired views and glimpses within the precinct. In addition to responding to the desired character for the precinct, the overall objective of this element is to ensure that the built form of new development provides comfortable enclosure to streets and other public spaces, reinforces important views, and provides activation and safety in public spaces through the relationship between the building and the adjacent public space. Unless specific discretionary criteria are stated in the provisions below, Council may, at its discretion, vary any of the provisions where it is satisfied the development contributes to the overall objective of this element.

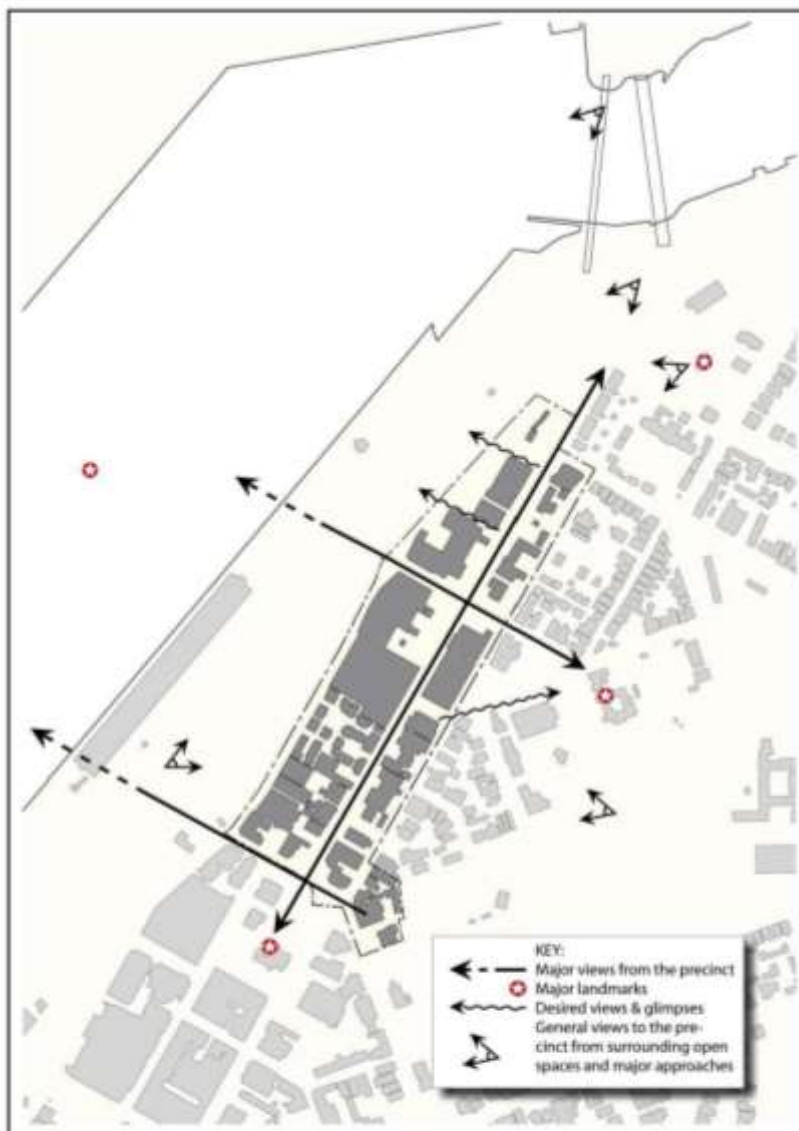


Figure 5: Views and landmarks

Precinct 3 Local Planning Policy



*Precinct view from Cantonment Hill*



*View from Queen Victoria Street / James Street intersection to Port*



*View from Queen Victoria Street / James Street intersection northwards*



*View from Queen Victoria Street / James Street intersection to Arts Centre*



*View from Queen Victoria Street / James Street intersection to Princess May Park*

Development shall address the following provisions:

- 6.1 The significance of Queen Victoria St as a major approach and gateway to the city centre and as the primary street in the precinct should be reinforced with continuous developed edges of consistent scale and massing that creates a strong sense of urban enclosure as well as framing and reinforcing the view towards Princess May Park and the city centre (refer Figure 5).

Precinct 3 Local Planning Policy

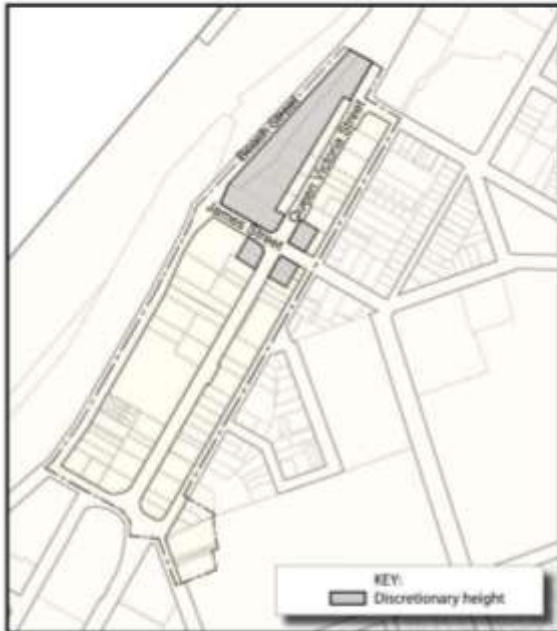
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- 6.2 Views and glimpses of Fremantle landmarks, particularly to the port and of port infrastructure, the Arts Centre and the former Army Barracks, are encouraged wherever possible at ground level along secondary streets and via off-street pedestrian links and other openings between buildings, and from upper levels of new buildings (refer Figure 5).
- 6.3 Passive surveillance of streets and other public spaces is to be provided by frequent upper floor windows, terraces and balconies overlooking the public space.
- 6.4 As redevelopment of the precinct is likely to be carried out over a number of years, consideration should be given to the appropriate treatment of all walls and parapets that will be visible or remain semi-permanently exposed.
- 6.5 Redevelopment of full street blocks and other large sites should ensure integration into their surroundings and maintain consistency of the precinct's development pattern and street level linkages. The horizontal expanse of long facades should address the desired character for its location through articulation and fenestration, architectural detailing and treatment of rooflines.
- 6.6 Consider the impact of new development in long views from approach routes by vehicle and rail, from Cantonment Hill, Victoria Quay and Fremantle Harbour, particularly with regard to the arrangement and bulk of taller buildings and to the design of roofs and screening of rooftop service elements. New development shall contribute positively to these views.

Precinct 3 Local Planning Policy

## 7. DISCRETIONARY ADDITIONAL BUILDING HEIGHT

Under the Local Planning Scheme provisions of Schedule 12 - Sub area 1 of Local Planning Area 2, additional building height to a maximum of 4 metres may be approved on select sites (refer Figure 6) at the Council's discretion subject to the development satisfying a number of criteria. This section of the policy provides additional guidance and requirements regarding what the development should provide in order for the Council to be satisfied that the discretionary criteria have been met.



*Figure 6: Sites where discretionary additional building height may be permitted*

The following documents are an indication of the type of supportive material that would be expected to be submitted as part of an application where discretionary additional building height is sought:

- Full streetscape studies at pedestrian level showing the impact of the additional height on the public realm and neighbouring sites or buildings;
- Site and precinct plans showing the impact of the additional height on existing view corridors and view sheds;
- Reports from independent consultant assessing the development's environmental performance; and
- If the development is to be staged, the applicant must demonstrate how each stage will make its own positive contribution to the precinct and the street.

The applicant must demonstrate how the proposed design standards will be maintained through all stages of the development to completion. A process to ensure this is achieved may be incorporated into planning conditions and/or a legally binding agreement with the Council.



Precinct 3 Local Planning Policy

The applicant must demonstrate how the proposed development satisfies the following criteria.

**7.1 Policy provisions to be satisfied to the very highest standards**

Discretionary additional building height will only be considered where all of the relevant provisions elsewhere in this policy have been satisfied to the very highest standards.

**7.2 Distinctive architecture and exceptional design quality**

The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development, and including, but not limited to:

- a) The overall development achieving an exceptionally high standard in terms of appearance;
- b) The development demonstrating a selection of high quality building materials, sustainable building measures and building longevity;
- c) The design addressing the relationship of taller components to lower levels (podium);
- d) The impact of the development on distant views;
- e) The additional height does not adversely impact on the ability of neighbouring sites and buildings to maximise their passive sustainable design potential;
- f) The visual permeability of the development with the streetscape;
- g) The roofscape aspect of the design; and
- h) All functional and servicing aspects of the development are exceptionally well resolved.

In particular, the architectural response of the development to the desired character of its setting (refer to section 4) and the way the development will contribute to (and raise the) architectural standard of development within the precinct will be of primary consideration for the Council.

**7.3 Best practice environmentally sustainable design**

The development shall demonstrate best practice in environmentally sustainable design (ESD).

**7.3.1** Best practice in ESD shall be demonstrated by achieving a minimum Green Star rating of 5 Stars (Australian excellence) using the Green Building Council Australia's current rating tools where an appropriate Green Star rating tool exists.

**7.3.2** Where a current Green Star rating tool is not available for the proposed type of development, an alternative method of demonstrating Australian excellence

Precinct 3 Local Planning Policy

in ESD may be used, at the discretion of Council, which addresses the following elements:

- a) Energy – encourage and recognise designs that substantially reduce the greenhouse gas emissions associated with the operational energy consumption; and
- b) Water – encourage reduction of potable water use through efficient design of building systems, rainwater collection and water re-use; and
- c) Indoor Environment Quality – encourage and recognise designs that ensure thermal comfort of occupants, maximise daylight while minimising heat glare, reduce noise pollution and require maintenance and cleaning of air handling systems; and
- d) Waste – encourage and recognise designs and construction methods that reduce the amount of natural resources used, reuse whatever materials can be re-used and recycle wherever possible.

Assessment of best practice in ESD for developments considering the above criteria can be demonstrated by applying the benchmarking standards incorporated within the Green Star Rating Tool and Technical Manual as applicable to a 5 Star Green Star rating relative to the appropriate building type. Where an appropriate Green Star rating tool does not currently exist, Green Star Office shall be used for commercial projects and Green Star Multi Unit Residential shall be used for mixed use projects for this purpose.

- 7.3.3 In addition to the above requirements it must also be demonstrated that an Accredited Green Star Professional has been appointed to the project design team.

7.4 High quality landscaped and publically accessible pedestrian environment

- 7.4.1 The off-street pedestrian links shown in Figure 4 must be provided, and in addition to the requirements in Section 5 must be:
- A minimum width of 5 metres
  - Open to public access to be determined by and be to the satisfaction of the City and set as a condition of planning approval.
  - To a high standard of landscape design incorporating planting, public seating and public art.
  - Safely designed to Crime Prevention through Environmental Design (CPTED) standards to be confirmed by a report by an accredited CPTED consultant.
- 7.4.2 The area of required street setback in Queen Victoria St and James St are to be transferred at no cost to the Council.
- 7.4.3 Address the provision of a high standard of on-site open space for residents and/or workers, including roof top landscape areas.

Precinct 3 Local Planning Policy

**APPENDIX 1**

Of the City's other local planning policies, the following policies in particular will likely be applicable to new development within the precinct:

- LPP1.6 Preparing Heritage Assessments;
- LPP2.3 Fremantle Port Buffer Area Development Guidelines;
- LPP2.13 Sustainable Buildings Design Requirements; and
- LPP2.19 Contributions to Public Arts and/or Heritage Areas.

Precinct 3 Local Planning Policy replaces local planning policy D.G.F21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area, which was revoked at Council's Ordinary Meeting on 28 November 2012.

- 3. Revoke the local planning policy, D.G.F21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area, and publish formal notice of the revocation as per clause 2.5.1 of Local Planning Scheme No. 4.**

**SECONDED: Cr J Strachan**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	



The following item number PSC1211-187 was **MOVED** and carried en bloc earlier in the meeting.

**PSC1211-187 LOCAL PLANNING POLICY - PRECINCT 5 - ADOPTION FOR FINAL APPROVAL**

**DataWorks Reference:** 117/010, 117/054  
**Disclosure of Interest:** Nil  
**Meeting Date:** Planning Services Committee 21 November 2012  
**Responsible Officer:** Manager Planning Projects  
**Actioning Officer:** Urban Designer and Senior Planner  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1209-144 Draft local planning policy – Precinct 5 Central – Adopt for public advertising  
**Attachment 1:** Schedule of submissions  
**Attachment 2:** Current local planning policies:  
*DGF1 High, Parry, Holdsworth and Queen Streets Local Area*  
*DGF11 Fremantle Gas and Coke Company site – 2-12 Cantonment Street & 6-10 Elder Place – Fremantle*  
*DGF17 Northern Woolstores – 38 Cantonment Street, Fremantle*  
*DGF20 Princess May Park – 1 Parry & 92 Adelaide Streets, Fremantle*  
*DGF23 King's Square – Bounded by Adelaide, Newman, Queen and William Streets, Fremantle*  
*DGF25 Henderson Street Market Stalls*  
*DE5 Queen Street Development Policy*

*Precinct 5 application area***EXECUTIVE SUMMARY**

On 26 September 2012 Council resolved to advertise draft local planning policy – Precinct 5 Central, for public comment. The draft local planning policy provides specific land use and development provisions to apply to new development within the Precinct 5 boundary. Within Precinct 5 are the 12 strategic sites subject to the recently adopted Amendment 49 to Local Planning Scheme No. (LPS4). The design provisions of the policy are to complement the Amendment 49 Scheme requirements and, in particular, the policy will elaborate on the discretionary criteria to the additional building height available on 5 of the strategic sites.

**Community consultation was undertaken in accordance with Local Planning Scheme No. 4 requirements and at the end of the consultation period, being 2 November 2012, four submissions had been received by the City of Fremantle.**

**No modifications to the draft policy are recommended as a result of public comment however Officers recommend that some minor adjustments are made to ensure the consistent and correct application of the policy.**

**It is recommended that Council adopt the draft local planning policy with minor modifications. Furthermore it is recommended that seven current local planning policies that apply within the Precinct 5 area be revoked as the planning matters dealt with by these policies are now adequately covered by LPS4, associated local planning policies (including Precinct 5 local planning policy) and the Residential Design Codes. However, as Amendment 49 to LPS4 is yet to be approved by the Minister for Planning, it is recommended that the publication of a notice in a local newspaper to advise of the final adoption of the policy and the revocation of the existing policies be deferred until after the gazettal of Amendment 49.**

## **BACKGROUND**

### Amendment 49 to Local Planning Scheme No. 4

Amendment 49 was adopted by Council on 24 March 2012 and is currently awaiting Ministerial approval. Amendment 49 proposes land use and development standards to 12 strategic sites within the central area of Fremantle and all of these sites are within the area covered by the draft Precinct 5 local planning policy.

Of particular relevance is that under Amendment 49, 5 of the 12 strategic sites are eligible for discretionary additional building height subject to the development meeting specific criteria. However the ability for Council to approval any development with discretionary additional building height is subject to the adoption of a local planning policy that elaborates on the discretionary criteria contained under the Amendment. The proposed Precinct 5 local planning policy contains a specific section dealing with the discretionary additional building height criteria of Amendment 49 and is therefore intended to satisfy this requirement.

### Activity Centre Structure Plan

On 27 June 2012 Council considered a report that outlined a preliminary scoping and draft study area for the Fremantle Activity Centre Structure Plan. Of particular relevance is Part 2 of the Council resolution which supported the identification of the precinct boundaries within the study area as preliminary working precinct boundaries for the preparation of local planning policies for the Amendment 49 strategic sites and 'East End' precinct (Precinct 3). The intention is to prepare local planning policies for each of the Precincts within the study area, with the future local planning policies generally following the format of the currently proposed draft local planning policy. The draft local planning policy for Precinct 3 was also advertised during October and is listed on this agenda with a recommendation for final adoption.

## STATUTORY AND POLICY ASSESSMENT

Part 2 of LPS4 allows the Council to adopt local planning policies in respect of any matter related to the planning and development of the Scheme area. The proposed policy was prepared and has been advertised under these provisions.

## CONSULTATION

Community consultation was undertaken in accordance with clause 2.4 of LPS4 from 2 October 2012 to 7 November 2012 – a period of 32 days. At the end of this consultation period, four submissions had been received. The issues raised by the submitters are detailed and addressed below, however full transcripts of the submissions are also provided in Attachment 1 – Schedule of Submissions.

	Submission (summarised)	Officer comment
1	<ul style="list-style-type: none"> <li>- Supportive of policy however hopes that <i>'any decisions on height are taken with great care'</i>.</li> <li>- Concerned that housing redevelopment should include soundproofing.</li> </ul>	<p>On 24 October 2012, Council resolved to advertise draft local planning policy, <i>LPP2.18 New residential developments in the City Centre zone – Noise from an existing source</i>. Draft LPP2.18 specifies noise attenuation requirements/design measures that will apply to all new residential development within the City Centre zone to ensure that such development is appropriately built and designed to cater for the generally increased noise levels associated with the City Centre. Furthermore, the policy proposes to require developers of residential development within the City Centre zone to appropriately notify future purchasers of residential property of the property's close proximity to potential noise generating uses.</p> <p>Submission noted. No modifications to the policy are recommended.</p>
2	<p>Fremantle Ports:</p> <ul style="list-style-type: none"> <li>- Emphasised that the built form requirements as specified in the City's Fremantle Port Buffer Development Guidelines should continue to apply within precinct 5.</li> </ul>	<p>The specific development requirements relating to development within proximity to the Fremantle Port, contained in LPS4 and local planning policy <i>LPP2.3 Fremantle Port Buffer Area Development Guidelines</i>, will continue to apply upon the adoption of the Precinct 5 policy.</p> <p>The submission is noted, with no modifications to the policy recommended.</p>
3	<p>Supportive of policy, increased density and reinvigoration of city in general.</p>	<p>The submission is noted, with no modifications to the policy recommended.</p>

4	<ul style="list-style-type: none"> <li>- Disagrees that Area C exhibits no strong unifying character. Submitter states that <i>'with the exception of the Church and heritage buildings, they are all without exception cheap, functional, drab and mediocre.'</i></li> <li>- Submitter considers one of the 'Desired Character' statements of the policy for Area C to be <i>'restrictive and narrow minded.'</i> Submitter considers that this area presents opportunity for <i>'amazing architecture ... truly artistic, jaw dropping buildings.'</i> The submitter urges Council to <i>'rise to the challenge instead of reverting to safe, more of the same type of vision.'</i> The submitter contends that the desired character for Area C has not been addressed properly and doesn't promote significant change.</li> </ul>	<p>The submitter's views on the existing character of Area C are noted.</p> <p>The Desired Character statements for Area C are intended to balance the opportunity for new, bold and innovative architecture with the desire for new development to incorporate some sense of Fremantle's identity. The wording of Desired Character section of the policy is considered to portray this balanced approach.</p> <p>Overall the submission is noted, with no modifications to the policy recommended.</p>
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Overall no modifications to the Precinct 5 local planning policy are recommended in response to the issues raised by the submitters.

## COMMENT

Three discussion points are covered within this section:

1. Officer recommended minor modifications;
2. Defer formal adoption of Precinct 5 local planning policy until the gazettal of Amendment 49; and
3. Revoking of current local planning policies.

### 1. Officer recommended minor modifications

*Change the policy title from 'Precinct 5 – Central' to 'Precinct 5'*

It is recommended that the title of the policy be modified from "Precinct 5 – Central" to "Precinct 5". The naming would then be consistent with the naming of the Precinct 3 local planning policy.

*Refer to other local planning policies with an appendix to the Precinct 5 policy rather than listing the other local planning policies in the Precinct 5 policy text*

The advertised draft Precinct 5 local planning policy refers to other local planning policies that would likely be applicable to development within the precinct. As this list of policies may change over time with the adoption or revocation of local planning policies, it is recommended that these local planning policies instead be listed as an appendix to the Precinct 5 policy. The appendix could then be updated by City staff when any new relevant local planning policies are adopted without requiring a formal revision of the entire Precinct 5 policy.

*Modify the reference to the principles of good design and Design Advisory Committee*

Amendment 49 was adopted by Council on 24 March 2012 and is currently awaiting approval from the Minister for Planning, as mentioned previously. Amendment 49 proposes a new clause 11.8.6.3 for LPS4 that details the design quality principles that the Design Advisory Committee are to have due regard to in providing their advice to Council. The advertised Precinct 5 policy refers specifically to clause 11.8.6.3 in Part 1 – About this document, and Part 7 – Discretionary additional building height. Rather than refer specifically to this clause, it is recommended that the reference be more general in nature to accommodate for any future changes to the clause numbering of LPS4 and/or the location of the design principles within the planning framework.

The proposed changes to the references are shown as follows:

Part 1 – About this document - draft wording as advertised:
<i>'Additionally and of particular importance are the design principles contained under clause 11.8.6.3 of the Local Planning Scheme – principles that will be used by the Design Advisory Committee to assist it in determining the design quality of development.'</i>
Part 1 – About this document – proposed wording:
<i>'Additionally and of particular importance are the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development.'</i>
Part 7 – Discretionary additional building height – draft wording as advertised:
<i>'The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the principles of good design listed under clause 11.8.6.3 of the Local Planning Scheme, and including, but not limited to ...'</i>
Part 7 – Discretionary additional building height – proposed wording:
<i>'The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development, and including, but not limited to ...'</i>

*Public access to major off-street routes*

As advertised, clause 5.3.1 of the Precinct 5 policy states *'Provision of the major off-street routes at the general locations as shown in Figure 4 is strongly encouraged in new development.'* The wording does not explicitly state that these routes should be public accessible and therefore it is recommended that the clause be modified to state:

*'Provision of the major off-street routes **that are accessible by the public** at the general locations as shown in Figure 4 is strongly encouraged in new development.'*  
(changes shown in bold)

This wording is consistent with the equivalent clause in the Precinct 3 local planning policy.

*Cropping, enlarging and relabelling of Figures in policy*

Some of the figures in the policy have been cropped and enlarged to be easier to read. The content of the figures remains unchanged from the advertised version of the Precinct 5 local planning policy.

### *Minor typographical corrections*

Officers have identified and corrected a few minor typographical and/or grammatical errors in the advertised Precinct 5 local planning policy. None of these corrections alter the intent of the policy provisions.

## **2. Defer formal adoption of Precinct 5 – Central local planning policy until gazettal of Amendment 49**

Amendment 49 is yet to be approved by the Minister for Planning, as mentioned above. As the Precinct 5 local planning policy refers specifically to development standards and sites under Amendment 49, it would be appropriate to delay the formal adoption of the policy until the Minister has granted approval for Amendment 49. A local planning policy doesn't come into effect until the publication of notice of Council's adoption of the policy in a local newspaper, and part 3 of the Officer recommendation suggests that the formal notice of publication of the adoption of the policy be delayed until Amendment 49 is approved.

## **3. Revoking of current local planning policies**

There are various local planning policies currently in effect within the Precinct 5 policy area (these policies are attached in their entirety to this report). These policies cover land use and development requirements that, if the draft Precinct 5 policy is adopted, will be duplicated and in some cases inconsistent with the Precinct 5 policy and LPS4. In the interests of orderly and proper planning, particularly to have a simplified and consistent planning framework, Officers recommend that Council revoke the following local planning policies upon the final adoption of the proposed draft Precinct 5 local planning policy and following gazettal of Amendment 49 to LPS4.

The contents of the current local planning policies, their adoption date, and equivalent LPS4 and/or policy provisions are summarised separately as follows:

DE5 Queen Street Development Policy – last amended May 2002	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objectives, land use permissibility, licensed premises, urban design and built form, residential development, car parking, heritage conservation.	LPS4 contains objectives for the City Centre zone, land use permissibility, building height and car parking standards and heritage conservation requirements. The R-Codes deal with residential development (R-AC3). The proposed Precinct 5 policy provides detailed urban design and built form requirements.

DGF1 High, Parry, Holdsworth and Queen Streets Local Area – last amended 19/04/1982	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objective, land use permissibility, building height, plot ratio and site coverage, built form, open space treatments, vehicle circulation and encouragement to reorganise lot boundaries.	LPS4 contains objectives for the City Centre zone, land use permissibility, building height and setback requirements. The proposed Precinct 5 policy provides detailed urban design and built form requirements to treat open spaces.
DGF11 Fremantle Gas and Coke Company site – 2-12 Cantonment Street & 6-10 Elder Place – Fremantle – last amended 20/02/1984	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objective, site description, urban design and built form, vehicle access and parking, public accessway, building height, plot ratio, architectural style.	LPS4 contains objectives for the City Centre zone, building height and setback requirements, access and parking. The proposed Precinct 5 policy provides detailed urban design, built form and architectural design provisions and nominates preferred off-street pedestrian access routes.
DGF17 Northern Woolstores – 38 Cantonment Street, Fremantle – last amended 21/06/1993	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objective, retention of existing woolstores, requirement for a development plan, building height, urban design and built form, preferred uses, parking, recycling of materials, above ground pedestrian link between Coles shopping centre and 1927 Woolstores would be considered.	LPS4 contains objectives for the City Centre zone, building height and setback requirements, access and parking. The heritage listing of the woolstores and requirements of LPS4 ensure that future development will be compatible with the heritage significance of the buildings. The proposed Precinct 5 policy (Area B) provides specific urban design, built form and architectural design provisions for these sites, as well as nominating preferred off-street pedestrian access routes.
DGF20 Princess May Park – 1 Parry & 92 Adelaide Streets, Fremantle – last amended 18/09/1990	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objective, reconstruction of St Joseph's convent buildings, development provisions for adjacent properties, park infrastructure, lighting and uses for park.	Development provisions for the adjacent properties are covered by LPS4, policy and/or R-Codes. There is a Conservation Plan for Princess May Park, adopted in 2002 and prepared by Griffiths Architects to guide development within the Park. The use of the Park is controlled by the City.



DGF23 King's Square – Bounded by Adelaide, Newman, Queen and William Streets, Fremantle – last amended 21/05/1990	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Objective, vehicle movements, activities and preferred locations, capital works, suggested stall trading.	This policy is no longer used by the relevant departments within the City as it has been superseded by other management documents. Most of the capital works detailed in the policy have been implemented since adoption of the policy. Future works within the Square will be guided by the recently adopted King's Square Urban Design Strategy.

DGF25 Henderson Street Market Stalls – last amended 22/12/1997	
Content:	Equivalent LPS4, policy and/or R-Codes provision:
Management and licensing policy for the use of stalls in Henderson Street Market.	This policy has been superseded by other management documents (Trading in Public Places local law) and is no longer used by the relevant departments within the City.

It is noted that part of the Precinct 5 policy area also falls within the West End Conservation Area as delineated in local planning policy DGF14 Fremantle West End Conservation Area Policy (DGF14). The boundaries for the West End Conservation Area are currently under consideration by the City's West End Working Group and therefore it is not recommended that DGF14 be amended at this stage, even though there will be an overlap of the policies should the Precinct 5 policy be adopted.

## CONCLUSION

The Precinct 5 local planning policy provides detailed design and development provisions to guide new development within Precinct 5. The policy seeks to ensure that new development contributes positively to the public domain, particularly in terms of creating a pedestrian orientated and vibrant environment. Importantly the policy also seeks to ensure that new development responds appropriately to its setting whilst allowing and encouraging innovation and creativity in the architectural design of the new development.

The policy was advertised for public comment in accordance with the Local Planning Scheme No. 4 and no modifications are recommended to be made to the policy due to the nature of the public submissions. However, Officers recommend minor modifications to improve the overall clarity and functionality of the policy in the context of the broader planning framework. The modified local planning policy is recommended for final adoption, however the final publication of notice of the policy is recommended to be deferred until after the gazettal of Amendment 49 to LPS4.

Furthermore it is recommended that seven current local planning policies that apply within the Precinct 5 area be revoked as the planning matters dealt with by these policies are now adequately covered by the Local Planning Scheme, associated policies (including Precinct 5 policy) and the Residential Design Codes. The formal revocation of these policies will also be deferred until after the gazettal of Amendment 49 to LPS4.

**OFFICER'S AND COMMITTEE RECOMMENDATION**

**MOVED: Cr A Sullivan**

**That Council:**

- 1. Note the submissions received as detailed in Attachment 1 and as addressed in the Officer report.**
- 2. Adopt Local Planning Policy – Precinct 5 Central, with modifications, as shown below, in accordance with clause 2.4.2(b) of the City of Fremantle Local Planning Scheme No. 4:**



# CITY OF FREMANTLE

## LOCAL PLANNING POLICY

### PRECINCT 5

**ADOPTION DATE:** to be inserted  
**AUTHORITY:** LOCAL PLANNING SCHEME NO. 4



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## Precinct 5 Local Planning Policy

### 1. ABOUT THIS DOCUMENT

The purpose of this policy is to detail design provisions to complement the land use and development requirements prescribed in the Local Planning Scheme No. 4 for Precinct 5. Precinct 5 is situated in the inner part of the broader Fremantle Centre area, as represented by Figure 1. Figure 2 defines the boundary of the precinct and the provisions of this policy apply to all proposed land use and development within that boundary.



*Figure 1:  
Precinct 5 – location of precinct within  
broader Fremantle Centre context*



*Figure 2:  
Precinct 5 boundary*

The provisions of this policy are to be read and applied in conjunction with the relevant provisions of the Local Planning Scheme, Residential Design Codes and local planning policies.

Refer to the Local Planning Scheme for specific land use and development requirements relating to:

- Land use;
- Permitted building height and the setting back of buildings;
- Additional discretionary building height;
- On-site vehicle parking; and
- Diversity of residential dwellings.

In addition to this specific local planning policy, there are other local planning policies that will likely be applicable to new development and land use within the precinct. Refer to Appendix 1 of this policy for a list of these.

## Precinct 5 Local Planning Policy

Additionally and of particular importance are the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development.

The intent of this policy is to detail provisions that address principles of urban design as much as architectural design. Proposed development will be assessed on its contribution to the streetscape as well as its individual architectural merit. Good design goes beyond style and individual taste and this policy aims to assess buildings on their functionality and efficiency, as well as their aesthetics.

As the provisions of this policy are largely non-prescriptive, the City encourages applicants to utilise experts from a variety of fields to ensure that in-depth analysis and innovative solutions are developed in response to the design complexities intrinsic to the area. For these same reasons the City encourages early and ongoing engagement with the City's Design Advisory Committee.

It is also important to consider and to demonstrate how the standard of design quality will be maintained and delivered throughout all phases of the development.

## 2. PRECINCT VISION

The precinct is the centre of the city's civic, retail, commercial and residential life which is clearly recognised through the intensity of activity and scale of development.

The precinct:

- Aims to attract new residents and high value business activity that would want to be associated with a neighbourhood of contemporary identity while still being part of the broader Fremantle sense of place and lifestyle.
- Incorporates Kings Square that is clearly recognised as the city's civic centre and a central commercial hub of a revitalised Fremantle.
- Combines key retail anchors and shopping streets together with a diverse mix of uses that generate activity throughout the week and into the evening.
- Has new buildings of contemporary and innovative architecture that provide a distinctive yet sympathetic balance to the precinct's retained and conserved heritage buildings and places.
- Has new buildings that reflect the community's commitment to progressive environmental sustainability and incorporate a high quality of design and materials that is appropriate for this central city location.
- Has a built form that provides a good balance between providing activated and comfortable public spaces with the provision of sufficient new floorspace to accommodate increased numbers of workers and residents at a density to support a sustainable future for the city.
- Accommodates the city's highest density of residents and businesses, with easy access to public transport via a network of convenient, safe and attractive pedestrian routes and spaces.

### 3. PRECINCT CHARACTER

The precinct contains three broadly distinguishable areas of differing character, as shown in Figure 3. The overlapping zones between the three areas represent zones of transition between the characteristics of the three areas.

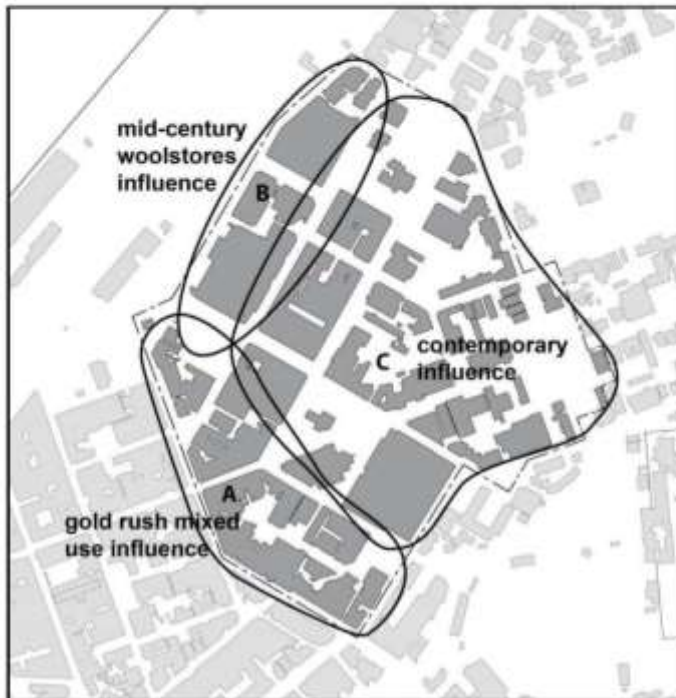


Figure 3: Character areas

The following sections provide an overview of the existing and historic character of these three areas.

#### Area A - Gold rush mixed use influence

Area A comprises of largely intact former mixed-use buildings with shops at ground floor with commercial or residential uses above constructed around the turn of the nineteenth century. Generally, the impact made by the buildings in Area A is greater than its parts and collectively they form a significant streetscape, which contributes to the significance of the sub-precinct.

These buildings were simply designed, usually rectangular in plan, with the front face abutting the rear edge of the footpaths that lined the streets. The height of the buildings ranged from between one to three storeys but is most commonly two storeys. The buildings sometimes have a basement.

The design of these buildings display a clear hierarchy of parts. Considerable attention was given to the design of a suitably imposing street frontage whereas the minor facades, although well built, were utilitarian in appearance.



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Precinct 5 Local Planning Policy

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All buildings are constructed at the rear edge of the footpath with zero front setback and will also usually have zero setbacks on their side boundaries.



The main facades of the buildings are almost invariably classical in style and display a fineness of detail appropriate to their urban setting. The main facades of these buildings are either symmetrical or designed as an asymmetrical composition containing symmetrical elements within it. The facades are either completely rendered with walls rendered to give the appearance of ashlar stonework and detailing or, more commonly, are composed of rendered detailing and unpainted tuck-pointed brick walls. The corrugated iron roofs are nearly always concealed behind a parapet which, depending on the design of the facade below, sometimes contained a pediment.

The underlying classical influence is evident in the composition consisting of a base, middle and top sections. The middle sections are modulated either simply by regularly placed windows set in walls, or more strongly, by vertical elements such as piers or pilasters. The verticality of the middle section is balanced by the horizontal projections such as cornices and string courses of the top.

The designs of the facades were underpinned to a degree by the geometry of the Palladian / Georgian early 19<sup>th</sup> century system of proportioning, which determined both the widths and heights of a window and the horizontal and vertical distances between windows.

The main facades of these buildings were usually of brickwork construction. Commonly the upper floors were of load-bearing brickwork supported at about first floor level by steel beams. This allowed the shop fronts at ground floor level to be contained in larger openings than would be the case if the walls were entirely of load bearing construction.

## Precinct 5 Local Planning Policy

The walls of the minor facades were, almost without exception, of load bearing face brick construction. Typically the window openings were about a metre wide containing timber framed double hung sash windows.

Ground floor shops have a ceiling height of around 4 metres. Original shopfronts provide views into the building to give interest to passers-by and make the building's function and retail offer apparent. Original shopfronts consist of an area of fixed glazing and a front door.

The shopfronts fill an area from around 300-600mm above footpath level to at least the soffit of the awning. Shopfronts continuing up past the verandahs to form highlight windows are characteristic. Typically the mullions and transoms of shop front are thin sections to maximise the amount of clear glazing. Areas above transoms are glazed.

All have verandahs or canopies that span the full depth of the footpath and are consistent in height.

### **Area B - Mid century woolstores influence**

Area B consists of former woolstores buildings constructed from the 1930s to the 1950s.

Fremantle was established as the port town for Perth and this purpose underpinned its distinct character and heritage. The woolstores buildings were constructed during a period when the processing, storage and distribution of export and import commodities took place within the near vicinity of the harbour. The architectural expression of their utilitarian purpose, particularly their massiveness, contributed to an urban character that differentiated Fremantle from other places in the metropolitan area.



Collectively the woolstores made an impact that defined the urban edge where the city met the port. The demolition of two of these woolstores is now seen to have diminished the



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**Precinct 5 Local Planning Policy**

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character of this area. It is also recognised that the buildings were designed to fulfill a singular purpose without consideration of other aspects considered to be attributes of good urban design

Classically influenced and utilitarian in design, rectangular in plan, single minded and bold in character. Were or gave the appearance of, load bearing red brick construction with quasi-structural expression in the façade. Rendered lintels and sills contrasted with brick walling. Large windows. Saw tooth trussed roof with glazed skylights above upper level wool classing area. Trusses oriented to achieve south lighting. Ground floors accommodated large loading bays.

Great depth to the façade with horizontal spandrels recessed behind plane of emphatic vertical brick piers terminating at the parapet. Some abutted the rear edge of the footpaths that lined the streets, others set back to accommodate roofed loading bays and platforms. The footpaths were not covered.

**Area C – Contemporary influence**

Area C exhibits no strong unifying character, except for the large mid 20<sup>th</sup> century developments such as the Myers Building and the Westgate Mall complex. Rather the area is comprised of buildings of a variety of architectural styles associated with different construction periods and different land uses. The buildings are generally of low architectural quality and thus make a limited contribution to legible streetscapes or to a coherent area overall.



Notwithstanding the lack of unifying character, there are a number of buildings and public spaces of cultural heritage significance within the precinct that contribute to the social and civic fabric of the area and city overall. Notable examples are Kings and Queens Squares, Princess May Reserve, the Basilica and Presbytery of St Patrick, Victoria Hall, and the terrace of late 19<sup>th</sup> century houses in Point Street.

#### **4. DESIRED CHARACTER**

The following section details the desired character for the three areas identified in Figure 3 above.

Applicants are required to submit a design statement that explains how the proposed development has appropriately responded to the desired character statements relevant to the development's location. The response to the desired character is particularly important regarding the proposed development's relationship to the streetscape or public space. Conversely, a more flexible approach may be taken to the development's response to the desired character to portions of the building that are mid block and are not directly adjoining the streetscape or public space.

New development located within the transition (overlapping) zones will need to demonstrate how it addresses the transition in character between areas.

##### **Area A – gold rush mixed use influence**

New development within this area should be strongly influenced by the existing character, streetscape surrounds and adjoining buildings. Whilst new development may convey an overall contemporary design and style, the new development should reflect the traditional proportioning, streetscape scale, materials and verandah treatments of the historic buildings, particularly the design characteristics associated with traditional ground floor retail and commercial land uses.

Precinct 5 Local Planning Policy

**Area B – mid century woolstores influence**

New development within this area should reflect the massing, streetscape scale and proportioning of the remnant 1927 and 1950s Elders Woolstores building, however may embody contemporary detailing, materials and finishes associated with the new uses of these large street blocks. The massing and scaling of new development should reinstate the distinct urban wall along Elder Place fronting the port that was previously provided by the historic wool storage buildings.

**Area C – Contemporary influence**

There is the opportunity to transform this area with a new character resulting from contemporary architecture that promotes the identity, function and culture of a modern port city. This character would reflect and celebrate:

- Progressive environmental sustainability
- A vibrant cultural and artistic community that values the importance of social life in public spaces
- A functional and working purpose, rather than being over-refined or decorative, and incorporating the use of robust and utilitarian materials with natural finishes
- The coastal setting and strong definition of light and shadow on highly articulated facades.

New development in this area may draw on elements of adjoining character areas as appropriate although allowing for a greater level of character change.

New development presenting to Kings Square should contribute to re-establishing the historic civic urban character of Kings Square as well as contributing to a vibrant, coherent urban space defined and enclosed by buildings and landscape. In particular, new development of the 'city triangle' in Kings Square should have a clear civic identity and be of the highest quality and demonstrate a high standard of sustainable building design.

The character of new development along the primary streets (see Figure 4) should be more consistent to reinforce the significance of those streets, while new development on secondary streets can be more varied.



## Precinct 5 Local Planning Policy

**5. PUBLIC REALM**

Figure 4: Public Realm demonstrates the hierarchy of pedestrian access routes within the precinct – Primary Street, Secondary Street and Major Off-Street Routes. Policy provisions are detailed below that apply to new development located adjacent to the relevant pedestrian access route as shown in Figure 4.



Figure 4: Public realm

The overall objective of this element is to ensure that new development throughout the precinct activates street frontages through design and by location of appropriate uses to create a vibrant, diverse, interactive and safe urban environment. Unless specific

Precinct 5 Local Planning Policy

discretionary criteria are stated in the provisions below, Council may, at its discretion, vary any of the provisions where it is satisfied the development meets the overall objective of this element.

## 5.1 Primary streets

New development located on primary streets shall address the following provisions:

- 5.1.1 Lower levels of the development should be designed to reinforce the significance of the primary streets with an appropriate scale and high standard of details, materials and finishes.
- 5.1.2 Development is encouraged to incorporate a mix of active land uses at ground level that extend the hours of activity in the adjacent public domain beyond traditional retail hours.
- 5.1.3 Residential uses and on-site vehicle parking are not permitted at ground level adjacent to primary streets.
- 5.1.4 Multiple ground level tenancies shall be provided and shall obtain their main public pedestrian entry directly from and level with the primary street. Wide building frontages with a single use or tenancy should be limited.
- 5.1.5 Ground floor frontages are to be predominantly glazed or open to the street and shall incorporate design measures to contribute to an interesting, safe and diverse public realm.
- 5.1.6 No vehicle access, blank walls and/or service areas should be located on primary street frontages if alternative locations are available. If vehicle access is necessary from the primary street, vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible.
- 5.1.7 Weather protection along footpaths for pedestrians shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:
  - a) Shelter to be continuous along all primary street frontages;
  - b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;
  - c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);
  - d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and
  - e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.

Precinct 5 Local Planning Policy

Council may, at its discretion, vary any of the above requirements where:

- i) The installation of weather protection would be incompatible with the heritage significance of the existing building; or
- ii) Necessary to ensure appropriate clearances from street infrastructure or trees; or
- iii) The installation of weather protection would present significant practical difficulties in terms of vehicle accessibility and there is no satisfactory alternative design solution available.

5.1.8 Footpath widths are to be maximised along primary streets. In addition to the setbacks required in Queen Street between Cantonment Street and Elder Place that are identified in the Local Planning Scheme, new development in High Street and Adelaide Street shall be setback to correlate with the widened road reserve on adjoining lots, as shown in Figure 5.



Figure 5: Required street setback areas (shown in red)

5.1.9 Any area where the building is setback from the front lot boundary shall be designed and treated as part of the adjacent pedestrian domain.

5.1.10 The full extent of the St Johns Church triangle in Kings Square is to be reinforced as a generally green passive space.

## 5.2 Secondary streets

New development located on secondary streets shall address the following provisions:

## Precinct 5 Local Planning Policy

- 5.2.1 Ground level frontages to secondary streets may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm.
- 5.2.2 Retail and commercial floorspace shall provide major pedestrian entries directly from and level with from the street.
- 5.2.3 Weather protection along footpaths of secondary streets adjoining retail/commercial/entertainment uses shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:
  - a) The weather protection shall be integrated with the building design;
  - b) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);
  - c) The weather protection shall project a minimum horizontal distance of 2 metres over the adjacent footpath; and
  - d) Awnings shall have a consistent clear height above footpath level of 2.75m.

Council may, at its discretion, vary any of the above requirements where:

- i) The installation of weather protection would be incompatible with the heritage significance of the existing building; or
  - ii) Necessary to ensure appropriate clearances from street infrastructure or trees; or
  - iii) The installation of weather protection would present significant practical difficulties in terms of vehicle accessibility and there is no satisfactory alternative design solution available.
- 5.2.4 Vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible. On-site vehicle parking is not permitted at ground level adjacent to secondary streets.
  - 5.2.5 Where residential uses are located at ground level, the design should achieve a clear distinction between the private place and public space, whilst still allowing for passive surveillance and interaction with the street.

### Major off-street pedestrian routes

- 5.3.1 Provision of the major off-street routes that are accessible by the public at the general locations as shown in Figure 4 is strongly encouraged in new development.
- 5.3.2 The exact course and location of these major off-street routes don't necessarily need to align between street blocks but connections between them should be clearly legible.

Precinct 5 Local Planning Policy

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- 5.3.3 Major off-street routes are to be designed to be safe for users in accordance with Crime Prevention through Environmental Design (CPTED) principles.
- 5.3.4 Universal access is required for the whole length of the off-street routes from street to street.
- 5.3.5 Additional pedestrian connections shall be provided from the major off-street route to any on-site public or communal space.
- 5.3.6 Ground level frontages to major off-street routes may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm. Upper level balconies over the major off-street route are encouraged.
- 5.3.7 Weather protection, in the form of awnings or first floor balconies, is to be provided over the footpaths of major off-street routes where adjoining any retail/commercial/entertainment uses and shall provide a minimum clear height above footpath level of 2.75m. Elsewhere along the major off-street route, there can be a mix of covered space and open to the sky.
- 5.3.8 Refer to section 7 of this policy for specific requirements where the provision of off-street pedestrian links is a criteria for seeking discretionary additional building height.



## 6. BUILT FORM & LEGIBILITY

Figure 6: Views and landmarks displays the major views, major landmarks and desired views and glimpses within the precinct. In addition to responding to the desired character for the precinct, the overall objective of this element is to ensure that the built form of new development provides comfortable enclosure to streets and other public spaces, reinforces important views, and provides activation and safety in public spaces through the relationship between the building and the adjacent public space. Unless specific discretionary criteria are stated in the provisions below, Council may, at its discretion, vary any of the provisions where it is satisfied the development contributes to the overall objective of this element.

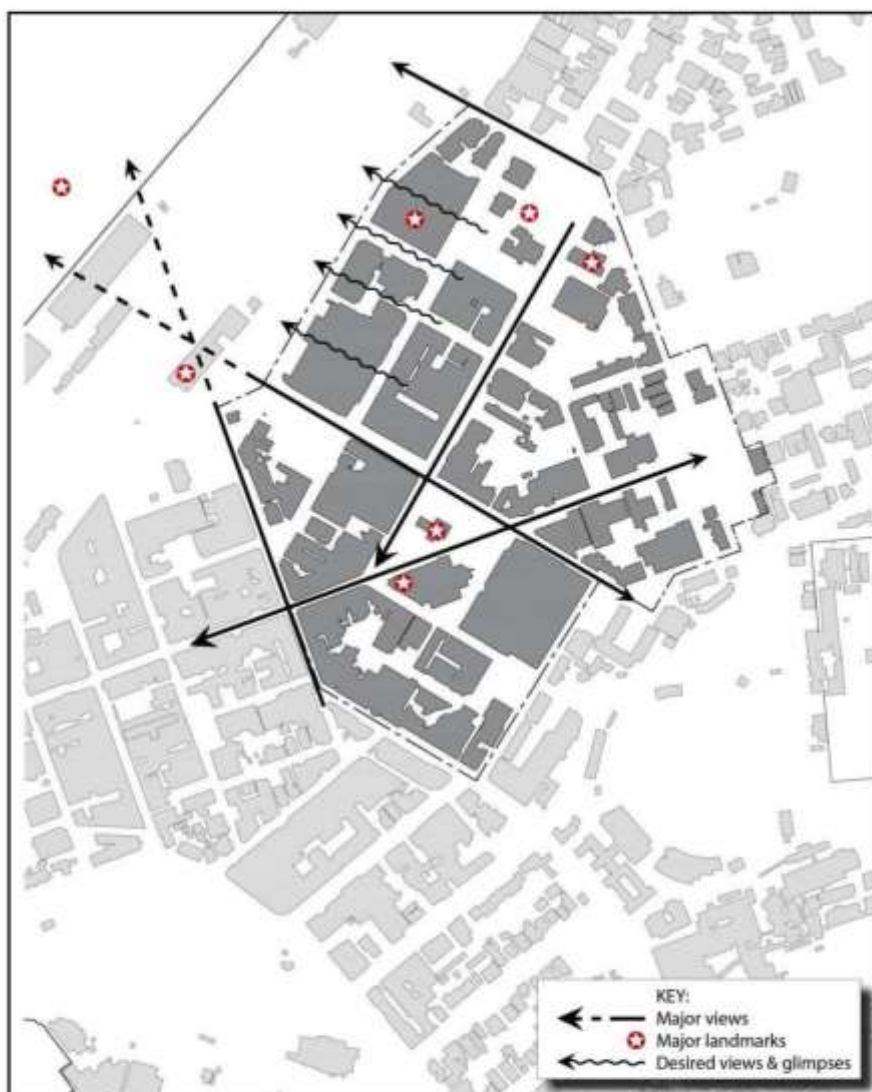


Figure 6: Views and landmarks

Precinct 5 Local Planning Policy



*High Street looking west*



*Queen Street looking west*

Development shall address the following provisions:

- 6.1 The significance of primary streets should be reinforced with continuous developed edges of consistent scale and massing that creates a strong sense of urban enclosure as well as framing and reinforcing views to major Fremantle landmarks that provide legibility and contribute to the city's image (refer Figure 6).
- 6.2 Re-establish the historic urban character of Kings Square that was embodied in its three distinct (High St, church triangle, city triangle) but interdependent parts. New development of the city triangle may be to the full extent, particularly to the edges and corners, as long as there are openings and an Urban Room within and through the building(s) for public access and activities as appropriate.
- 6.3 Views and glimpses of Fremantle landmarks, particularly to the port and of port infrastructure, are encouraged wherever possible at ground level along secondary streets and off-street pedestrian links and other openings between buildings, and from upper levels of new buildings (refer Figure 6).
- 6.4 Incorporate sensitive transitions between lower scale existing heritage buildings and taller new structures where they are directly adjoining.
- 6.5 Passive surveillance of streets and other public spaces is to be provided by frequent upper floor windows, terraces and balconies overlooking the public space.
- 6.6 As redevelopment of the precinct is likely to be carried out over a number of years, consideration should be given to the appropriate treatment of all walls and parapets that will be visible or remain semi-permanently exposed.
- 6.7 Redevelopment of full street blocks and other large sites should ensure integration into their surroundings and maintain consistency of the city centre development pattern and street level linkages. The horizontal expanse of long facades should address the desired character for its location through articulation and fenestration, architectural detailing and treatment of rooflines.

Precinct 5 Local Planning Policy

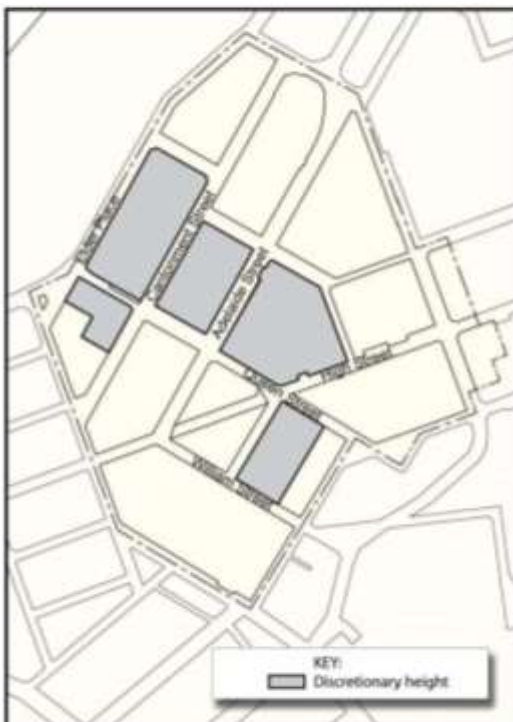


*Long view across the city from Monument Hill*

- 6.8 Consider the impact of new development in long views from city approach streets, the railway, Monument Hill, Victoria Quay and Fremantle Harbour, particularly with regard to the arrangement and bulk of taller buildings and to the design of roofs and screening of rooftop service elements. New development shall contribute positively to these views.

## 7. DISCRETIONARY ADDITIONAL BUILDING HEIGHT

Under the Local Planning Scheme provisions of Schedule 12 - Sub area 1.3.2 of Local Planning Area 1, additional building height may be approved on select sites (refer Figure 7) at the Council's discretion subject to the development satisfying a number of criteria. This section of the policy provides additional guidance and requirements regarding what the development should provide in order for the Council to be satisfied that the discretionary criteria have been met.



*Figure 7: Sites where discretionary additional building height may be permitted*



## Precinct 5 Local Planning Policy

The following documents are an indication of the type of supportive material that would be expected to be submitted as part of an application where discretionary additional building height is sought:

- Full streetscape studies at pedestrian level showing the impact of the additional height on the public realm and neighbouring sites or buildings;
- Site and precinct plans showing the impact of the additional height on existing view corridors and view sheds;
- Reports from independent consultants assessing the development's environmental performance and micro climatic impact in terms of shadow and wind; and
- If the development is to be staged, the applicant must demonstrate how each stage will make its own positive contribution to the precinct and the street.

The applicant must demonstrate how the proposed design standards will be maintained through all stages of the development to completion. A process to ensure this is achieved may be incorporated into planning conditions and/or a legally binding agreement with the Council.

The applicant must demonstrate how the proposed development satisfies the following criteria.

### 7.1 Policy provisions to be satisfied to the very highest standards

Discretionary additional building height will only be considered where all of the relevant provisions elsewhere in this policy have been satisfied to the very highest standards.

### 7.2 Distinctive architecture and exceptional design quality

The development is to be of distinctive architecture befitting its location and exceptional design quality meeting at the highest possible standard the design principles contained in the Local Planning Scheme and/or local planning policy that assist in determining the design quality of development, and including, but not limited to:

- a) The overall development achieving an exceptionally high standard in terms of appearance;
- b) The development demonstrating a selection of high quality building materials, sustainable building measures and building longevity;
- c) The design addressing the relationship of taller components to lower levels (podium);
- d) The impact of the development on distant views;
- e) The additional height does not adversely impact on the ability of neighbouring sites and buildings to maximise their passive sustainable design potential;
- f) The visual permeability of the development with the streetscape;
- g) The roofscape aspect of the design; and
- h) All functional and servicing aspects of the development are exceptionally well resolved.

Precinct 5 Local Planning Policy

In particular, the architectural response of the development to the desired character of its setting (refer to section 4) and the way the development will contribute to (and raise the) architectural standard of development within the precinct will be of primary consideration for the Council.

**7.3 Best practice environmentally sustainable design**

The development shall demonstrate Australian excellence standards in environmentally sustainable design (ESD).

7.3.1 Australian excellence in ESD shall be demonstrated by achieving a minimum Green Star rating of 5 Stars using the Green Building Council Australia's current rating tools where an appropriate Green Star rating tool exists.

7.3.2 Where a current Green Star rating tool is not available for the proposed type of development, an alternative method of demonstrating Australian excellence in ESD may be used, at the discretion of Council, which addresses the following elements:

- a) Energy – encourage and recognise designs that minimise the greenhouse gas emissions associated with the operational energy consumption; and
- b) Water – encourage reduction of potable water use through efficient design of building systems, rainwater collection and water re-use; and
- c) Indoor Environment Quality – encourage and recognise designs that ensure thermal comfort of occupants, maximise daylight while minimising heat glare, reduce noise pollution and require maintenance and cleaning of air handling systems; and
- d) Waste – encourage and recognise designs that reduce the amount of natural resources used, reuse whatever materials can be re-used and recycle wherever possible.

Assessment of Australian excellence in ESD for developments considering the above criteria can be demonstrated by applying the benchmarking standards incorporated within the Green Star Rating Tool and Technical Manual as applicable to a 5 Star Green Star rating relative to the appropriate building type. Where an appropriate Green Star rating tool does not currently exist, Green Star Office shall be used for commercial projects and Green Star Multi Unit Residential shall be used for mixed use projects for this purpose.

7.3.3 In addition to the above requirements it must also be demonstrated that an Accredited Green Star Professional has been appointed to the project design team.

**7.4 Impact on the amenity of surrounding public realm**

The applicant shall illustrate that the additional building height does not detrimentally increase the amount of shade or wind in surrounding public spaces beyond what

Precinct 5 Local Planning Policy

could be expected from development that was constructed to the permitted building heights.

**7.5 High quality landscaped and publically accessible pedestrian environment**

7.5.1 The off-street pedestrian links shown in figure 4 must be provided, and in addition to the requirements in Section 5 must be:

- A minimum width of 5 metres
- Accessible to the public at all times (i.e. 24 hours / 7 days a week)
- To a high standard of landscape design incorporating planting, public seating and public art.
- Safely designed to Crime Prevention through Environmental Design (CPTED) standards to be confirmed by a report by an accredited CPTED consultant.

7.5.2 The area of required street setback in Queen St, High St and Adelaide St are to be transferred at no cost to the Council.

7.5.3 Address the provision of a high standard of on-site open space for residents and/or workers, including roof top landscape areas.

**7.6 Affordable housing**

Where affordable housing is provided it shall be fully integrated into the development and not be externally identifiable as a separate component of the development.

A condition will be included on the planning approval to ensure the on-going provision of the approved affordable housing component.

Precinct 5 Local Planning Policy

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**APPENDIX 1**

Of the City's other local planning policies, the following policies in particular will likely be applicable to new development within the precinct:

- LPP1.6 Preparing Heritage Assessments;
- LPP2.3 Fremantle Port Buffer Area Development Guidelines;
- LPP2.13 Sustainable Buildings Design Requirements; and
- LPP2.19 Contributions to Public Arts and/or Heritage Works.

Precinct 5 Local Planning Policy replaces the following local planning policies, which were revoked at Council's Ordinary Meeting on 28 November 2012:

- DE5 Queen Street Development Policy;
- DGF1 High, Parry, Holdsworth and Queen Streets Local Area;
- DGF11 Fremantle Gas and Coke Company site – 2-12 Cantonment Street & 6-10 Elder Place – Fremantle;
- DGF17 Northern Woolstores – 38 Cantonment Street, Fremantle;
- DGF20 Princess May Park – 1 Parry & 92 Adelaide Streets, Fremantle;
- DGF23 King's Square – Bounded by Adelaide, Newman, Queen and William Streets, Fremantle; and
- DGF25 Henderson Street Market Stalls.

- 3. Defer the publication of notice of the Local Planning Policy – Precinct 5 Central until after the gazettal of Amendment 49 to Local Planning Scheme No. 4.**
- 4. Revoke the following local planning policies and, following gazettal of Amendment 49 to Local Planning Scheme No. 4, publish formal notice of the revocation as per clause 2.5.1 of Local Planning Scheme No. 4:**
  - **DGF1 High, Parry, Holdsworth and Queen Streets Local Area;**
  - **DGF11 Fremantle Gas and Coke Company site – 2-12 Cantonment Street & 6-10 Elder Place – Fremantle;**
  - **DGF17 Northern Woolstores – 38 Cantonment Street, Fremantle;**
  - **DGF20 Princess May Park – 1 Parry & 92 Adelaide Streets, Fremantle;**
  - **DGF23 King’s Square – Bounded by Adelaide, Newman, Queen and William Streets, Fremantle;**
  - **DGF25 Henderson Street Market Stalls; and**
  - **DE5 Queen Street Development Policy.**

**SECONDED: Cr J Strachan**

**CARRIED: 11/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	



## **LIBRARY ADVISORY COMMITTEE 14 NOVEMBER 2012**

Cr R Pemberton vacated the chamber at 7.50 pm during the following item and returned at 7.51 pm after determination.

Cr J Strachan **MOVED** en bloc recommendations numbered LAC1211-100, LAC1211-101 and LAC1211-102.

**That the recommendations numbered LAC1211-100, LAC1211-101 and LAC1211-102 be moved en bloc.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 10/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number LAC1211-100 was **MOVED** and carried en bloc earlier in the meeting.

### **LAC1211-100 LIBRARY AND INFORMATION SERVICE REPORT JULY - SEPTEMBER 2012**

**DataWorks Reference:** 039/007  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Previous Item:** Nil  
**Agenda Attachments:** Nil

## **EXECUTIVE SUMMARY**

To provide information to the two Councils on the operation and performance of the Fremantle City Library during the previous quarter.  
 This item reports on Library operations, issues and achievements for the quarter July - September 2012.

## STATISTICS

### (a) Membership - July - September 2012

#### Performance Indicators

<b>Members per capita:</b>	
Fremantle	0.40
East Fremantle	0.29

<b>% of total Membership:</b>	
New Members	4.88
Expired Members	5.05

#### Statistics

<b>Population</b>	
City of Fremantle	24,835
Town of East Fremantle	6,697

<b>Membership</b>	
Fremantle (residents, workers, students)	10072
East Fremantle (residents, workers, students)	1976
Melville residents	1182
Cockburn residents	1863
Cottesloe residents	421
Kwinana residents	72
Rockingham residents	97
Other WA residents	952
Staff	28
Temporary members	404
Total	17067

<b>New members</b>	<b>Expired members</b>
833	862

**(b) Library Access - July - September 2012**

**Performance Indicators**

	<b>Per hour open</b>	<b>Per staff FTE</b>	<b>Per library member</b>
Circulation transactions	78	4425	3.3
Visitors	73	3194	3
Active borrowers	43	2481	1.8
Reference enquiries	8	466	0.3
Local History enquiries	0.96	355	0.04
Fre-info enquiries	2.7	1929	0.01
Internet use within library	12.5	753	0.5

	<b>% of loans</b>
Requests for items in stock	7.2%
Items borrowed from other libraries	1.8%
Overdue notices sent	2.4%

**Statistics**

<b>Library access</b>	
Hours open	723
Visitors	53029
Active borrowers	31511
Staff (FTE)	16.6
In House Internet Use	6219
Wifi Use	2822

<b>Circulation transactions</b>	
Loans and renewals	56200
Returns	46055
Items on loan	12345
Reservations	4076
Requests sent to other libraries	1106
Requests received from other libraries	1405

**(c) Access to Information and Resources - July - September 2012**

**Performance Indicators**

	<b>% of total stock</b>
Total loans and renewals	112%
Items on loan	25%
New stock received	7.6%

**Statistics**

<b>User assistance</b>	
Service desk reference enquiries	5915
Fre-info enquiries	1929
Local History enquiries	693
Online catalogue searches	16081
Library web page hits	20053

<b>Use of Online Databases</b>	
Fre-info	30408
Local History online photographs	6759
Britannica Online	1381
Health and Wellness	13
ANZ Reference Centre	285
Novelist	36
Popular Magazines	258
Ancestry.com	5892
Carters Antiques	51
Freegal	445

**Other**

East Fremantle Parking permits issued	105
New stock items received	3845

## **COMMENT**

In the first full quarter since self serve machines were installed, 70% of loans were done on these computers, which, given that other libraries are achieving 90% of loans via self serve leaves some room for improvement. Only 12% of self help users were required to consult staff before borrowing, generally for factors such as membership renewal or monies owing.

Internet use in the library continues to be strong, with demand for both in house PCs and the wifi service. Only 22% of people who used in house computers were not library members, indicating a stronger level of usage by the local community than has been evident in the past.

It was interesting to note during the quarter that loans were 18% higher than returns, indicating a greater rate of borrowing by people who may not have taken any library materials for a while. For the first time, e-books and e-audio books borrowed online, have been included in the loan statistics. As this is the first full quarter for both of these products, use of these resources is expected to grow with time.

The Local History area stands out in the online database usage for the quarter with the number of hits for both the photographic database and Ancestry.com, the highest by far.

### **Local History**

Historical copies of the Fremantle Herald 1867-1886 are currently being digitised by the National Library which will result in them being available nationally via keyword search on Trove, their online database. This is a major component of the Local History digitisation program for the current financial year, and Fremantle's researchers are keenly awaiting this electronic resource.

New images have been added to the online photograph database via the City's website. Staff are making a concerted effort to add images as quickly as possible. Progress is continuing on the organisation and scanning of the East Fremantle photographs in preparation for adding them to the online database

Digitisation of the analogue oral histories is continuing and approximately 60 hours of interviews have been added to the extensive collection this financial year.

Oral history interviews continue and new additions to the collection include Norm Wrightson, well known barber and musician of Fremantle.

Ancestry.com is becoming more popular for family research and staff are becoming more familiar with the software which is helpful for overseas and interstate family history queries. Genealogy queries are still a large part of the research undertaken in Local History, closely followed by property enquiries.

To assist constant queries requiring access to biographical and property files an ongoing project has consolidated information held into a more logical chronological order.

## **eLibrary**

The E-Librarian presented to the Public Libraries Western Australia, Resources Group on the Freegal MP3 music download product in use at Fremantle. Libraries are making decisions on whether or not to pare down their CD collections, some still finding them to be a valuable resource, others not so sure. A public library visit by the Library Manager while in Sydney for a conference, showed a strong focus on a CD music collection in that location. As with print collections it is starting to be obvious, that availability in other media is not necessarily diminishing demand for the original format and challenging collection decisions are having to be made.

Options such as streaming audio have increased in popularity in the past year, but issues like licensing and digital rights management need to be considered before a local product will be produced for Australian public libraries. The rollout of the National Broadband Network will mean that streaming audio and video will become more efficient ways of delivering content to customers in the future.

The new debt collection module in the library management system went live in September, streamlining the process for following up on non returned loans. Fremantle and Armadale libraries are piloting this module and will be monitoring its progress during these early stages.

The Overdrive ebook subscription went live to WA public libraries in early August, making e-books accessible to people across the state. Online training was provided for Fremantle staff, which was put to good use responding to questions from a curious public. Customers regularly require one on one assistance to download e-books to their laptops or iPads, with these impromptu sessions often lasting half an hour or more. Besides friends and family, people recognise that the library is a place where they can receive technical assistance. It is planned to offer some structured sessions where people can come in and learn how to download ebooks and other library products to their devices.

## **Fre-info**

Queries received at the Fre-info desk provide an interesting insight into what is happening in Fremantle in an economic and social sense. This quarter has been unusually quiet for customers wanting a list of employment agencies, accommodation or general help orientating to Fremantle. Feedback from locals looking for rental properties is that the market is very tight and expensive. The low number of notices for accommodation on the boards in the arcade reflects this as well as a perceived reduction in young travellers. There has been a pick up this quarter in the "grey nomad" tourists wanting internet access, wifi and contacts for various businesses. Generally there are a large number of queries each day about internet access as well as use of USB's and scanning. Fre-info also receives many queries from visitors on working visas looking for work in a seafood or fish "factory". Many of these businesses have reported that they don't have any work for new employees and were struggling to stay open as fish and seafood stocks are down.

Web page hits statistics provide evidence of a steady rise in usage each quarter compared to previous years. A large number of hits were recorded for events received such as the Hidden Winter Music festival, the Sustainability fair, School Holiday guide, Skyview Ferris wheel and quite surprisingly the Father's Day Hot Rod show.

Calendar hits were up by 58% compared to the same quarter last financial year. Fre-info is receiving an increasing number of emails or calls about wanting to list events on the calendar so the time taken to actively seek event information has reduced. Marketing and the Visitor Centre are referring event holders to Fre-info, and external e-newsletters provide useful information. Obtaining images for events to enhance the listings, is however, a time consuming process. Links to the calendar and subscriber newsletter have been provided on the new ARTSinFREO website, the local Federal member's newsletter and the Mayors Blog. Ninety eight people subscribed to the e-newsletter this quarter taking the number of subscribers to over 2000.

The Venues for hire web page averaged about 1000 hits per month this quarter. Fre-info also received a number of phone enquiries regarding venues for hire for meetings, classes and weddings.

The School Holiday guide was accessed 942 times on the website in July and many hard copies were taken from the desk. A very popular query for the July school holidays was about the Winter Festival on the Esplanade which included the ice-skating rink. There were varied questions: Can I get in with a pass? Do I need to book? Is the ice real? And an unusual one, from someone wanting a contact number to ring to apologise for breaking in after hours!

Other unusual queries this quarter:

A man wanted to measure his height and required help with the tape measure, which he borrowed from the library.

Another wanted to know if he could bring a pony to a Fremantle park for a child's party. One query which hasn't been asked in a very long time was where to get an ISBN.

## **Promotions**

National Year of Reading promotions continued throughout the quarter:

- The new financial year was welcomed with 'Reading Finance', Sal Truscello, from the Federal Department of Human Services' Financial Information Service, presented a seminar on Understanding Superannuation. This highly interactive session answered many queries from attendees about the new super legislation. The session was especially valuable for one library member for whom English was a second language. She needed extensive advice and had not felt safe asking for help elsewhere, but trusted and felt safe in the library.
- August focused on promoting the national Reading Hour campaign which encouraged families to read aloud together for ten minutes a day seven days a week.

- September saw the quarter's major promotion with 'Get Reading!'. This nationally coordinated promotion is a major annual event for the Australian publishing and literary industries which includes the production and promotion of the booklet '50 books you can't put down'. Fremantle ran promotions for the program and hosted author Adrian d'Hage whose book *The Inca Prophecy* was one of 2012's 50 books. Adrian combined literary and scientific information in his presentation, and attracted an audience that was younger and included more men than other events run during 2012. Many men commented favorably on the event.

The library also hosted a program of senior's housing forums organised by the Community Development business unit. This series of five seminars was very interactive, and ran throughout July and August, providing useful information to participants.

Tuesday morning book clubs continue to run during the third week of every month, however attendance at the Thursday meeting dropped to only one person, and with no change after six weeks of promotion it was decided to cancel that club. Several expressions of interest in an evening club were received so that option will be pursued in the new year.

Students from the Central Institute of TAFE visited the library for a talk on Library programming for adults given by the Librarian Collections and Promotions.

The library's quarterly book sale in September raised over \$700 for the Library and Toy Library. Sincere thanks go once again to the volunteers who make this event possible each quarter.

The 'Read! Anytime. Anywhere. Anyhow.' display continued throughout July. 'Gold Medal Reading' celebrated the Olympics and promoted reading about the Olympics, sports, London and travel around Great Britain throughout August. A display kit for 'Battle for Australia Day' included authentic artifacts from WWII which, combined with the best of library stock on the subject, attracted considerable interest and positive comments.

## **Staff**

Two casual library assistants resigned this quarter. As the remaining casual pool is proving sufficient the decision was made not to replace at this time.

A student from South Fremantle High School commenced an In-Step Programme work experience program with the library. She is enjoying being able to gain experience in many different aspects of working in a library and working with a team.

## **Library Operations**

Library members have adopted the self serve machines, becoming proficient in their use and appreciating the improved service levels from staff for enquiries and problems. Feedback from staff regarding the machines and the consequent re-arrangement of duties continues to be positive, with officers feeling more comfortable and productive in their work.



Following public demand, headphone jacks have been installed on the public PCs allowing users to listen to talks, music, videos, etc in their internet use.

Flyers and shelf talkers were created to promote the MP3 music download service. Customer service staff have been distributing these to encourage members to try the service.

The e-audio book subscription is now being used for customers who use audio books loaded onto the Navigator audio read devices. A procedure has been written and the staff members working on the Homebound delivery service are utilising this process. The wider selection of titles available to print impaired members is being very much appreciated.

Changes to the procedure for the issuing of East Fremantle library member parking permits were developed during the quarter to bring the process in line with that for the Fremantle resident permits. The library will continue to accept applications and verify eligibility, but the permits will be issued by Service and Information, with record keeping done via the Customer Request Management system.

## **Training**

The Library Manager attended the biennial conference of the Australian Library and Information Association. A range of papers on the variety of services and resources offered by libraries around the world was informative and inspiring. Some speakers highlighted that libraries must change from a library centric approach to customer service to one that is based on customer needs and expectations in the world of instant information and gratification that technology has created. Papers on customer service provision, library design, and innovative services gave ideas for future service provision, and a future looking discussion of visual representation of data has been much discussed at Fremantle in relation to the Local History photographic collection.

The Local History Librarian attended the joint Australian Historical Archaeologists Association/Australian Maritime Archaeologists Association Conference held in Fremantle. Papers of interest included a paper on a recent archaeological dig at the Fremantle Prison, the demolition of the US Laundry building at the Fremantle Arts Centre and an interpretation of the history of the Robb's Jetty area and associated beach.

Three librarians attended the annual New Norcia Library Lecture in September. Three interesting papers were presented by journalist William Yeoman, author Liz Byrski and Damien Webb, SLWA Indigenous Literacy Project Officer, all of which were stimulating and provided food for thought on the future of reading, literacy and libraries.

All staff completed online training on the new downloadable e-books product, which was followed up with practice on the test site to allow them to fully develop skills to assist library members.

Library staff have attended many of the Corporate Training Modules over this quarter. The opportunity to develop or enhance skills has been appreciated.

## Young People's Services (YPS)

Program	Number of sessions	Children	Adults	Total attendance
Baby Rhyme Time	11	234	229	463
New Parent's Groups	3	30	33	63
Toddler Tales	17	153	156	309
Storytime	27	334	273	607
School Holiday Activity Sessions	2	60	37	97
Class visits to the library	12	514	62	576
Outreach sessions to schools, playgroups, day care centres etc	10	444	413	857
<b>Total</b>	<b>82</b>	<b>1769</b>	<b>1203</b>	<b>2572</b>

Children's Book Week remains an important part of the library's program for schools and strong interest from schools and playgroups in involving the public library in their celebration of this national literary event meant that associated events took place over a five week period. Seven storytimes were presented at outreach visits to East Fremantle Playgroup, who invited the library to present Children's Book Week sessions to their groups during August and September. Visits to the playgroup have become a regular feature of Children's Book Week for the library since 2007. Several families have since become part of library based storytimes since then.

Two days of class visits to the library were offered to local primary schools. Award winning Western Australian children's author Sally Murphy presented three "Meet the Author" sessions at the library to Year 3 - 6 students from Our Lady of Mount Carmel and St Patrick's Primary Schools. She spoke about her writing and the affect it has on readers, and related stories about her family to illustrate the origins of and inspirations for her books.

Storyteller Clare Stace also presented four sessions of her "Silly Billy Fairytales" show to students ranging in age from K - Year 3. Clare's humorous retelling of "Jack and the Beanstalk" by the feisty Peppermint Fairy and her friend Octoteddy, with interaction and fun throughout, entertained students from White Gum Valley, Fremantle and Lance Holt Primary Schools. In all sessions, students were engaged, entertained and eagerly interacting with the presenters.

Feedback from teachers and children who attended sessions from the two authors was very positive. A teacher librarian commented that a visit by students to Fremantle City Library is "the highlight of their Book Week" and return visits to the library by some children have been noticed.

Over three hundred Better Beginnings Kindergarten and Pre-Primary packs were distributed this quarter at presentations to students from Lance Holt, Samson, Winterfold, White Gum Valley and Hilton Primary Schools and Hazel Orme Kindergarten. Visits to two classes at Winterfold Primary School to present Kindergarten and Pre-Primary students with packs were made during Children's Book Week, and coincided with the school's book character dress up day. The Librarian YPS visited the school dressed as the Very Hungry Caterpillar.

The Librarian YPS was interviewed by Mary Vajda for Edith Cowan University's study of the Better Beginnings program for four and five year olds, as a result of the library being involved in the trial of the project in 2010. One hundred and four Better Beginnings bags for 0-3 year olds were also distributed to parents of new babies this quarter.

To highlight the Children's Book Week theme "Champions Read", the Children's Library staff selected favourite read aloud titles for 2-5 year olds from shortlists and notable book lists from the 1980's onwards. A selection of these titles was used during the six Storytime sessions held at the library during August. Other titles were displayed with individual bookmarks listing the award received and year the book featured in the awards. These resources will be used in future Children's Book Week displays.

The Librarian YPS accepted an invitation to visit the Australian Migrant Education Program in East Fremantle in September. After a brief talk about library services for adults, a storytime for 16 children of the AMEP students took place. Several students have visited the library as a result of the visit and the group sent a card with their messages of appreciation.

A Baby Rhyme Time session was presented by the Librarian YPS to the Mother Nurture group, based at Community Midwifery W.A. in North Fremantle. The group is a closed therapy group that supports mothers in the early stages of parenting. The Librarian also visited Winterfold Primary School's Little Learners, talking to parents about the importance of reading, then sharing stories with the children, aged 0-4 years.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

July to September was another busy quarter for the Fremantle City Library, with the consolidation and implementation of new services and resources, as well as the continuation of the many activities and information provision that makes this facility such a valued part of the community. Two written expressions of appreciation for the service have been received recently and feedback such as these validates the high level of service provided by staff.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Information only no decision required.

## **OFFICER'S RECOMMENDATION**

**That the information be received.**

## **COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr Jon Strachan**

**That the information be received.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 10/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

The following item number LAC1211-101 was **MOVED** and carried en bloc earlier in the meeting.

#### **LAC1211-101 PUBLIC LIBRARY STOCK PROVISION**

**DataWorks Reference:** 027/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Agenda Attachments:** Extract from Exchange System Review Final Report

#### **EXECUTIVE SUMMARY**

**This report details proposed changes to the system for stock provision to public libraries in Western Australia, and the feedback provided to WALGA by the Manager Library and Information Services on the proposal. For information.**

#### **BACKGROUND**

The Structural Reform of Public Library Services report (Lunn report) in August 2007 recommended changes to the methodology for state funded stock provision to public libraries in Western Australia as part of the development of a new funding and delivery model. The future of the system for exchange of used stock has underpinned many other decisions around funding and service delivery and prevented final decisions being taken in some areas. The Western Australian Local Government Association (WALGA) was requested by the Strategic Library Partnership Agreement Steering Committee (SLPASC) to undertake a review of the Exchange system and develop recommendations for its future.

Exchange of used stock that is no longer required by a given library but could be useful to others has for many years enabled public libraries in this state to maintain a higher level of stock turnover than would otherwise have been possible. The significant decline in state funding for public library stock provision over the past fifteen years has increased dependence on the exchange of used stock to achieve target turnover rates. In 2011/12 Fremantle achieved 10% stock turnover with state funded new items. An additional 9.6% turnover was achieved with used stock bringing the library closer to its target of 20% turnover per annum.

The Exchange system, while providing visible benefits is very labour intensive and costly for both state and local government in its administration. Many public libraries have for some years, declined to participate in the exchange of used stock, considering the cost effectiveness not to make the process worthwhile. A number of local government authorities, mainly in the metropolitan area, have increased the funding for their library service to enable local stock to be purchased in significant quantities ensuring their communities have continued access to a current and relevant stock as state funding has decreased.

Empired were appointed at the beginning of 2012 to complete a review of the stock exchange system, with the project brief developed by SLPASC's Assets working group. Consultants attended a forum of public librarians in February which discussed the exchange system, what librarians valued about it and how they saw its future. Interviews were then conducted with five metropolitan library systems, including Fremantle, as well as with a representative group of country and regional librarians, plus with SLWA representatives and interstate providers of public library distribution systems. Empired's final report was delivered to WALGA in September and distributed to public libraries during October in preparation for a public library forum to present and discuss the recommendations.

Two primary recommendations were made by Empired, details of the proposed Scenarios are included as an attachment to this agenda:

#### *7.1.1. Recommendation 1*

***The State Library and WALGA should jointly migrate the Public Library Exchange System to the model presented in Scenario A2 over the next 24 months.***

*The key elements of Scenario A2 are:*

- *Ownership of the stock be transferred to local government;*
- *An extensive initial weeding of the stock be undertaken, followed by implementation of an ongoing weeding program;*
- *The option for individual libraries or library services to fully or partially opt-out of the exchange system;*
- *The exchange program is managed and facilitated by appropriate numbers of qualified professional librarians;*
- *Public libraries be allowed to dispose of stock purchased with State funds locally according to agreed criteria.*
- *An effective governance mechanism for the Exchange Process is implemented.*

7.1.2. Recommendation 2

***The State Library and WALGA should jointly initiate a project to automate the Public Library Exchange System in accordance with Scenario A4 over the next 48 months.***

- *The key elements of Scenario A4 are:*
- *An automated exchanges module with a central database to be used by the State Library, the Exchange System Coordinator (if different from SLWA), and all public libraries within WA17 for the management of the exchange process;*
- *That the key elements of Scenario A2 are implemented first.*
- *It will be necessary to approach the first point as follows:*
- *Investigate the viability of providing automation using Sierra and a web based front end as a short to medium term solution. The consultants do not support modifying Millennium at this point due to the imminent implementation of Sierra in early 2013. Due to Sierra's support of contemporary technologies such as Enterprise Service Bus, the integration of exchange functionality should be relatively straightforward, however database changes and integration to local library LMS's may be challenging and constrain the benefits of this option.*
- *Assess and plan for upgrading infrastructure and communications to allow those libraries not having good system access to have quality access to the functionality provided by automated exchange module.*
- *Assess the costs and implications of the above against implementing a single, common Library Management System<sup>18</sup> and decide on approach.*
- *Plan for the longer term implementation of a single, common LMS across the public library network.*

**COMMENT**

The Empired report was referred to SLPASC who appointed a sub group of PLWA and SLWA representatives to summarise key aspects of the report and make comment on the recommendations. The deliberations of that group formed the basis of the presentation to the public librarians' forum. The group have questioned some of the assumptions of the consultants, and suggested some modification to their recommendations in the interest of better management and viable implementation of change for both state and local government.

Comment to WALGA on the report and the suggestions of the working group were required by 14 November for collation and consideration by SLPASC members at their next meeting.

Key points made in that feedback include:

1. Undertake cost benefit analysis of scrapping Exchange system and use savings to purchase new materials?

Supported - the exchange system provides visible benefits, but is labour intensive, process heavy and inconsistent in provision of quality results. A means of growing the new stock budget and meeting turnover needs from that could result in consistently higher quality stock for public libraries.

2. Transfer of stock ownership to Local Government? Alternative – local disposal of stock greater than 5 years old?

Supported - transfer of stock ownership to local government is sound in principle, but working group examination of logistic issues for state and local government have found it to be fraught with problems for both sides. The key issues for local government are the labour intensive processes around acquisition, disposal and exchange of stock, and the requirement for payment to SLWA for items lost or damaged by library members. These processes are heavy users of staff resources, and payment for lost/damaged items is a significant impost for local government. If solutions to these issues could be found, the ownership of stock becomes a less significant issue.

3. Public library collection weeding/culling

Supported in principle, but not as an organised compulsory activity. Some libraries, including Fremantle, have already returned large numbers of obsolete stock to SLWA for disposal. Others require the capacity to dispose of greater numbers than the exchange system permits. It is that capacity for libraries to dispose of obsolete stock, in numbers not possible under the current system that is necessary. Public library disposal of stock is supported for this and ongoing collection management.

4. Implementation of Empired recommendation A2

Supported conditionally - a cost effectiveness review of scrapping the exchange system is the preferred option. Further review and discussion is needed of suggestions such as that libraries who opt out of the system must still contribute to the exchange pool or lose a percentage of new stock funding; outsourcing and regional hub options must be proved viable; use of librarians to manage content and selection is supported.

5. Automation component

Supported - online solutions offer cost effective opportunities to facilitate an exchange process. Development of a shared LMS for the state could provide opportunities to improve public library services to residents of the state and a system with the capacity to administer any exchange system would be advantageous.

6. State wide floating collection

Not supported in the short term. Such a system can only be truly effective if all participating libraries use the same LMS. Better analysis of potential impacts of returned items remaining at the library where they are returned is required.

7. Additional option AO1 - Local Government Contributions

Not supported. The proposal that local government budgets available for local purchase of stock be contributed to a central pool for the benefit of the whole state is detrimental to those libraries whose local governments are in a position to provide such funding. Local governments have in many cases provided these budgets in response to failing state budgets and a wish to maintain quality library services for their communities or because of a specific need in their community. A requirement to contribute that funding to a central pool for sharing across the state is a form of cost shifting, with local governments supporting what should be a state responsibility.

8. Enterprise sponsorship and other sources of funds

Supported conditionally, providing that such funding does not determine the content of public library collections.



## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Parts of the proposal, particularly those to do with local government contributions, have the potential to impact financially if implemented.

### **Legal**

Nil

### **Operational**

If the proposed changes are implemented, there will be changes to library operations and staff deployment.

### **Organisational**

Nil

## **CONCLUSION**

The Empired Library Exchange Review report was limited by a brief that required the consultants to make recommendations towards an alternate system for the exchange of public library stock in Western Australia. There was no option to consider implications of not having an exchange system. The complexity of possible solutions, and potential cost of proposals made has raised the question that exchange of stock state wide may not be a viable option into the future. Following consideration of the report and public library feedback by SLPASC at their next meeting, a clearer indication of future options should be available.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Information only no decision required

## **OFFICER'S RECOMMENDATION**

**That the information in this report be received.**

**COMMITTEE RECOMMENDATION / COUNCIL DECISION**


**MOVED: Cr Jon Strachan**

**That the information be received.**


**SECONDED: Cr T Grey-Smith**

**CARRIED: 10/0**


<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	



**Empired**  
INFORMATION SERVICES & TECHNOLOGY



State Library  
OF WESTERN AUSTRALIA



WALGA

CITY OF FREMANTLE

- 6 NOV 2012

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## 6.2. Scenario A – (Option 2) Centralised processing with weeding, flexible opt in/out and local discards

Scenario A (Option 2)																				
Centralised processing with weeding, flexible opt in/out and local discards																				
Extend Models Included							Principles Scenario A2 complies with							Additional Options that can apply						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	8	9	10	11	12	1	2
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

This model is the same as the centralised weeding scenario described in section 6.1, however in addition it provides flexibility for libraries to determine their level of participation in the exchange (according to EM2). The extent of flexibility available to libraries will need to be determined and described by documented policies and procedures, and enforced through process governance. Libraries could elect to opt-in for a particular type of material (e.g. fiction, reference, LOTE). Should a library opt-in for fiction only for example, it must be ensured that only fiction will be taken from the exchange pool in supporting equity throughout the exchange process. Not only will the policies describe the boundaries of the opt-in, opt-out model, they will also describe the guidelines and constraints for a library to fully withdraw from the exchange, not receiving any used material at all.

In all opt-out scenarios, it is recommended that libraries be obligated to contribute material into the exchange according to agreed criteria e.g. when the material is read out but still of a good quality. This is based on the premise that the material is provided to libraries through State funding (disregarding the issue of ownership), and will increase the usage of this stock. Alternatively, libraries that opt-out can elect not to contribute to the exchange, but their funding for new material will be reduced proportionately. This will provide more funding to libraries within the exchange process to offset the loss of material from libraries opting out.

In an opt-in, opt-out model, only those libraries which opt-in will be able to source material (according to their opt-in material preference) from the exchange. Libraries which opt-out will still obtain new stock through the current new stock procurement process which is based on WebSelect.

Due to the improved quality of the exchange collection which will be an outcome of this model, it is envisaged that the likelihood of libraries withdrawing from the exchange will be reduced.



As with Scenario A1 this scenario assumes:

- transfer of ownership of the stock to local government which will need first to be cleared with Treasury and then the implementation approach determined.
- skilled resources being applied to monitor and manage returned material (according to AOS)
- activities associated with maintaining the used collection (such as repairs, restoration) will be undertaken at local libraries according to guidelines.

#### Scenario A (Option 2)

##### Benefits and Risks Assessment

Benefits	Risks
<p>Advantages same as for Centralised Processing with weeding and local discards (scenario A1).</p> <p>Additionally,</p> <ul style="list-style-type: none"> <li>• Provides an exchange system meeting the needs of those libraries requiring used material and those not requiring used material to meet collection turnover requirements.</li> <li>• Provides a mechanism to ensure the exchange collection of those libraries participating is protected and they have an adequate pool of exchange material to draw from.</li> </ul>	<p>Disadvantages same as for Centralised Processing with weeding and local discards (scenario A1).</p> <p>Additionally,</p> <ul style="list-style-type: none"> <li>• If no mechanism to ensure opt-out libraries contribute effectively to the exchange material, this scenario has the potential to reduce the pool of books available for exchange depending on the extent of non participating libraries.</li> <li>• Libraries which partially opt-out may not correctly contribute material back into the exchange (e.g. wrong type, different quantities). Close control of this will be required which will add to administration costs.</li> </ul>



#### 6.4. Scenario A – (Option 4) Centralised processing with automated exchange

## Scenario A (Option 4)

### Centralised processing with automated exchange

Extend Models included*							Principles Scenario A4 complies with*												Additional Options that can apply*					
1	2	3	4	5	6	7	1	2	3	4	5	6	7	8	9	10	11	12						
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

\* Note that the Principles supported and the Extend Models and Additional Options included will vary depending on which of the base scenarios (A1.2 or 3) the automated exchange is applied to.

Specifically this scenario addresses a centralised model with an automated exchange system as detailed in EM5. The scenario will work with either of the two automation models discussed in EM5.

Automation can be implemented with any of the scenarios A1 to A3 and will provide significant benefits and efficiencies to the exchange workflow, although as indicated, the extent of these benefits will vary according to the underlying scenario.

If automation is added to Scenario A1 (weeding and local discards) then the automated exchange system will be implemented by all libraries and all of the benefits identified in EM's will apply to all libraries.

If automation is added to Scenario A2 (A1 plus flexible opt in/opt out), then the automated exchange system must be implemented by all libraries, but the full range of benefits will only accrue to those libraries that fully opt-in. Libraries that partially opt-in will receive the benefits only for those collections that use the exchange system. If a library has opted out (fully or partially) it must still use the system to record material it is making available for exchange. Failure to do this will mean they are treated as electing not to contribute to the exchange process, and their new material funding will be reduced accordingly.

if automation is added to Scenario A3 (A1 plus Tier 1/Tier 2) then the automated system need only be implemented by Tier 2 libraries and/or the Tier 2 Collective, and it will only be these libraries that receive the full range of benefits identified.

Significant one-off funding will be required to implement this scenario, irrespective of which of the two optional approaches to automation is followed. If the single LMS path to automation is preferred, it would be logical to add the automation project to the project recently initiated to investigate a single

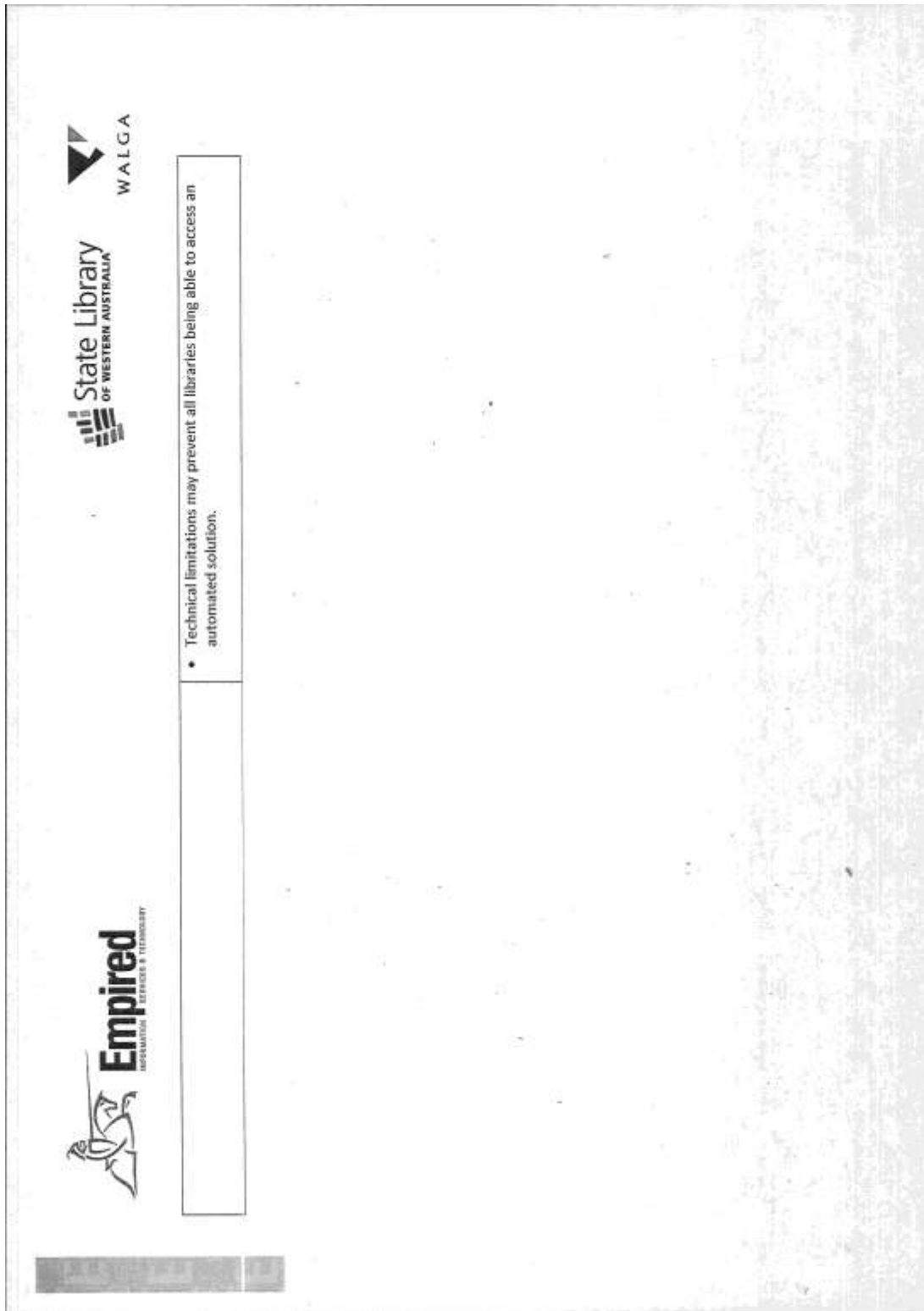


LMS for WA, as there may be potential to access Royalties for Regions funding for automated exchanges, as well as for a single LMS. In addition, local governments may agree to provide funds for this work as it will save them having to individually replace their existing LMS.

Scenario A (Option 4) Benefits and Risks Assessment	
Benefits	Risks
<p>Advantages of centralised processes as discussed above (depending on underlying scenario).</p> <p>Additionally:</p> <ul style="list-style-type: none"> <li>Contributes to sustainability and green house gas emissions through a reduction in the need for staff to travel for material selection.</li> <li>Increases availability and efficiency of library staff. They no longer need to be travel (be absent from their home library) to perform selection.</li> <li>Provides benefits to SLWA/centralised administration through a decentralised selection process including a reduction in staff effort required to administer the selection process.</li> <li>Removes the need for barcode files to be transmitted to SLWA and helps address the potential for error with this process.</li> <li>Provides the ability for non selecting libraries to take control of their own collection (in relation to used stock).</li> <li>Ongoing costs of operation are likely to be lower than in any of the other scenarios, but there will be a significant initial cost to set-up this scenario.</li> </ul>	<p>Risks identified for centralised processes as discussed above (depending on underlying scenario).</p> <p>Additionally:</p> <ul style="list-style-type: none"> <li>The ability to implement automation in the short term is constrained. The two approaches to automation will have a significant lead time for implementation.</li> <li>This will be a large and complex project with the attendant risks in terms of budget and timeframe.</li> <li>One off funds may not be able to be obtained for the design and implementation of an automated exchange solution irrespective of which option is chosen.</li> <li>Not all local governments may agree to use a single library management system, or their timing for doing so may differ radically.</li> <li>SLWA are working towards replacing Millennium with Sierra. If Sierra is not chosen as the single LMS, SLWA may not be prepared to change to the one that is.</li> <li>Additional administrative responsibilities required of library staff may impact library services. Additional funding may be needed for some libraries.</li> </ul>

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The following item number LAC1211-102 was **MOVED** and carried en bloc earlier in the meeting.

**LAC1211-102 TOY LIBRARY QUARTERLY REPORT JULY - SEPTEMBER 2012**

**DataWorks Reference:** 023/013  
**Disclosure of Interest:** Nil  
**Meeting Date:** 14 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Julie Caddy, Manager Library and Information Service  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

A summary of the operation and performance of the Fremantle Toy Library for the quarter is provided.

**BACKGROUND**

The Fremantle Toy Library is jointly funded by the City of Fremantle and Town of East Fremantle and a quarterly report is presented to the two Councils.

**COMMENT**

**Membership**

	<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
Individuals	331	74	405
Families	206	38	244

**New Members**

<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
47	7	54

**Deleted Members**

<b>Fremantle Residents</b>	<b>East Fremantle Residents</b>	<b>Total</b>
11	17	28



## Visitors

July	910
August	1015
September	770
Total	2695

\*Family means at least one parent and usually one or more accompanying children

## Loans

	East Fremantle residents	Fremantle residents	Total
Toys	394	2396	2790
Books	166	2077	2243
Audio Visual items	4	246	246
Total	564	4719	5283

## Income

	6 month concession	12 month concession	6 month full fees	12 month full fees	Dress up hire	Total
July	88.00	78.00	531.00	882.00	12.60	1591.60
August	44.00	158.00	480.00	898.00	26.00	1606.00
September	90.00	158.00	420.00	1200.00	26.00	1894.00
Total	222.00	394.00	1431.00	2980.00	64.60	5091.60

A record number of toys were borrowed by Fremantle residents in the last quarter, the largest total recorded since the management of the collection was taken over by Fremantle City Library in 2007-08. Although the number of toys lent to East Fremantle residents has continued to decline this quarter, loans are still above those prior to relocating to East Fremantle. Visitors to the toy library also hit a new high record, up 9% from last quarter.

While membership levels have increased 13% since the same quarter last year, the regular addition of new toys has allowed the proportion of the stock on loan to remain at 36% since April 2011. This indicates that members have a good selection of items to choose from each time they visit the library. Toy library members have once again been offered the opportunity to purchase toys from fundraiser catalogues, which has supplemented the number of toys in the collection over the past few years.

Work has continued on revitalising the party hire collection. New items selected for that category will not be duplicated in the general collection to ensure their uniqueness for party purposes. A cross promotion using picture books from Fremantle City Library to raise awareness and interest in the toy library's puppet collection commenced this quarter.

The Librarian: Young People's Services presented a Pirates and Princesses Storytime in September. Children aged two to five years were invited to dress up in their own costume or borrow a costume from the Toy Library. 20 pirates and princesses and 14 adults attended and enjoyed stories, songs and crafts. The toy library attracts many enquiries from attendees of other functions and programs at the Hilton Community Centre.

Volunteer Doug Dowdell was nominated for a recognition award from the Western Australian Association of Toy Libraries. His outstanding record of 20 years of volunteering for the Fremantle Toy Library was acknowledged at the association's AGM in September and also in their newsletter for that month.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

The Toy Library continued to record growth in usage levels and visitor numbers this quarter.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Information only no decision required

## **OFFICER'S RECOMMENDATION**

That the information in this report be received.

## **COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED:** Cr Jon Strachan

**That the information be received.**

**SECONDED:** Cr T Grey-Smith

**CARRIED:** 10/0

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil.

## REPORTS BY THE MAYOR OR OFFICERS OF COUNCIL

### STATUTORY COUNCIL ITEMS

#### C1211-1 ANNUAL REPORT 2011-2012

<b>DataWorks Reference:</b>	031/002, 087/004 & 083/003
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	28 November 2012
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Alan Carmichael, Manager of Finance
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Annual Report 30 June, 2012 (under separate attachment) Annual Financial Statements 30 June, 2012 (separate attachment) Audit Report 30 June, 2012 (under separate attachment)

### EXECUTIVE SUMMARY

**Council is required to produce and accept an Annual Report each year and set a date to present this report to an annual meeting of electors. It is sought that Council approve the Annual Report for 2011/12 as presented and set the Annual Electors meeting for Monday, 21<sup>st</sup> January 2013.**

### BACKGROUND

The Local Government Act 1995 requires local governments to prepare an annual report for each financial year and stipulates the format of the report. The report should be adopted no later than the 31<sup>st</sup> of December after that year. The report is to include the audit certificate presented for the financial statement of the year being reported and therefore can only occur once the audit has been completed and signed by the auditor.

### COMMENT

The audit was conducted during November by Council auditors, Grant Thornton. The report contains the information to be published, but the final published version may vary slightly with additional formatting and graphics to improve presentation. As has been the case since the 2001/2002 Annual Report, the Report will only be printed with abridged set of financial statements. The full financial statements will be available on the Council web site.

The abridged financial statements will contain the following documents and statements: -

- Independent Audit Report
- Statement by Chief Executive Officer
- Operating Statement for the year ended 30 June 2012
- Statement of Financial Position for the year ended 30 June 2012
- Statement of Changes in Equity for the year ended 30 June 2012
- Statement of Cash Flows for the year ended 30 June 2012

The 2011/2012 Annual Report (wording) with the full financial statements and auditor report is attached.

It is proposed to hold the general meeting of electors in the Council Chamber to facilitate preparation of the minutes, as the meeting can be recorded. In addition to the statutory advertising of the meeting, a further notice advertising the meeting will be placed in the Port City column on the weekend before the actual meeting, in accordance with Council resolution SGS0505-22 of 22 June 2005.

No significant issues or breaches have been raised within the audit.

The Senior Audit Partner for Grant Thornton, Mr Michael Hillgrove has met with the Audit Committee on Wednesday 14<sup>th</sup> November as part of the audit process. In accordance with legislative requirements a further meeting will be convened between Council's audit committee and the auditor to discuss the audit process and any issues that may be raised by the auditor in relation to management processes that do not require specific comment within the audit report. Any issues of this nature that may be raised by the auditor will be provided by way of a "management letter" at a later date. The timing of this meeting is expected to occur before the Annual Electors meeting in January 2013.

The Annual Report will once again be professionally printed for release to the community and will also be available electronically. The report provides a synopsis of the activities and events that took place in 2011/12.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Besides the printing costs and the cost to have the financial audit undertaken there are no direct financial costs in adopting the annual report.

### **Legal**

Section 5.53 of the Local Government Act 1995 requires local governments to prepare an annual report for each financial year and stipulates the format of the report. The report is to contain;

1. A report from the Mayor,
2. A report from the Chief Executive Officer,
3. An overview of the plan for the future of the district,
4. The financial report for the financial year,
5. Such information as prescribed in relation to payments to employees,
6. The auditor report for the financial year,
7. A matter on which a report must be made under section 29(2) of the Disability Services Act 1993, and
8. Details of entries made under section 5.121 of the Local Government Act 1995 during the financial year in the register of complaints.

Section 5.54 requires that the Annual Report be accepted by an Absolute Majority of Council no later than 31 December each year unless the auditor report is not available.

Section 5.55 of the Act requires that *“the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”*

Section 5.27 requires a general meeting of electors to be held once every financial year. A general meeting is to be held on a day decided by the local government but not more than 56 days after it has accepted the annual report. The general meeting agenda is to include the contents of the annual report and any other general business. The proposed date of 6<sup>th</sup> February, 2012 is within this required time period.

Section 6.4 of the Local Government Act 1995 requires local governments to prepare an annual financial report for the preceding financial year.

Section 7.2 of the Act requires that *“the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”*

Section 7.9 (1) of the Act provides *“An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31<sup>st</sup> December next following the financial year to which the accounts relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –*

- a) The Mayor,*
- b) The Chief Executive Officer of the local government , and*
- c) The Minister.*

## **Operational**

The Annual Report refers to activities and information based on the preceding financial year. The only operational requirement after adoption is to hold the Annual electors meeting within 56 days after council has accepted the report.

## **Organisational**

Nil

## **CONCLUSION**

That the report is accepted and the date and location of the annual electors meeting is set for Monday, 21<sup>st</sup> January 2013.

## **STRATEGIC AND POLICY IMPLICATIONS**

### **Capability**

Deliver on the achievement of our strategic imperatives through good governance, strong leadership, effective communication and excellence in delivery.

The Annual Report demonstrates the efficient and effective local government in compliance with statutory requirements.

## **COMMUNITY ENGAGEMENT**

No consultation required prior to holding the Annual meeting of Electors. In accordance with the Act the CEO will make the annual report available prior to the annual electors meeting.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

- 1. The City of Fremantle 2011/2012 Annual Report (as attached this agenda) including the audited financial statements be accepted.**
- 2. The General Meeting of Electors is to be held on Monday, 21<sup>st</sup> January 2013 at 6.00 pm in the Council Chamber at 8 William Street Fremantle.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 10/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Cr R Pemberton returned to the meeting at 7.51 pm.**

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**C1211-2 MONTHLY FINANCIAL REPORT - OCTOBER 2012**

<b>DataWorks Reference:</b>	087/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	Council 28 November 2012
<b>Previous Item:</b>	Item 1210-1 of 25 October 2012 refers.
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Alan Carmichael, Manager Finance & Administration
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	<ol style="list-style-type: none"><li>1. Statement of Financial Activity by Nature to 31 October 2012</li><li>2. Statement of Financial Position to 31 October 2012</li><li>3. Determination of Closing Funds (Net Current Assets) to 31 October 2012</li><li>4. Schedule of Accounts Paid October 2012</li><li>5. Investment Report to 31 October 2012</li><li>6. Debtors Outstanding as at 31 October 2012</li><li>7. Payment Report for October 2012 (<b>under separate cover</b>)</li></ol>

## **EXECUTIVE SUMMARY**

**The City adopted its Annual Budget on 25 July 2012 with an estimated municipal surplus of \$80,000.**

**This report highlights any issues that may impact on the financial position to 30 June 2013 and the opening funds for the 2013/2014 Budget.**

## **BACKGROUND**

The 2012/13 Budget was adopted on 25 July 2012 with an estimated municipal cash surplus of \$80,000.

The Council at its meeting on Wednesday 25 July 2012 (Item SGS1207-3) adopted nature and type as the preferred reporting format and 2.5% with a threshold of \$200,000 as the level for explanation of variances.

## **COMMENT**

The year is now well advanced and many of the projects have commenced. The following comments are provided where the City believes there may be an end of year effect or a matter needs to be noted for further review.



## **City Management**

### Governance

The consultation and contractors year to date position is over to the annual budget estimate for the year. These allocations relate to expenditure in relation to the Kings Square project. There will be more expenditure in this area to complete the business plan to be presented to council in the near future. At this time it is anticipated a further \$50,000 may be needed in this area, this can be better evaluated once the business plan is considered in January.

### Economic Development

The Visitor Centre revenue is down on estimates by approximately \$33,000 for this period of the year, expenditure also tracking close estimates for this time of the year.

## **Corporate Services**

### Finance

Interest on investments is lower than anticipated for this time of the year by \$60,000. Rate notices were issued later than planned and may be affecting this result.

### Commercial Parking

Parking Revenue is above estimates by \$190,000 for the end of October. The majority of this is from off-street parking revenue.

### Parking Enforcement

Revenue for parking fines is above budget estimates for the period by \$400,000. This is partly due to Fines Enforcement payments of \$240,000 during the period for matters submitted in the prior year. It is also offset by legal expenditure to date being \$100,000 more than anticipated.

## **Community Development**

### Arts Centre

Income for events is up on estimates by \$100,000 for the end of October. This is mainly seen in the pre-sales for South Lawn events of \$72,000.

## **Planning Services**

Statutory compliance received a fines enforcement payment of \$241,000 during the period which was not allocated within the budget for this year.

## **Technical Services**

### Design and Construction

A number of projects are running ahead of schedule which is highlighted when considering year to date actual with estimates which is good news. This is highlighting a \$500,000 difference at the moment in expenditure and will be watched over the coming months to ensure that the trend is a result of the advanced program.

### Domestic Waste

Domestic waste expenditure is \$200,000 under estimates for the end of October. This is mainly through our contracted services and agency labour areas.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

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

### **Legal**

Regulation 13 (Financial Management) under section 6.10 of the Local Government Act 1995 (Listing of Accounts Paid).

Regulation 34 (Financial Management) under section 6.4 of the Local Government Act 1995 (Financial Report by Nature and Explanation of Variances).

### **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 2012/13 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 are received.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED:** Mayor, Brad Pettitt

**The City of Fremantle Financial Report for the period ended 31 October, 2012 is received.**

**SECONDED:** Cr T Grey-Smith

**CARRIED:** 11/0

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Rachel Pemberton Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**C1211-3      AUDIT COMMITTEE - APPOINTMENT OF EXTERNAL COMMITTEE MEMBER**

**DataWorks Reference:** 039/033  
**Disclosure of Interest:** Nil  
**Meeting Date:** Council 28 November 2012  
**Previous Item:** Item C1112-4 of 21 December 2012  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Alan Carmichael, Manager Finance & Administration  
**Decision Making Authority:** Council

**EXECUTIVE SUMMARY**

**Applications were called by the city for the vacant position of external member on the Audit Committee. Two applications were received and after assessment against the selection criteria the Audit Committee has recommended that Mr Phillip Draber be appointed to the position.**

**BACKGROUND**

At its meeting of 21 December 2011 (Item C1112-4 refers) Council endorsed an amended Instrument of Appointment and Delegation for the Audit Committee to allow for the appointment of an external member including selection criteria for position and payment of a meeting fee of \$250 per meeting.

**COMMENT**

The position was advertised by state wide public notice on 1 September 2012 and two applications were received. The applications were from Kamisha Hende Hendersen-Kelly and Phillip Draber.

The applications were referred to the Audit Committee of 14 November 2012 for their consideration as to who they considered best met the selection criteria. The minutes of the Audit Committee Meeting are appended to the November 2012 Information Report that is included in this meeting agenda.

**RISK AND OTHER IMPLICATIONS**

**Financial**

Nil

**Legal**

Appointments to committees must be made by Council.

**Operational**

Nil

## Organisational

Nil

## CONCLUSION

The Audit Committee has recommended Mr Phillip Draber be appointed to the vacant external member position on the Audit Committee.

## STRATEGIC AND POLICY IMPLICATIONS

Nil

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Mayor, Brad Pettitt**

**That Mr Phillip Draber be appointed to the vacant external member position on the Audit Committee**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Robert Fittock Cr Rachel Pemberton Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## **COUNCIL ITEMS**

### **C1211-4 NOTICE OF MOTION - CR D COGGIN - ESPLANADE RESERVE YOUTH PLAZA**

**DataWorks Reference:** 097/004 and 023/032  
**Disclosure of Interest:** Nil  
**Meeting Date:** Council 28 November, 2012  
**Previous Item:** SGS1210-10  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Marisa Spaziani, Director Community Development  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

## **EXECUTIVE SUMMARY**

Notice of motion from Cr Dave Coggin for the following;

That Council:

1. **Recognises the community value and practical amenity of the Esplanade mound and the supports its retention through the Youth Activity & Skate Plaza design process; and**
2. **Requests that an additional conceptual design is prepared for the Youth Activity & Skate Plaza that utilises and integrates the mound within the design.**

## **BACKGROUND**

Council meeting of 24 October 2012 recommended that;

*The general area 2, extended west to the treeline including the area in front of the skywheel, excluding the "mound", and extended to the trees located on the south-west border to integrate Dismantle in the area in which the design for the youth plaza can be designed with the 2009 adopted masterplan amended to include this location.*

## **COMMENT**

As a consequence, Officers intend to appoint a service provider to begin conceptual design work, including stakeholder consultation, in late 2012. The scope of works for the designers will ensure they focus on integrating the design with current and future uses of the Esplanade Park.

A conceptual design is likely to come back to Council for a decision to proceed to construction in early 2013.

However, there appears to have been some confusion about: (a) the specific location and parameters of the design, and (b) the extent to which it can integrate with the current mound area. In particular, it was not made clear that a design could be made that would integrate and take advantage of the features of the "mound".

Rather than bring the issue back to Council for clarification and debate, a better way forward is to ask the designers to undertake two designs for the Youth Activity & Skate Plaza:

- a) One consistent with the Council decision of 24 October 2012;
- b) A second design that integrates the mound within the design.

The provision, comparison and analysis of two detailed designs will then allow Council to rationally, and with evidence before them, consider specific designs relating to the effectiveness of the plaza, its integration with the park as a whole, and its impact on the mound's amenity.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

A meeting with Lotterywest was held recently to explore the possibility of a funding application. Lotterywest indicated interest in the project. An application will be submitted shortly as there is a 4 to 5 month waiting period before approval.

The proposal requires Convic to design both a \$600,000 and a \$1 million option in the anticipation of Lotterywest funding becoming available.

### **Legal**

Local Government Act 1995 and relevant regulations.

### **Operational**

The project is managed by the City and delivered by the consultant team.

### **Organisational**

Nil.

## **CONCLUSION**

To consider the notice of motion.

## **STRATEGIC AND POLICY IMPLICATIONS**

City of Fremantle Strategic Plan 2010 – 2015

Character: Greater engagement with youth and more youth activities and facilities.

City of Fremantle Youth Plan 2012 – 2015

Strategy 2 Provide spaces in the City of Fremantle that are welcoming and friendly for young people.

Action 2.8 Explore opportunities to improve the Esplanade as a youth friendly space.

## COMMUNITY ENGAGEMENT

Nil.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## NOTICE RECOMMENDATION / COUNCIL DECISION

**MOVED: Cr D Coggin**

**That Council:**

1. Recognises the community value and practical amenity of the Esplanade mound and supports its retention through the Youth Activity & Skate Plaza design process; and
2. Requests that an additional conceptual design is prepared for the Youth Activity & Skate Plaza that utilises and integrates the mound within the design.

**SECONDED: Cr R Fittock**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	



Cr T Grey-Smith vacated the chamber at 8.21 pm during the following item and returned at 8.22 pm prior to determination.

**C1211-5            APPROVAL FOR THE TRIAL OF THE PROPOSED SATURDAY  
MULTICULTURAL FOOD MARKETS AT BATHERS BEACH, ARTHUR  
HEAD RESERVE, FREMANTLE**

<b>DataWorks Reference:</b>	049/008
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	28 November 2012
<b>Previous Item:</b>	SGS1209-5
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Nadine Weller, Acting Property Coordinator
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Previous item SGS1209-5 Map of the proposed affected area Market information submitted by Proponent

## **EXECUTIVE SUMMARY**

**It is proposed that Council support a trial period between January and April, 2013, for the proposed Multicultural Food Markets at Bathers Beach, Fremantle. An agreement is to be put in place for this period which requires the proponent to pay a commercial rent for the space as determined by independent valuation.**

## **BACKGROUND**

The City received a proposal from the Coordinator of the Growers Greens Farmers Markets for a Saturday market to be held on the concrete area between the Shipwright Building (Kidogo Art House) and the Fishermans Co-op building on Saturdays between the hours of 11am and 6pm.

The market would consist of a range of produce and food products of different ethnic varieties in addition to clothing and furniture stalls and the promise of discounted rental to encourage local artists. The focus being on social activity with food, arts and culture to cater for families and tourists to Bathers Beach.

At the Strategic and General Services Committee of the 12 September 2012, the committee recommended that Council defer the item to the October round of meetings, to enable the City's officer's to engage with the local stakeholders in regards to the proposed market and provide feedback.

## **COMMENT**

As requested by Council, the City has engaged with the relevant stakeholders being the Fremantle Chamber of Commerce, the Fremantle Inner City Residents Association and the Fremantle Fishing Boat Harbour (FFBH) Traders requesting feedback on the proposed market.

Mr Eddie Watling, representative of the FFBH Traders expressed that he received negative feedback from some of the FFBH Traders and requested a meeting with the City to discuss the matter further.

The City's Director Corporate Services and the Acting Property Coordinator met with Mr Watling to discuss the groups concerns relating to the market, in particular the 'fast food' aspect of the markets and the possibility of losing business due to this. A further meeting was held between the City's Director Corporate Services, the Applicant and Mr Watling on the 20<sup>th</sup> November 2012. These discussions clarified certain aspects of the proposal as to the numbers of stalls being considered, the marketing the proponent would undertake, where stallholders will park, the type of stall set-up being considered and the length of any trial period. Mr Watling agreed to present these clarified matters back to the FFBH Traders. Also discussed at this meeting was the need to ensure that any stalls did not operate directly outside Sweetlip Fish and Chips.

The market is only to operate on Saturday evenings and will be limited to only 20 stalls.

The CEO of the Fremantle Chamber of Commerce, Tim Milson verbally expressed that the Chamber has no concerns about the market and supports the approval. To date there is no response received from the Fremantle Inner City Residents Association.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

The agreement will require certification of public liability insurance no less than \$10 million, approvals in relation to Health Regulations and any other approvals required before operation commences.

### **Operational**

As food is the prime market product available and this will most likely be sold in a 'fast food' fashion, rubbish collection and removal from the site will need to be managed and closely monitored to ensure no negative affects to the reserve, especially considering the markets close proximity to Bathers Beach and ocean.

### **Organisational**

Any agreement with the applicant will be subject to City of Fremantle Environmental Health Regulations.

## **CONCLUSION**

After engaging with the relevant stakeholders, it is felt that the proposed multicultural food markets at Bather Beach will be beneficial to the community and not provide any negative impact to the surrounding residents. The FFBH Traders are concerned as to the impact on their businesses and the trial period will allow the City and the Traders to assess whether this is the case.

It is recommended that the proposed market be approved on the basis of a commercial lease for a trial period of 4 months being January - April 2013, to be held on Saturday evening between the hours of 5pm to 9pm. The market will be limited to no more than 20 stalls at any one time to ensure the area is not overcrowded and will be subject to all required approvals.

## **STRATEGIC AND POLICY IMPLICATIONS**

- Create a great place to live, work and place through growth and renewal.
- Strengthen Fremantle's economic capacity.
- Sustain and promote strategic initiatives that will grow our diverse arts culture.

## **COMMUNITY ENGAGEMENT**

As part of the approval process, the city have undertaken consultation with the local stakeholders and received feedback as outlined in this report.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That the multicultural food market proposed by Georgie Adeane, be approved on the basis of a commercial agreement, subject to the following conditions;**

- 1. That the market be run for a trial period of 4 months being January - April 2013.**
- 2. Operational hours will be Saturday from 5pm to 9pm, excluding Saturday 26<sup>th</sup> January at the proposed location. (an alternative location may be considered for this day)**
- 3. Agreement is to be based on an independent market valuation.**
- 4. The market will be limited to no more than 20 stalls.**
- 5. The applicant and all stall holders must adhere to the City of Fremantle Environmental Health Regulations.**
- 6. A report is to be brought back to the Strategic and General Services Committee at the end of the trial period.**

**Cr R Pemberton MOVED an amendment to the Officer's Recommendation to amend point 2. to add the following wording:**

2. Trading can be extended to include Friday and Sunday (from 5pm until 9pm) should the applicant wish to do so during the trial period.

**MOVED: Cr R Pemberton**

2. Operational hours will be Saturday from 5pm to 9pm, excluding Saturday 26<sup>th</sup> January at the proposed location (an alternative location may be considered for this day). *Trading can be extended to include Friday and Sunday (from 5pm until 9pm) should the applicant wish to do so during the trial period.*

**SECONDED: Cr T Grey-Smith**

LOST: 1/10

For	Against
Cr Rachel Pemberton	Mayor, Brad Pettitt Cr Jon Strachan Cr Dave Coggin Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Andrew Sullivan Cr Doug Thompson

**Cr R Pemberton MOVED an amendment to the Officer's Recommendation to amend point 4. to read as follows:**

4. The market will be limited to no more than 20 food stalls and 30 stalls in total.

**MOVED: Cr R Pemberton**

**4. The market will be limited to no more than 20 food stalls and 30 stalls in total.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Dave Coggin Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Rachel Pemberton Cr Ingrid Waltham Cr Sam Wainwright Cr Andrew Sullivan Cr Doug Thompson	

#### **REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

To ensure that the markets are a low cost trading environment and can include local arts and crafts plus buskers – some flexibility with the number of stalls will be beneficial. By not adding to the number of food stalls, which compete with nearby restaurants and food outlets – the additional stalls are limited to other traders that will act as attractors to the entire area.

## COUNCIL DECISION

Mayor, Brad Pettitt put the amended Recommendation as follows:

**That the multicultural food market proposed by Georgie Adeane, be approved on the basis of a commercial agreement, subject to the following conditions;**

- 1. That the market be run for a trial period of 4 months being January - April 2013.**
- 2. Operational hours will be Saturday from 5pm to 9pm, excluding Saturday 26<sup>th</sup> January at the proposed location (an alternative location may be considered for this day).**
- 3. Agreement is to be based on an independent market valuation.**
- 4. The market will be limited to no more than 20 food stalls and 30 stalls in total.**
- 5. The applicant and all stall holders must adhere to the City of Fremantle Environmental Health Regulations.**
- 6. A report is to be brought back to the Strategic and General Services Committee at the end of the trial period.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Dave Coggin Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Andrew Sullivan Cr Doug Thompson	

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**C1211-6 TENDER ACCEPTANCE ESPLANADE RESERVE YOUTH PLAZA**

**DataWorks Reference:** 023/032;148/015;135/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 28 November 2012  
**Previous Item:** SGS1210-10  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Marisa Spaziani, Director Community Development  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment 1 - Proposal Brief

## **EXECUTIVE SUMMARY**

**A tender proposal has been submitted by Convic for the design and construct of the Esplanade Youth Plaza. Once a contractor is appointed the project will commence in early December 2012.**

## **BACKGROUND**

At the October 2012 Council meeting, it was resolved that an area on the Esplanade Park was to be dedicated to the development of a youth plaza. The budget for the project is \$600,000.

## **COMMENT**

A project proposal brief was developed (Attachment 1) and was advertised for tender through the Western Australian Local Government Association (WALGA) panel e-quotes system, TPS0937 on Friday, 2 November 2012 and closed on Tuesday, 20 November 2012. Convic Design is the sole supplier on the WALGA panel system and a proposal was received by Convic for the Design and Construct of the proposed youth plaza facility on Esplanade Reserve.

Convic has submitted a proposal covering stages of the project inclusive of:

Background Research  
Community Consultation  
Concept Design  
Detailed Design Documentation  
Construction  
Maintenance and Management Plan  
Defects Liability Period

The proposal covers a design and construct project in two stages. Stage 1 working to a \$600,000 budget and stage 2 working to a \$1 million budget, on the understanding that if a Lotterywest application is successful, the project could increase to approximately \$1 million.

Convic has significant experience in the design and construct of skate parks and youth plazas around Australia and overseas and is a reputable provider of youth skate park facilities nationally.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

A meeting with Lotterywest was held recently to explore the possibility of a funding application. Lotterywest indicated interest in the project. An application will be submitted shortly as there is a 4 to 5 month waiting period before approval.

The proposal requires Convic to design both a \$600,000 and a \$1 million option in the anticipation of Lotterywest funding becoming available.

### **Legal**

Local Government Act 1995 and associated regulations.

### **Operational**

The project is managed by the City and delivered by the consultant team.

### **Organisational**

Nil

## **CONCLUSION**

Once the consultants are appointed, the community engagement and design process will commence early December 2012 and the estimated time for construction is between June and October 2013.

## **STRATEGIC AND POLICY IMPLICATIONS**

City of Fremantle Strategic Plan 2010 – 2015

Character: Greater engagement with youth and more youth activities and facilities.

City of Fremantle Youth Plan 2012 – 2015

Strategy 2 Provide spaces in the City of Fremantle that are welcoming and friendly for young people.

Action 2.8 Explore opportunities to improve the Esplanade as a youth friendly space.

## **COMMUNITY ENGAGEMENT**

Community engagement is part of the project brief prior to design.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required



## OFFICER'S RECOMMENDATION

**MOVED:** Mayor, Brad Pettitt

Accept the proposal from Convic for the design and construct of the Esplanade Reserve Youth Plaza on the basis of two options, being:

- Stage 1 working to a \$600,000 budget; and/or
- Stage 2 working to a \$1 million budget, on the understanding that if a Lotterywest application is successful, the project could increase to approximately \$1 million.

**SECONDED:** Cr T Grey-Smith

Cr A Sullivan **MOVED** an amendment to the Officer's Recommendation to amend the wording to read as follows:

**That Council:**

Accept the proposal from Convic for the design and construct of the Esplanade Reserve Youth Plaza on the basis of two options: being

- Stage 1 working to a *budget in the range of \$600,000 to \$1.0 million*; and
- Stage 2 working to a *budget in the range of \$1.0 million to \$1.6 million*,

*and on the understanding that Councils capital contribution to the project is an initial budget of \$600,000 and that if a LotteryWest application and/or State funding from the proceeds of crime funds are successful, the project budget could increase from \$600,000 to a maximum of \$1.6 million.*

**SECONDED:** Cr D Coggin

**CARRIED:** 11/0

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION

To have designs developed that demonstrate how such a facility could be integrated into The Esplanade to give Council the best chance of producing an appropriately sized and functioning Youth Plaza.

**Mayor, Brad Pettitt put the amended Recommendation as follows:**

**That Council:**

**Accept the proposal from Convic for the design and construct of the Esplanade Reserve Youth Plaza on the basis of two options: being**

- **Stage 1 working to a budget in the range of \$600,000 to \$1.0 million; and**
- **Stage 2 working to a budget in the range of \$1.0 million to \$1.6 million,**

**and on the understanding that Councils capital contribution to the project is an initial budget of \$600,000 and that if a LotteryWest application and/or State funding from the proceeds of crime funds are successful, the project budget could increase from \$600,000 to a maximum of \$1.6 million.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## **C1211-7 OVERSEAS TRAVEL REQUEST**

**DataWorks Reference:** 153/004;154/041/153/001;Fremantle Arts Centre  
**Disclosure of Interest:** Nil  
**Meeting Date:** 28 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director, Community Services  
**Actioning Officer:** Jim Cathcart, Arts Centre, Director  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

### **EXECUTIVE SUMMARY**

Approval is sought for Fremantle Arts Centre Curator, Dr Ric Spencer, to undertake two research trips of no more than a week each to Bali in preparation for a major exhibition on the relationship between Bali and Perth, scheduled for February 2014. As Curator of the exhibition, the travel is essential to identify and meet key artists and establish relationships to enable the project to be fully developed. The CEO does not have delegation to approve overseas travel for staff for work related purposes.

### **BACKGROUND**

The Arts Centre is developing a major project "Return Economy" on the cultural and artistic relationship between Bali and Perth. Scheduled for February 2014, the Perth International Arts Festival has given preliminary support for its inclusion in the 2014 festival program.

The Curator is required to travel to Bali to research the project, meet and secure artists, establish networks, conduct gallery and studio visits to fully develop the project. The Curator will also meet Directors and Curators from museums and galleries throughout Bali including at the Neka Museum, Agung Rai Museum of Art and the Museum Puri Lukisan.

It is anticipated that the project will include:

- Work by traditional Balinese artists who endure in the face of pressure to cater to tourism.
- Work by Perth artists who have strong professional and creative links to Bali, such as artist Rodney Glick.
- Drawing, sculpture and painting by Balinese artists who have a professional connection with Perth.
- Photography by a WA artist exploring aspects of tourism culture.
- Installation works by Balinese and/or Australian artists reflecting on retail culture, architecture, landscape, retreats and eco-tourism.
- Other components to be developed through research, residency and partnership building.

## **COMMENT**

To develop and deliver the project to a professionally acceptable standard, the Curator is required to meet artists, make connections and form partnerships. This level of essential engagement is not achievable via phone or on-line communication. It is standard operating procedure in any original visual arts project for the Curator a project's "artistic director and artistic manager" to meet artists in person, research an environment and create an artistic team. In addition, the Curator is required to develop the project about cultural difference and will be undertaking this research whilst in Bali. It is not possible to do a credible project about Bali and Perth without this firsthand knowledge.

Two separate trips are required. The first trip, in early December 2012, is to make those connections, understand the environment and develop the ideas and components of the show. Following that trip, there will be negotiations and discussions with possible partners and artists leading to a general agreement and confirmation of roles and the project's components in principle.

The second trip, some months later, is essential for the Curator to review initial work done, consolidate the key partnerships and to finalise and confirm the artistic components and scope of the project. This phase often involves modifying or abandoning components when it is apparent after initial development that they are not appropriate or will not be successful. This is standard operating procedure when developing a credible visual arts project comprising new work being created for that project.

The Department of Culture and the Arts has supported this project in the recently renewed three year contract between the City and the State Government, which largely funds the Arts Centre's visual arts program.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The budget for the two trips is approximately \$5,000 in total, and budgeted for by the Fremantle Arts Centre.

### **Legal**

The City will secure relevant extension of insurance cover, anticipated to be at no extra or minimal cost.

### **Operational**

Nil

### **Organisational**

Nil

## CONCLUSION

The relationship with Bali is of great interest to West Australians and it is anticipated that this will be a popular, successful project. Funding from other sources will be sought including Australia Council, philanthropic foundations and via corporate sponsorships. It is tentatively expected that Perth Festival will invest in the project.

## STRATEGIC AND POLICY IMPLICATIONS

Strategic Plan

Character – A City that attracts diverse original arts and artists, culture and events.

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority

## OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Mayor, Brad Pettitt**

**Approval is given for the Fremantle Arts Centre Curator, Dr Ric Spencer to undertake two trips to Bali, before February 2014, to research and develop proposed Bali - Perth project at the Fremantle Arts Centre.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**C1211-8 COUNCIL INFORMATION REPORT - NOVEMBER 2012**

**AUDIT COMMITTEE MINUTES**

**DataWorks Reference:** 039/033  
**Author:** Glen Dougall, Director Corporate Services  
**Agenda Attachments:** Attachment Audit Committee Minutes of 14 November 2012

Attached are the minutes to the Audit Committee of 14 November 2012. The items considered by the committee were: - (1) Meeting with the external auditor, (2) Recommended appointment of an external person to the Audit Committee for which there is a separate item in this agenda for Council's consideration, (3) Recommendation on reappointment of William Buck as the city's internal auditors until 30 June 2014 and (3) Endorsement of the Internal Audit Plan for 2012/2013 to 2013/2014.

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**The information report for November 2012 be received.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

## **C1211-10      STRATEGIC PLAN PROGRESS REPORT - OCTOBER 2012**

**DataWorks Reference:** 030/017  
**Disclosure of Interest:** Nil  
**Meeting Date:** 28 November 2012  
**Previous Item:** C1207-3  
**Responsible Officer:** Graeme Mackenzie, Chief Executive Officer  
**Actioning Officer:** Glen Dougall, Director Corporate Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Strategic Plan Progress Report for October 2012 (under separate cover)

### **EXECUTIVE SUMMARY**

Council adopted its current strategic plan in June 2010 and reviewed these priorities in February 2011. One of the key projects of the plan was to commence a reporting regime that informed the council and community of progress against the achievements of the plan.

The report format shows in graph form the target and actual completion of percentages cumulatively each month, the planned commencement and completion dates, and a comment from the responsible director for each project. The report also has easy to read indicators for each project and summary indicators showing overall progress against each of the strategic imperative areas from the plan.

The report ensures the City remains focused on its strategic imperatives. The report is provided for information and discussion as appropriate.

### **BACKGROUND**

Council adopted its current strategic plan in June 2010, with a review in February 2011 as part of an annual process of review. The plan contains seven 'strategic imperative areas' within which there are a number of projects that the council determined were priority projects to achieve the outcomes it sought in each of these strategic areas.

One of the strategic areas is organisational capability. The focus of this area is to ensure the City is capable of delivering the outcomes identified in the plan within the expected timeframes. A key part of that is to ensure that progress on these projects within the strategies are regularly monitored and reported on by officers and overseen by council to ensure the focus is maintained.

## **COMMENT**

### **7.1.1.12 Participate in at least one new resource sharing initiative in partnership with other local governments in the south west region**

This Action is to be removed from the strategic plan until after amalgamations.

Projects which are less than 40% of their target progress are commented below:-

### **2.1.3.32 - Conduct examination of scheme provisions to encourage redevelopment of North Fremantle Town Centre (Queen Victoria Street) and proceed with amendments if supported**

Priority has been given to other strategic planning projects.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil.

### **Legal**

Local Governments are required to develop and maintain a strategic plan (for the moment known as a plan for the future).

### **Operational**

Further development of the internal systems is being undertaken to ensure proper alignment with the local government reform agenda and reporting of progress for strategic projects.

### **Organisational**

The whole organisation is involved in the delivery of the strategic plan. Organisational capacity and focus on achievement is recognised as a critical success factor in the plan. Reporting against progress on projects the council has identified as priorities is critical in sustaining the focus and reviewing capacity along the way.

## **CONCLUSION**

The City of Fremantle Strategic Plan progress report for October 2012 is noted.

## **STRATEGIC AND POLICY IMPLICATIONS**

As discussed within this report.

## **COMMUNITY ENGAGEMENT**

Nil.



## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION / COUNCIL DECISION

**MOVED: Mayor, Brad Pettitt**

**That Council:**

- a) receive the City of Fremantle Strategic Plan Progress Report for October 2012; and
- b) formally delete Action 7.1.1.12 Participate in at least one new resource sharing initiative in partnership with other local governments in the south west until post amalgamation.

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Mayor, Brad Pettitt moved that item number C1211-11 be closed to members of the public in accordance with Section 5.23(2) of the Local Government Act.**

**RESOLUTION FOR CONFIDENTIALITY**

**MOVED: Mayor, Brad Pettitt**

**That item C1211-11 be closed to members of the public in accordance with Section 5.23(2) of the Local Government Act.1995.**

**SECONDED: Cr D Thompson**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Mayor, Brad Pettitt requested the public to vacate the chamber to allow discussion on item C1211-11, which was deemed to be confidential.**

## **CONFIDENTIAL MATTERS**

### **C1211-11      CONFIDENTIAL REPORT - CONSIDERATION OF TENDERS FOR THE PURCHASE AND REDEVELOPMENT OF THE POINT STREET PROPERTY - TENDER NO. FCC391/12**

**DataWorks Reference:** 053/003, 2 Point St, 64-72 Adelaide St Fremantle  
**Disclosure of Interest:** Nil  
**Meeting Date:** 28 November 2012  
**Previous Item:** C1204-9  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Brett Cammell, Senior Strategic Planner  
**Decision Making Authority:** Council  
**Agenda Attachments:** Confidential – Market Valuation

## **REASON FOR CONFIDENTIALITY**

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

- (e) a matter that if disclosed, would reveal -
  - (iii) information about the business, professional, commercial or financial affairs of a person

## **EXECUTIVE SUMMARY**

**The purpose of this report is to consider tenders received for the purchase and redevelopment of the City of Fremantle owned Point Street property.**

## **BACKGROUND**

At its Ordinary Meeting on 22 August 2012 Council resolved to:

1. Adopt the Business Plan titled 'Proposal to enter into a major land transaction through the disposal of: 2 Point St, 64-72 Adelaide St Fremantle'; and
2. Develop a tender document and advertise the sale of 2 Point St, Fremantle in accordance with the business plan.

Tenders were subsequently invited over a five week period from 3 October 2012 to 7 November 2012. Advertisements were placed in the West Australian, Australian Financial Review and Fremantle Gazette newspapers, as well on the internet site, 'realcommerical.com.au', and signs were displayed on the site. The marketing agents also approached a significant number of potential developers who may be interested in the site, including those developers who had previously submitted tenders or expressions of interest during previous efforts to sell the property.

At the close of tenders, tender documents had been received from two tenderers:

- SKS Land P/L; and
- Diploma Group.

The marketing agents advised that interest in the tender was relatively positive with interest shown not only from developers previously engaged in the process, but also new parties. After the close of the tender period, the marketing agents contacted some of the developers that expressed an interest in the property however did not submit a tender; with the following comments provided:

- Uncomfortable with development time restrictions
- Uncertainty around local development resistance
- Currently disposing not acquiring property
- Concerns surrounding local authority's development approval process and market uncertainties.

The tender document stated that evaluation of the tenders would be based on the following selection criteria:

<b>Selection criteria</b>	<b>Weighting of each criterion</b>	<b>Information required</b>
Purchase Price	80%	A tendered Purchase Price
Experience and capability	20%	<p>– Outline experience in developing comparable projects.</p> <p>The City is seeking expeditious completion of a development of the Property. Development shall substantially commence within 3 years of the Contract Date and be practically completed within 5 years of the Contract Date.</p>

Additionally the tender document required a Tender Fee to be submitted with the tender, equal to 1% of the offered Purchase Price.

## **COMMENT**

### Tender 1 – SKS Land P/L

SKS Land P/L ('Tender 1') offers a purchase price of \$10,000,000 and submitted a Tender Fee, thereby conforming to the tender requirements.

Tender 1 proposes a delivery team to redevelop the property consisting of:

- SKS Land
- C2 Property Group
- Campion Design Group
- Norman Disney & Young Engineers & Consultants
- Remote Constructions – builder
- Slattery Quantity Surveyors
- Design Collision – marketing
- Space Real Estate – sales agent.

SKS Land is a Malaysian based property developer. The remaining firms in the delivery team are either based in Australia or have offices in Australia. The submission provides examples of completed and proposed developments undertaken by C2 Property Group and Norman Disney & Young Engineers & Consultants in Western Australia and overseas.

Tender 1's submission states a commitment to the redevelopment timeframes contained in the tender document. Furthermore the submission states that C2 Property Group has demonstrated a financial capacity via its past and current projects to deliver on the financing of its projects.

#### Tender 2 – Diploma Group

Diploma Group ('Tender 2') does not conform to the tender requirements as the tender documentation was not completed, nor a Tender Fee paid. Tender 2 does not indicate a purchase price but instead offers that the Diploma Group develops the project through a Memorandum of Understanding with the City.

In terms of experience and capability, Tender 2 provides details of various developments undertaken in Western Australia and provides a commitment to redeveloping within the stated timeframes in the tender document.

#### Recommendation

Tender 1 is a conforming tender that offers a Purchase Price commensurable to the recent market valuation (refer Attachment 1 – Confidential), and demonstrates the experience and capability to deliver the redevelopment of the Point St property through the delivery team and previous and current projects. Tender 2 does not conform to the tender requirements as outlined above.

It is therefore recommended that Council accept the tender from SKS Land P/L for Tender No. FCC391/12.

### **RISK AND OTHER IMPLICATIONS**

#### **Financial**

The financial effect of the sale of the Point St property on the City's finances was considered in the Business Plan.

#### **Legal**

The contract of sale will incorporate the relevant purchase conditions contained in the tender document.

#### **Operational**

Operation of the Point St Car Park No. 6 and current tenancies could continue until settlement of the property which would take place within 30 days after the purchaser is granted planning approval. Continuation of the car park and tenancies following settlement and until redevelopment commences would be subject to negotiation with the purchaser.

#### **Organisational**

Nil

## **CONCLUSION**

Two tenders were submitted for the purchase and redevelopment of the Point Street properties. The tender submitted by SKS Land P/L conforms to the tender requirements, offers a satisfactory Purchase Price and demonstrates that SKS Land P/L has the experience and capability to redevelop the property within the timeframes set out in the tender document. The tender from Diploma Group does not conform to the tender requirements and seeks to enter into a memorandum of understanding with the City to develop the site.

It is therefore recommended that Council resolve to accept the tender from SKS Land P/L for Tender No. FCC391/12.

## **STRATEGIC AND POLICY IMPLICATIONS**

City of Fremantle 2010-2015 Strategic Plan:

Economic Development – *‘Implement a strategy for City-owned sites with staged completion dates for the Spicer site, Point Street site and Queensgate cinema redevelopment.’*

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**That Council accept the tender from SKS Land P/L for Tender Number FCC 391/12 for the purchase of 2 Point Street Fremantle for the purchase price of \$10,000,000 and the conditions provided within the tender document.**

**SECONDED: Cr A Sullivan**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

**Note:**

This item is no longer confidential.

**C1211-12 GROUND WATER DISCHARGE FROM 15-17 ESSEX ST (STATE ADMINISTRATIVE TRIBUNAL MATTER DR 288 OF 2012)**

**DataWorks Reference:** 122/006; 15-17 Essex St; Owners 15-17 Essex St  
**Disclosure of Interest:** Nil  
**Meeting Date:** 28 November 2012  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director technical services  
**Actioning Officer:** Jon Horne, Financial controller technical services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Photos of ground water overflow

**REASON FOR CONFIDENTIALITY**

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

- (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

**OFFICER'S RECOMMENDATION / COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

**Council endorses the following options for 15-17 Essex Street;**

1. For the owners to design and construct a direct connection from the storm water pit to the Water Corporation main drain to allow direct ground water discharge into this drain; or
2. For the owners to fully dispose of ground water internal to the property

**with both options at no cost to the City, including any ongoing maintenance cost associated with a direct connection to the WC main drain.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 11/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr Dave Coggin Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Andrew Sullivan Cr Doug Thompson	



**CLOSURE OF MEETING**

**THE MAYOR, B PETTITT DECLARED THE MEETING CLOSED AT 9.08 PM.**

## **SUMMARY GUIDE TO CITIZEN PARTICIPATION AND 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.

<b>How consultative processes work at the City of Fremantle</b>	
<b>The City's decision makers</b>	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.
<b>Various participation opportunities</b>	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.
<b>Objective processes also used</b>	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.
<b>All decisions are made by Council or the CEO</b>	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).
<b>Precinct focus is primarily local, but also city-wide</b>	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.
<b>All input is of equal value</b>	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.
<b>Decisions will not necessarily reflect the majority view received</b>	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 of budgetary considerations. All consultations will

<b>How consultative processes work at the City of Fremantle</b>	
	clearly outline from the outset any constraints or limitations associated with the issue.
<b>Decisions made for the overall good of Fremantle</b>	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.
<b>Diversity of view on most issues</b>	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.
<b>City officers must be impartial</b>	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.
<b>City officers must follow policy and procedures</b>	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**

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

### **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.





# MINUTES ATTACHMENTS

## Ordinary Meeting of Council

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Wednesday, 28 November 2012, 6.00 pm

**PSC1211-180 DOURO ROAD NO. 25 (LOT 95) SOUTH FREMANTLE -  
ALTERATIONS TO EXISTING RESTAURANT (CROWDED HOUSE):  
2008 COUNCIL REPORT**

The Planning Services Committee requested at its meeting on 21 November 2012 that the 2008 Council report for 25 Douro Road be forwarded to Elected Members for consideration when PSC1211-180 is considered by Council on 28 November 2012.

The 2008 officer recommendation and PSC decision for the use of the rear courtyard was for refusal as:

*“the proposal is contrary to the objectives of clause 4.2.1 ii) of the Neighbourhood Centre Zone for the following reasons:*

- a) the proposed outdoor covered dining area will adversely impact on the amenity of the adjoining and surrounding residential properties due to noise; and*
- b) the proposed extended trading hours of the restaurant activities, coupled with the proposed outdoor dining area, will exacerbate the potential adverse impact on the adjoining/surrounding residential properties.”*

The difference between the 2008 proposal and current proposal is highlighted below:

<b>2008 proposal</b>	<b>Current proposal</b>
Hours of operation: 11pm weekend finish	Hours of operation: 10pm weekend finish
No noise attenuation measures	Significant noise attenuation measures proposed and a recommended condition that requires a report by a Noise Consultant.

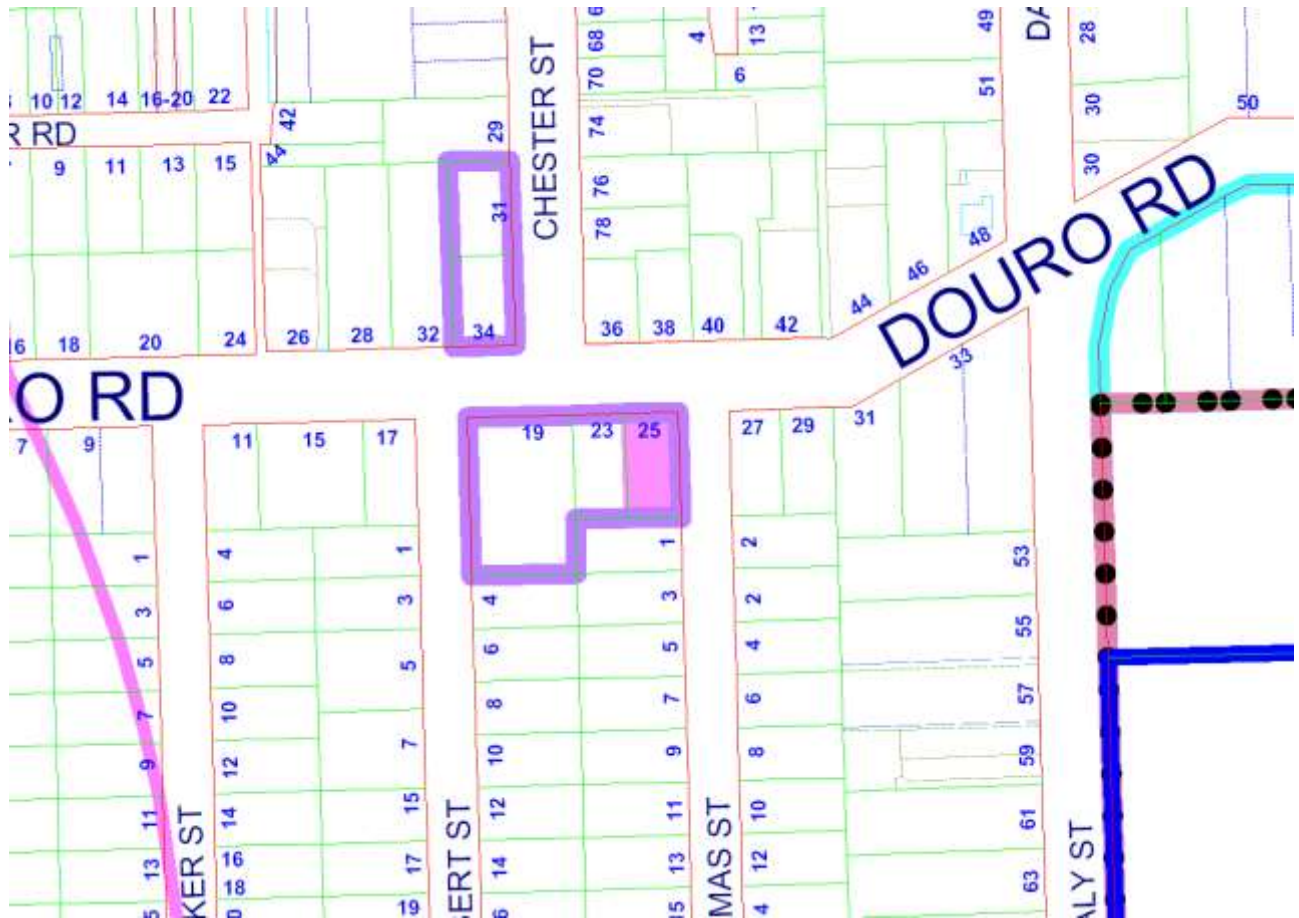
**2008 COUNCIL REPORT FOR 25 DOURO ROAD**

**OCM MINUTES - 28 NOVEMBER 2012**

**DataWorks Reference:** 059/002  
**Disclosure of Interest:** Nil  
**Responsible Officer:** Manager Development Services  
**Actioning Officer:** Planning Officer  
**Decision Making Level:** Planning Services Committee  
**Previous Item Number/s:** Nil  
**Attachments:** Development Plans  
**Date Received:** 2 July 2008  
    Revised plans received 1 October 2008  
**Owner Name:** Lisa Ramakrishnan & Naimish Patel  
**Submitted by:** Alexander Gibson & Pam Townshend  
**Scheme:** Neighbourhood Centre  
**Heritage Listing:** Management Category Level 3  
**Existing Land use:** Restaurant



Use Class: Restaurant  
Use Permissibility: A



## EXECUTIVE SUMMARY

The development application is referred to the Planning Services Committee meeting for determination as numerous submissions have been received of which the concerns outlined cannot be resolved via conditions of approval.

The applicant is seeking Planning Approval for the creation of a rear outdoor dining courtyard for an existing restaurant, extended hours of operation and replacement signage at No. 25 Douro Road, South Fremantle. No additional seating from the originally approved restaurant use is proposed by the application, only the location of the seating.

The use of the proposed outdoor dining area is anticipated to have a detrimental impact on the amenity of the surrounding residential properties. Consequently, the proposal will not satisfy the objectives of the Neighbourhood Centre zone as set out in clause 4.2.1 ii) of Local Planning Scheme No 4 (LPS4).

Accordingly the application is recommended for refusal.

## **BACKGROUND**

The subject site is zoned Neighbourhood Centre and is located within the South Fremantle Local Planning Area as described in Schedule 12 of the City's LPS4. The site is listed on the City's Municipal Heritage Inventory as a Management Category Level 3 due to the property's contribution to the streetscape, local area and Fremantle as a collective whole.

The subject site is located on the south-western corner of Douro Road and Thomas Street, and coupled with the properties to the west, are within the Neighbourhood Centre Zone. Although the property at No. 23 Douro Road is zoned Neighbourhood Centre, the property is used for residential purposes. The land immediately to the south of the site (1 Thomas Street) and located on the western side of Thomas Street are all zoned Residential.

Conditional Planning Approval was granted under Town Planning Scheme No. 2 (TPS2) for a Restaurant use on 19 March 1986 (DA2/86).

The site has operated as a restaurant since this approval date with the exception of a period of a few months in late 2005 and approximately the last six months. Both of these periods of non-use were due to the refurbishment of the building.

Planning Approval was granted on 23 May 2006 under Town Planning Scheme No. 3 (TPS3) for the replacement/restoration of windows and awning, disabled access and internal refurbishment at the subject site. The applicant also proposed additional dining floor space within the rear outdoor courtyard. The use of the courtyard for dining purposes was refused on the basis that the applicant had not adequately demonstrated the provision of the required number of additional car parking bays.

## **DETAILS**

The applicant submitted a new application for Planning Approval to the City on 1 October 2008. The current application involves:

- relocating some of the approved seating to the proposed outdoor covered dining area;
- change of hours of operation; and
- proposed signage change.

The applicant is proposing to reduce the number of internal dining seats and to provide dining for 38 people in the existing rear covered outdoor courtyard. The overall number of dining seats (80) on the subject site is proposed to remain unchanged. Furthermore, it is proposed to amend the approved opening times of 7pm to 10pm to 6pm to 11pm, six days a week.

The proposed signage consists of a single illuminated rectangular box type sign approximately 2.0 metres long and 0.35 metres high. The sign is to be attached horizontally to the building façade above the verandah facing the corner of Douro Road and Thomas Street. There already exists an illuminated box type sign in the same location as the proposed sign however a review of the City's records has failed to locate planning approval for the sign.

The applicant is not proposing any other structural or material changes to the premises.

## **STATUTORY AND POLICY ASSESSMENT**

### Local Planning Scheme No.4

#### *Objectives of Zone*

The objectives of the Neighbourhood Centre zone state that development shall –

- i) *provide for the daily and convenience retailing, shops, café, office, administration and residential uses (at upper levels) which serve the local community and are located within and compatible residential areas,*
- ii) *ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- iii) *conserve places of heritage significance the subject of or affected by the development.'*

#### *Land Use*

The proposed type of restaurant use is consistent with the original Restaurant Planning Approval issued for this site under TPS2. Further, as a Restaurant use is a permitted (discretionary) land use under the City's Local Planning Scheme No.4 (LPS4), Planning Approval is not required for a change in the type of restaurant use.

In this instance, the closure of the restaurant at different times does not affect its approval rights. If a Restaurant use was prohibited within the Neighbourhood Centre Zone under LPS4, then the non-conforming use provisions of LPS4 would be applicable. However, this is not the case and the non-conforming use provisions do not apply in this situation.

The proposed changes to the original approval do require the application to be assessed against the development standards of the existing LPS4.

#### *Car Parking*

There will be a total of 80 dining seats provided on-site, which represents no change from the number of seats originally approved for the restaurant. As such the current proposal is not required to be assessed against the car parking requirements of Clause 5.7.2 of LPS4.

During the community consultation process a number of submissions were received that related to the provision of car parking for the restaurant use. Whilst the current application does not require assessment against the car parking requirements of LPS4, discussion regarding the provision of car parking for the restaurant is contained within the 'Planning Comment' section of this report.

### Council Policies

#### *D.B.H6 Signs and Hoardings*

The proposed signage complies with the relevant requirements of the City's *Signs and Hoardings Policy*.

*D.B.H13 Impact of Developments on Heritage Places Policy*

The application satisfies the requirements of the City's *Impact of Development on Heritage Places Policy*.

## **CONSULTATION**

### **Community**

The development application submitted to the City during 2008 was for a change of use to restaurant. In accordance with Clause 9.4 of the LPS4 and the City's *LPP1.3 Public Notification of Planning Proposals Policy*, the proposed change of use application was required to be formally advertised. This was on the basis that the proposed land use was a Restaurant, which is an "A" use in a Neighbourhood Centre zone. At the conclusion of the advertising period, being 21 July 2008, the City had received seven submissions. The following issues were raised:

- Provision of adequate car parking;
- Implications on local traffic given the other restaurant uses in the vicinity;
- Whether a restaurant use is permitted; and
- General complaints associated with food providers – noise, smells, littering.

A subsequent detailed review of the property file found that a change of use application was not required as the site had a valid Planning Approval to be used for restaurant purposes. Consequently, the development application to be determined is for the use of an existing outdoor covered courtyard for dining purposes and replacement signage. The issues raised during the consultation period have been addressed in the 'Planning Comment' section.

## **PLANNING COMMENT**

The site has continued to operate as a Restaurant since the original Planning Approval was issued in 1986, albeit with at least two periods where the business was not operating. These periods of non-operation do not mean that the approved land use of the premises is still not valid. The issues to be considered in relation to the proposed Restaurant activities include:

- impact on adjoining residential properties through noise;
- car parking; and
- proposed change to hours of operation.

### Noise

The southern (rear) portion of the site abuts residential properties to the west and south. The current application proposes to utilise the rear outdoor courtyard area for dining purposes. The proposed outdoor dining area is in close proximity to the adjoining residential properties at No.1 Thomas Street and No.23 Douro Road. Whilst the applicant has stated that there will be no music played in this area, the general noise associated with persons socialising and dining will inevitably be heard from the adjoining residential properties. This associated noise is considered to be detrimental to the amenity of these adjoining properties and therefore, the proposed outdoor dining area is not regarded as compatible with the surrounding residential use.

Further, the proposed later closing time of the restaurant is also expected to impact on the amenity of the adjoining properties.

In this regard, it is considered that the impact of noise from the proposed outdoor eating area will adversely impact on the surrounding properties and as such would not meet objective ii) of the Neighbourhood Centre Zone.

### Car Parking

The existing restaurant use was approved on 19 March 1986. Under TPS2, the restaurant use was required to be provided with 16 car parking bays. Table 2 of TPS2 did not specifically state the required car parking requirement for a restaurant use and unfortunately, the officer's report does not elaborate on how the 16 required car parking bays were calculated. No on-site parking was provided, however, the following condition of approval was applied:

- (ii) *Parking facilities for sixteen cars shall be provided on-site or in the near vicinity.'*

No on-site parking facilities are provided and it is assumed that this has been the case since the time of approval. Unless further detailed historical investigations are carried out over the last 22 years, there appears to be an existing shortfall of 16 car parking bays associated with the approved use of the premises.

The restaurant has previously used the vacant lot at No. 19 Douro Road, South Fremantle (former Liquorland premises) for the provision of car parking bays. The applicant intends to continue using these car bays and has provided the City with a copy of a lease agreement with the owner of No. 19 Douro Road demonstrating the leasing of 10 car bays for the use of the restaurant. However, as a lease agreement can be terminated by either the lessee or lessor, it is not considered an appropriate arrangement to secure the future provision of car parking. Furthermore, the City is currently in receipt of a development application for a two storey mixed use development at No. 19 Douro Road that, if approved and constructed, would remove all of the available parking for the restaurant.

The applicant has acknowledged the potential problems with the provision of car parking for the restaurant and seeks to minimise the disruption to the surrounding residential premises. The applicant has provided the City with a business plan outlining a valet parking service that would transport patrons from the nearby South Beach public parking area. The proprietor of the restaurant has purchased a 7 seater van and has stated that

a dedicated staff member will be available to operate the service. The proprietor has stated that patron's parking in the vicinity of the restaurant will be expressly discouraged in all advertising material and when taking customer bookings. However, it is not possible to prevent customers from parking in close proximity to the existing development.

The review of the files has not provided any information as to whether the 1986 condition of approval has been satisfied or having regard to the time that has lapsed (some 22 years), it may not be possible to enforce the 1986 condition of approval. On the basis that the number of dining seats proposed as part of the current application is in accordance with the existing planning approval for the property, the existing parking arrangements have been taken as meeting the requirements of the Scheme.

### Council Policies

#### *D.B.H6 Signs and Hoardings Policy*

The signage is considered to be appropriate to the location and function and of the site and would not diminish the visual amenity, aesthetic, heritage significance and character of the locality or detract from the appearance of buildings and places.

The proposed signage displays the name of the business, identifies the nature of the business and is attached to the building where the business takes place. The proposed signage is considered to contribute to the urban environment as the signs' functions are to convey information to the public.

The proposed horizontal signage is applied to horizontal elements of the building and does not cut across any vertical elements of the building. The proposed signage to be applied to the façade of the building is considered to be appropriate to the period and function of the building.

As the proposed sign is to be illuminated, a condition of planning approval is recommended to be included prohibiting any flashing or moving light at any time, should Council decide to approve the application.

The proposed sign is considered to satisfy the relevant requirements of the City's *D.B.H6 Signs and Hoardings Policy*.

#### *D.B.H13 Impact of Development on Heritage Places Policy*

The City's *Impact of Development on Heritage Places Policy* aims to ensure that Council has regard to heritage issues when determining applications, particularly with respect of impacts of proposed developments on heritage places and their site and streetscape contexts.

The proposed outdoor dining area is not anticipated to impact on the heritage significance of the property as the proposal does not include any structural or material changes to the building.

The proposed signage is to be attached to the building façade above the verandah facing the street. There already exists a similar sized sign in that location. The overall size and appearance of the sign is not anticipated to be detrimental to the heritage characteristics of the property and is therefore considered appropriate and acceptable.

### Submissions

The following issues were raised during the community consultation process. As previously mentioned, the original application was incorrectly advertised as a change of use to restaurant.

- Provision of adequate car parking

The applicant is reducing the number of internal dining seats to accommodate for the number of dining seats to be provided for in the outdoor dining area. There is no change in the number of dining seats from the approved use and as such the application is not required to be assessed with LPS4 car parking requirements.

- Implications on local traffic and on-street car parking given the other restaurant uses in vicinity

It is acknowledged that there are presently issues regarding the demand and provision of on-street car parking associated with the other commercial type uses in the area. However the current application for outdoor dining does not result in an increase in the number of required car parking bays to be provided by the restaurant from that of the restaurant's current planning approval. The proposed outdoor dining is not anticipated to contribute further to the existing car parking issues.

- Whether a restaurant use is permitted

The appropriateness of the use of the site for restaurant purposes was determined as being acceptable in 1986 when Planning Approval was granted for the site to be used for restaurant purposes. Although the restaurant use may have ceased on two previous occasions, the current circumstances are such that a restaurant use can continue to occur from the site.

- General complaints associated with food providers – noise, smells, littering.

Whilst matters such as noise, smells and littering can be considered in the general context of the proposal, the monitoring and enforcement of these matters are dealt with under various health and noise regulations. It has been stated earlier in the report that noise associated with proposed outdoor dining area is likely to be detrimental to the amenity of the adjoining residential properties.

### Conclusion

The proposed changes to the operation of the restaurant (provision of outdoor dining area and proposed change of operation hours) are not considered to satisfy the objectives of the Neighbourhood Centre zone as set out in clause 4.2.1 of LPS4. In particular, the proposed outdoor dining area is considered to be detrimental to the amenity of the adjoining residential properties and thus, incompatible with the surrounding residential area. Accordingly the application is recommended for refusal.

It should be noted that if Council decides to refuse the changes to the proposed operations of the existing restaurant, the property would still be able to continue operating lawfully as a restaurant in accordance with the planning approval dated 19 March 1986. By refusing this current application, Council is refusing planning permission for an outdoor dining area and change to the hours of operation, but not the restaurant use which was already determined in 1986.

The proposed signage is considered to satisfy the City's *D.B.H6 Signs and Hoardings Policy* and *D.B.H13 Impact of Development on Heritage Places Policy*. Should the applicant wish to seek planning consent for the proposed signage in the future, it is advised that the application may be supported.



**OFFICER'S RECOMMENDATION/COMMITTEE DECISION**

**MOVED: Mayor, Peter Tagliaferri**

1. That the application be **REFUSED** under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the use of an outdoor covered area for dining purposes, change of hours of operation to an existing Restaurant use and a replacement sign at No. 25 (Lot 95) Douro Road, South Fremantle, as detailed on plans dated 1 October 2008, as the proposal is contrary to the objectives of clause 4.2.1 ii) of the Neighbourhood Centre Zone for the following reasons:
  - a) the proposed outdoor covered dining area will adversely impact on the amenity of the adjoining and surrounding residential properties due to noise; and
  - b) the proposed extended trading hours of the restaurant activities, coupled with the proposed outdoor dining area, will exacerbate the potential adverse impact on the adjoining/surrounding residential properties.

**CARRIED: 5/1**

<b>For</b>	<b>Against</b>
Mayor, Peter Tagliaferri Cr John Alberti Cr John Dowson Cr Robert Fittock Cr Jon Strachan	Cr Bill Massie

**C1211-1      ANNUAL REPORT 2012**  
**AGENDA ATTACHMENT: ANNUAL REPORT 30 JUNE 2012**

City of Fremantle  
Annual Report  
2011–12  
**Draft**

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## Fremantle profile

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Fremantle is a historic port city located at the mouth of the Swan River, south–west of Perth, the state capital of Western Australia.

Established in 1829 as the port for the new Swan River Colony, Fremantle was Western Australia's major centre for much of its early history. As the first port-of-call for ships crossing the Indian Ocean from Great Britain and Europe, from colonial times and through the 20<sup>th</sup> century, it was a gateway for migrants coming to Australia – today, this is reflected in Fremantle's rich mixture of cultures and nationalities.

One third of Fremantle residents were born overseas, with most coming from Europe, New Zealand, South Africa and the USA. 15% of residents are from non-English speaking backgrounds – of these, 4.5% have Italian origins. Over 50% of Fremantle residents are Christian, while 27% do not identify with any religious faith.

The population of Fremantle has grown steadily over the past 20 years from 23 500 in 1990 to 29 383 in 2011. Recent growth has been buoyed by residential developments in the northern part of the city.

Despite a growing population, Fremantle residents are getting older, with the proportion of people under the age of 18 falling from 21% in 1991 to 17.6% in 2006. Over the same period the percentage of residents over 50 has increased from 29.5% to 36.4%.

Fremantle households tend to be small, with 70% of dwellings housing one or two people, while only 4% have five or more residents. Car ownership reflects this, with 13% of households having no vehicles and fewer than 10% having three or more cars.

Fremantle people are well educated, with 24% of residents holding a bachelor's degree or higher. At 6.6%, unemployment in the city is slightly higher than the national average.

The Fremantle economy is diverse, with 2 000 registered businesses operating across a wide range of sectors. Many of the city's enterprises are small businesses, with 20% of active businesses employing fewer than five people.

Fremantle's biggest employment sector is health care and social assistance – 17.5% of the city's workers are employed in this area, reflecting the important influence of Fremantle Hospital. Transport, postal and warehousing provides jobs for 12.6% of workers, with retail employing a further 10.2%.

In 2011, the city's industrial economy was dominated by the transport, postal and warehousing sectors (total value added \$645 million); manufacturing (\$523 million); and health care and social assistance (\$433 million). The Local Gross Product of Fremantle rose to \$3 678 million in 2011.

The City of Fremantle is home to Western Australia's principal general cargo port, with the Inner Harbour handling 26.1 million tonnes of cargo in 2010–11, worth \$25.9b, including general cargo, motor vehicle imports, and livestock exports. The outer harbour at Kwinana is one of the nation's major bulk cargo ports, handling a variety of bulk commodities, from grain to LPG.

Fremantle is an increasingly popular destination for cruise ships, with 39 visits in 2011 – 2012. Growing numbers of tourists are discovering Fremantle's appeal as a holiday destination – in 2010–11, visitors spent more than 956 100 nights in Fremantle, attracted

by the city's mix of culture, heritage, sport and entertainment; its vibrant al fresco cafe and bistro scene; and its delightful climate, maritime flavour and relaxing lifestyle.

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## Mayors report

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As we move into the 2012–13 financial year I can reflect back on 2011–12 as a year in which many of the most anticipated new revitalisation initiatives in Fremantle's history were debated, vigorously at times, to provide Fremantle with a clear vision for the future.

The initiatives I'm referring to relate predominantly to the City's two major planning and development projects, namely, amendments to the local planning scheme (Amendment 49) and the development of Kings Square and surrounding areas within the precinct (Kings Square Project).

Both of these initiatives came about after careful research, a focus on long-term planning and strong community engagement. In combination these projects are set to provide the Fremantle CBD with the biggest boost since the city hosted Australia's America's Cup Defence here in 1987. In fact, I would even go so far as to say that they are possibly the

most important new development initiatives in our city's history for many decades. It's a big call, I know, but one that I stand by and firmly believe will be the case when people look back in 50 years time.

The much-publicised Amendment 49, which involves planning scheme amendments covering 12 key sites in the city's inner east, was adopted by council in March 2012 in what was the most important decision the current council has been involved in. The amendments to the scheme will allow increased building heights across strategic sites in the run-down non-heritage areas of the city and are aimed at providing the ability for significant sustainable development. The overall goal is to increase the amount of people living, working, shopping and being entertained in the Fremantle CBD.

The Kings Square Project has a similar goal of attracting more people to the centre of our city and is focused on Kings Square and surrounding buildings. It is unique in many ways in that it provides for integrated development or redevelopment of a number of City-owned properties in conjunction with the redevelopment of the adjoining Myer building owned by Sirona Capital Management.

Following a range of workshops, community meetings and even the City's very first 'citizens' jury' event, council adopted an urban design strategy to guide new development. I'm very proud of both the end result of this strategy and the process for getting to this point. We are currently continuing negotiations with Sirona to transform Kings Square into the vibrant civic and social hub that it rightfully deserves to be.

As I outlined in last year's annual report, one of council's most important long-term goals is the recognition of Fremantle as a primary centre as defined in the state government's Directions 2031 planning framework. This recognition would provide Fremantle with increased state government funding and would reinstate Fremantle's status as Perth's second city. It is a goal worth striving for and council had made no secret of the fact that this is something we think is very achievable in the coming years.

Part of any good governing body is knowing when to relinquish control of certain functions to ensure a more efficient allocation of resources. The Fremantle Business Improvement District (or BID) initiative is a prime example of this. The Fremantle BID is a vehicle by which CBD businesses within the Fremantle CBD will now be able to set and allocate appropriate funding for infrastructure and other projects within the BID area. The City will collect the pre-existing differential rate on behalf of the BID but it will be the BID board, not the city, who will decide on where it will be spent.

It is these types of innovative new approaches to improving the way things are done that sets us apart from other local governments. As a council, we will continue to look 'outside the box' and will challenge the status quo if we think a better way of achieving goals can be put in place.

While the focus in the past couple of years has clearly been the revitalisation of Fremantle, we continue to deliver the key services and functions that our community expects and deserves. Our festivals were another standout success in 2011–12 with the annual Fremantle Festival and Street Arts festival bringing big crowds to Fremantle yet again. In fact a study carried out at this year's Street Arts festival showed that the event brought in over 100 000 visitors and contributed about \$2 million to the Fremantle economy!

Along with our festivals, the other main attraction last year was Fremantle's hosting of the ISAF World Sailing championships in December. The event was a huge success and among other benefits, generated a great deal of exposure for Fremantle as a world-class tourist destination.

Our maritime roots were also on show with the return to Fremantle of the *HMB Endeavour* replica. It was great to see her back in her home port and for a new generation of West Australian's to see her in all her glory.

Keeping with the maritime theme, I was very pleased to see the completion of the Old Port Project at Arthur Head. This important heritage project has brought that area of Fremantle into the spotlight, particularly Bathers Beach, which is now the jewel in Fremantle's coastal crown and a fantastic and accessible community space.

Our focus on sustainability is something that is very important to the current council. To this end we have implemented many aspects of the City's low carbon city plan and in every new project or initiative, sustainability is a strong consideration. We were the first carbon neutral council in WA and we will continue to build on this strong base to be an environmental leader of the future.

Hopefully, this has given you a taste of what was achieved in 2011–12. There are too many highlights to include everything here but please take the time to read through the operation reports for more detail on these and other innovative new initiatives and projects.

I would like to thank my fellow elected members and City staff for making 2011–12 a year in which many new and exciting initiatives were implemented. I would also like to thank the community for their engagement with these initiatives, in many cases making important contributions to the final outcomes.

I'm pleased that the council's strong and strategic vision for a vibrant and sustainable Fremantle has been made possible because of the support of you - our residents and ratepayers. - Thank you for taking such a great interest in these initiatives.

I have the utmost confidence that together we are shaping a future for Fremantle that will ensure the port city's standing as a unique place of consequence.

**Dr Brad Pettitt, Fremantle Mayor**

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Elected members

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**1 July 2011 to 14 October 2011**

**Mayor**

Dr Brad Pettitt – term expires 2013  
Library advisory committee  
Planning services committee  
Strategic and general services committee

**Beaconsfield ward**

Cr John Alberti – term expires 2011  
Strategic and general services committee  
Library advisory committee

Cr Josh Wilson – term expires 2013  
Planning services committee

**City ward**

Cr Donna Haney – term expires 2011  
Library advisory committee  
Strategic and general services committee

Cr Tim Grey–Smith – term expires 2013  
Planning services committee

**East ward**

Cr Dave Coggin – term expires 2013  
Library advisory committee  
Strategic and general services committee

Cr John Dowson – term expires 2011  
Planning services committee

**Hilton ward**

Cr Bill Massie – term expires 2011  
Planning services committee

Cr Sam Wainwright – term expires 2013  
Library advisory committee  
Strategic and general services committee

**North ward**

Cr Doug Thompson (Deputy Mayor) – term expires 2013  
Strategic and general services committee

Cr Robert Fittock – term expires 2011  
Planning services committee



**South ward**

Cr Andrew Sullivan – term expires 2013  
Planning services committee

Cr Georgie Adeane – term expires 2011  
Library advisory committee  
Strategic and general services committee

**15 October 2011 to 30 June 2012**

**Mayor**

Dr Brad Pettitt – term expires October 2013  
Library advisory committee  
Planning services committee  
Strategic and general services committee

**Beaconsfield ward**

Cr Josh Wilson – term expires 2013  
Planning services committee

Cr David Hume – term expires 2015  
Library advisory committee  
Strategic and general services

**City ward**

Cr Rachel Pemberton – term expires 2015  
Planning services committee

**East Ward**

Cr Dave Coggin – term expires 2013  
Library advisory committee  
Strategic and general services committee

Cr Ingrid Waltham – term expires 2015  
Planning services committee

**Hilton ward**

Cr Bill Massie – term expires 2015  
Planning services committee

Cr Sam Wainwright – term expires 2013  
Library advisory committee  
Strategic and General Services Committee

**North ward**

Cr Doug Thompson (Deputy Mayor) – term expires 2013  
Strategic and general services committee

Cr Robert Fittock – term expires 2015  
Planning services committee

**South ward**

Cr Andrew Sullivan – term expires 2013  
Planning services committee

Cr Jon Strachan – term expires 2015  
Library advisory committee  
Strategic and general services

**Council/committee meeting attendance 2011–12**

**Attendance record for the period  
1 July 2011 to 14 October 2011**

<b>Elected member</b>	<b>Ordinary council meeting (4)</b>	<b>Planning services committee meeting (7)</b>	<b>Strategic and general services committee meeting (3)</b>
Mayor Brad Pettitt	4	4	2
Deputy Mayor Doug Thompson	3	N/A	2
Cr Andrew Sullivan	4	7	1
Cr Bill Massie	4	7	0
Cr Dave Coggin	2	N/A	3
Cr Donna Haney	4	N/A	3
Cr Georgie Adeane	4	N/A	2
Cr John Alberti	3	N/A	3
Cr John Dowson	4	6	0
Cr Josh Wilson	3	5	0
Cr Robert Fittock	4	7	1
Cr Sam Wainwright	3	N/A	3
Cr Tim Grey-Smith	4	5	0

**Attendance record for the period  
15 October 2011 to 30 June 2012**

<b>Elected member</b>	<b>Ordinary council meeting (9)</b>	<b>Planning services committee meeting (14)</b>	<b>Strategic and general services committee meeting (8)</b>
Mayor Brad Pettitt	7	8	6
Cr Doug Thompson	6	N/A	6
Cr Andrew Sullivan	9	12	1
Cr Bill Massie	9	13	1
Cr Dave Coggin	8	N/A	7
Cr Ingrid Waltham	9	13	0
Cr Rachel Pemberton	8	12	1
Cr Jon Strachan	8	N/A	7
Cr David Hume	9	N/A	8
Deputy Mayor Josh Wilson	7	11	0
Cr Robert Fittock	7	12	1
Cr Sam Wainwright	8	N/A	7
Cr Tim Grey-Smith	6	N/A	6

**Explanatory notes:**

- council elections held in 2011 with the change over on Saturday 15 October
- when an elected member cannot attend a committee meeting, the other EM for that ward may be deputised in their place, even if not a regular committee member
- the Mayor's attendance at planning services committee meetings is optional, not a requirement.

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## CEO's report

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The last 12 months have been particularly productive for the City as we work toward our vision of creating a “unique city of cultural and economic significance”. Much of the progress being made in revitalising our city has been summarised in the Mayor's report so I won't dwell on or repeat that commentary.

Instead, my report is going to focus on the future of local government in metropolitan Perth following the announcement in July 2011 by the Minister for Local Government that he had established a Metropolitan Perth Local Government Review Panel. The purpose of this was to research and report back to the Minister by June 2012, with recommendations on how local government in the metropolitan area could be restructured to reduce the number of local governments. The full terms of reference were as follows:

- identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years
- identify current and anticipated national and international factors likely to impact in the next 50 years
- research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the panel may identify during the course of the review
- identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community
- prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact
- present a limited list of achievable options together with a recommendation on the preferred option.

The Minister said it would be the panel's objective to submit recommendations to him by June 2012 on optimal local government structures or governance, resulting in the drawing of new local government boundaries. The panel would directly engage with the Perth community, local governments, peak bodies, and government agencies and departments.

The Mayor and CEO met with the panel in September 2011 to discuss initial thoughts and views, and the council endorsed a written submission to the panel's “draft findings” in May 2012.

The council deliberately did not make any submission on what it thought appropriate boundaries for local government were, instead articulated a number of key principles that it considered essential if government was to implement a restructure that involves amalgamations and/or changes to existing boundaries. The council also sought the opportunity for further input following the release of the final report, as the draft findings

report only provided options for new boundaries and did not give any indication of the panel's preference in respect of those options.

The Minister tabled the final report in parliament in October 2012 and has agreed to allow submissions to be made in response to the recommendations contained in the report until April 2013. The report recommends the effective dissolution of existing local governments and the formation of 12 new local governments centred on strategic activity centres identified in the state government's Directions 2031 planning document. This recommendation is consistent with the council's principles detailed in its submission in May.

The frustrating part of this rather lengthy submission period is that it keeps the sector in a state of uncertainty about its future. Clearly the result of the state government election in March 2013 will have a major bearing on the immediate future for existing local governments in Perth. However, it would be helpful if the government would articulate its position on reform prior to the election. In the absence of a statement from the government we must presume the intent is to proceed with a forced change post election if the current government is returned.

What does this mean for Fremantle?

The panel's final report recommends two options, both of which involve an amalgamation with the Town of East Fremantle. In the first option, the City of Melville would also be part of the new local government. In the second option, most of the City of Melville and part of the City of Cockburn would be incorporated into the new local government.

As with any amalgamation, the existing communities will have their levels of local representation reduced. Whether that reduction will ultimately have detrimental effects on the communities is unknown. Supporters of larger local governments would say not, and of course opponents disagree. The reality is that there is little evidence anywhere to make any definitive statement on this matter.

It is essential for the City to be engaged in this discussion to ensure the best possible outcomes for Fremantle in terms of our strategic vision of becoming a primary centre of strategic importance within the greater Perth metropolitan area and regaining our reputation as Perth's second city. Therefore, I will be preparing a submission for the council to consider early in 2013.

As I mentioned in the very beginning of my report, we remain very focused as an organisation on implementing the council's strategic plan imperatives. Aside from that very strong organisational focus and effort in implementing the strategic plan imperatives, the organisation continues to seek to improve and innovate in all areas of operations. Many of these are reported on in the following directors reports and I encourage you to read those reports to see just how much the City does in providing services and facilities for our community.

As we head into the latter part of 2012 and beyond we can look forward to further successes and some challenges. The City has won a number of awards for its work in the planning, economic development, tourism, and community development areas in the

first few months of 2012, including the recently announced Premiers Awards and I congratulate everyone involved in the work that earned those awards.

Both state and federal elections will be held in 2013 which may well see changes in either or both spheres of government (if you believe the opinion polls). Elections often bring opportunities and I'm certain the very competent and focused council we currently have will be seeking to take advantage of those opportunities.

Finally, as always, I take this opportunity to thank the very dedicated and hard working staff and elected council of the City for their continued commitment to Fremantle. Working in local government is not always easy, but it is rewarding when you work as a team to achieve outcomes that provide lasting benefits for the residents and business owners of the city.

**Graeme Mackenzie, Chief Executive Officer**

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## City of Fremantle organisational structure

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### City management

- economic development & marketing
- elected members
- governance

### Left column

#### Community development

- community development
- cultural development
- Fremantle Arts Centre
- Fremantle Leisure Centre
- library

### Middle column

#### Corporate services

- commercial properties
- customer service
- finance services
- human resources
- information technology
- parking and ranger services

### Second middle column

#### Planning and development

- development services
- planning projects and policy

### Right column

#### Technical services

- city works management
- infrastructure services

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## Directors 2010–11

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### **Graeme Mackenzie**

#### **Chief Executive Officer**

- Economic development
- elected members
- elected members' support
- event management
- governance
- implementing council plans
- key liaison between elected members and staff
- marketing
- organisational leadership
- visitor information.

### **Marisa Spaziani**

#### **Director community development**

- Community housing – Tapper Street, Mews and Fred Wright Homes
- festivals and events
- Fremantle Arts Centre – Moores Building
- Fremantle Legal Centre and Warrawee
- library and information
- positive ageing, youth, aboriginal engagement
- community engagement
- public art and City art collection
- sport and recreation, Fremantle Leisure Centre and Samson Recreation Centre
- The Meeting Place, Hilton Community Centre and Fremantle Community Care program.

### **Glen Dougall**

#### **Director corporate services**

- Commercial properties
- finance services
- human resources
- information technology
- parking services
- ranger services
- rates
- record management
- service and information.

### **Philip St John**

#### **Director planning and development**

- strategic planning
- development and building approvals



- building and development compliance
- city development projects
- environmental health
- heritage
- provide advice on directorate operations to council
- sustainable development
- urban design.

**Peter Pikor**

**Director technical services**

- City's infrastructure assets including;
- footpaths
- graffiti
- maintenance of buildings
- parks
- plant fleet
- reserves
- roads
- stormwater drainage
- waste management.

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## City management highlights

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### **Economic development**

The City's economic development focus in 2011–12 has continued to be on the implementation of the Fremantle Economic Development Strategy 2011–15. The strategy has four major themes – economic development leadership and collaboration; urban form and infrastructure; business capability and capacity and marketing. During 2011–12 significant progress has been made in progressing the key actions of each theme.

#### Fremantle Leaders Luncheons and Fremantle Economic Development Forum

The first of the reoccurring Fremantle Leaders Luncheons in 2011–12 was addressed by Fremantle Mayor, Dr Brad Pettitt, on the topic *Revitalisation of Fremantle city, the City responds*. The luncheons, presented in association with the Fremantle Chamber of Commerce, provide the opportunity for Fremantle civic and business leaders to come together to hear about, first hand, the steps being taken to revitalise the Fremantle economy, and particularly the Fremantle CBD.

Three subsequent luncheons were held:

- Richard Poulson, *why Fremantle was chosen as the first Morrison store*;
- David Shetliffe, *The Kings Square Project*;
- David West, *Worldwide movement to establish Business Improvement District in High Street environments*.

The inaugural Fremantle Economic Development Forum was also held on 25 July 2011.

#### Planning Scheme Amendment 49

The adoption by council of Planning Scheme Amendment 49 (PSA49) opens up the opportunity to achieve, in the years ahead, the targets in the economic development strategy for increased residential, A-grade commercial office, retail and hotel accommodation within the city centre.

The planning scheme amendments cover 12 key sites in the city central area of the CBD, focused around Queen Street between the Fremantle Railway Station and Kings Square. These sites were identified by the City as capable of supporting redevelopment that would make a significant contribution to achieving a multitude of strategic imperatives as identified in the [City of Fremantle Strategic Plan 2010–2015](#).

The Fremantle Economic Development Strategy identifies key targets for the addition of:

- 20 000 sqm of retail area
- 70 000 sqm of office space
- 1 500 new dwellings.

Achievement of the above targets and objectives would support Fremantle's role as a Strategic Metropolitan Centre as identified in the State Government's spatial strategy '[Directions 2031 and Beyond](#)'. Achieving these targets will also contribute to Fremantle's overall aim of becoming a 'primary centre' as defined in this spatial strategy. The scheme

amendments are also designed to provide an urban environment of vibrant, comfortable and human-scaled public spaces throughout Fremantle's City Central area.

At the end of the annual report period, PSA49 was with the Western Australian Planning Minister for approval. It has since recently been approved.

### Kings Square Project

The Kings Square precinct, as well as being the geographical centre of the city, is also Fremantle's civic hub and has been deemed as a key redevelopment site to facilitate council's overall vision to revitalise the Fremantle city centre.

The Kings Square Project involves the integrated development or redevelopment of a number of City-owned properties—these including the library, council offices, Queensgate Centre, Queensgate car park, the vacant Spicer site, Fremantle visitor centre and the civic space within Kings Square—in conjunction with the redevelopment of the adjoining Myer building, which is owned by Sirona Capital Management Pty Ltd (Sirona).

On 27 June 2012 council adopted key development guidelines that form the [Kings Square Urban Design Strategy](#). The guidelines, created with feedback from an intensive community consultation phase, provide the framework for development of buildings and open spaces within the Kings Square precinct of Fremantle.

The purpose of the urban design strategy is to establish design principles and development guidelines for the development of key sites within the project area; and a concept plan for the improvement of the public spaces within the project area.

It is expected that in the 2012–13 financial year the City and Sirona will sign binding contacts for a staged development of the Kings Square precinct.

### Fremantle Business Improvement District (BID)

A further development in the economy of Fremantle is expected when the Fremantle BID Company Limited begins to do its work. Derived from recommendations in the Fremantle Retail Model Plan (2010) the Fremantle BID (business improvement district) will bring the city centre business community together to urgently address changes that customers want in the Fremantle retail environment.

This model (known as a business improvement district, or BID) is funded by the business community via mechanism differential rate collected by the City of Fremantle. Over the next five years the City will redistribute over \$1.7 million dollars of these rates back to the Fremantle business community, via the BID, who will then allocate funding to projects the BID Board decides are the most important to improve the retail experience for visitors to the Fremantle city centre.

The Fremantle BID Company Limited's four key areas of concentration are:

- a united business voice (for more efficient strategic relationships)
- high standards of safety and security (for better customer and staff experiences, and business retention and attraction)

- marketing, promotions and events (to attract more shopping dollars)
- a welcoming place (improvements to the public realm to make Fremantle more inviting for customers and community).

### **Event management**

The event management team continued to add new events to its already expansive list of responsibilities. The team is now responsible for the planning and execution of the Indian Ocean Skyshow, incorporating the Australia Day Celebrations, NAIDOC week, Christmas Spirit, Foundation Day celebrations, the ANZAC Day, Battle for Australia and Remembrance Day commemorations, citizenship ceremonies, Sister City exchanges and recognition day's and many other civic and corporate events.

In addition to their role with regular and ad hoc events, the team is currently working with Community Development on the activation of Kings Square and a range of events for the centenary of ANZAC in 2015.

The events team continues to manage the bookings of the Fremantle Town Hall, other civic halls in the City and the City's many reserves and public areas for a diverse range of events. The team also now manages the bookings of the City's sporting facilities including seasonal club bookings, casual sports events and the beach wheelchair located at South Beach.

2012 saw the completion of the refurbishment of facilities at the North Fremantle Hall and Dick Lawrence Clubrooms.

### **Governance**

The governance project team has continued to assist council and the Chief Executive Officer provides good governance and ensure the City of Fremantle complies with its statutory and community obligations. Key achievements during 2011–12 include working toward compliance with the Department of Local Government's Integrated Strategic Planning Framework, developing an extranet for the elected members, completing the City of Fremantle's 2011 compliance audit return, reviewing and maintaining governance documents and facilitating the development of 2011–12 business unit plans.

### **Marketing and communication**

The economic development and marketing unit coordinate the marketing and communication functions for the City of Fremantle, Fremantle the visitor destination and the Fremantle CBD as a retail precinct.

The marketing activities are guided by the City of Fremantle marketing and communication plan 2011-2015, the Fremantle destination marketing plan 2011–15 and the Fremantle CBD (retail and professional services) marketing plan 2011–15.

This year saw a new targeted, cooperative approach to promoting Fremantle through continued emphasis on, and growth in, the destination marketing and CBD (retail and professional services) marketing prospectus.

The City's organisational marketing and communications program focused on utilising existing and online communication channels to ensure the City's strategic goals and vision are communicated effectively to the community. Key projects this year included:

- biannual community update reporting progress of the implementation of the City's strategic plan
- quarterly reporting to key stakeholders about progress of strategic planning and development
- introduction of an improved rates booklet that describes key budget initiatives and reports on progress of strategic plan imperatives

Key achievements for the City's destination marketing included:

- find yourself in FREMANTLE TV campaign in partnership with Tourism Western Australia, Experience Perth, Qantas and five Fremantle businesses that resulted in a destination database of 10 000 email addresses
- six of eight campaigns fully subscribed by Fremantle operators and over \$350 000 spent on marketing Fremantle as a destination to tourists
- development and implementation of the maritime strip branding to all destination campaigns

Key achievements for the City's CBD marketing included:

- seven campaigns implemented consisting of print and radio advertising promoting a consumer competition to win a shopping experience in advertising businesses resulting in a CBD database of 1600 email addresses with roving talent utilised for the Valentine's Day and Christmas campaigns
- support by Fremantle businesses resulted in \$200 000 spent marketing Fremantle as a shopping precinct
- introduction of a retail bunting competition to encourage Fremantle CBD businesses to decorate their shop windows with campaign bunting during the promotion period

### **Visitor services**

The Fremantle Visitor Centre, following its purchase by the City in June 2011, has made some significant changes to both the physical and operational aspects of the business.

The centre is a largely commercial driven business and makes in excess of \$2 million worth of accommodation, tour and merchandise sales per annum. The centre uses two online booking systems to access accommodation and tours. The centre's website [www.visitfremantle.com.au](http://www.visitfremantle.com.au) is the destination website for the City of Fremantle and includes accommodation and tours fed in from an online booking system called Bookeasy. This website also provides information about local business, attractions, food and drink as well as general information about Fremantle. The redevelopment of the [www.visitfremantle.com.au](http://www.visitfremantle.com.au) website is in its final stages. The redeveloped website is due to be completed in early 2013. The centre's other online booking system; Tourism Exchange Australia (TXA) is currently only available to the centre's sale consultants. However, a second website [www.bookfremantle.com.au](http://www.bookfremantle.com.au), is being developed to enable the public to access the accommodation and tour product available through this booking system.

Following the City's purchase of the centre, to accommodate the needs of visitors to Fremantle, the opening hours of the centre were increased by two hours on a Saturday, three hours on a Sunday and the centre is now open on public holidays. Following an audit of the centre's internal and external signage the centre's external signage was

upgraded and signage in the CBD directing visitors to the centre was significantly improved.

A new large map of the Fremantle CBD was installed in the office window to assist visitors arriving at the centre after hours. Window display advertising was also introduced allowing businesses to promote their product outside of the centre's opening hours. Arrangements for the installation of a digital television screen in the window of the centre, with 15 second looping advertising spaces, are well advanced.

The centre's internal layout and appearance has been given a well over due facelift, including new carpet, better placed desks for the sales consultants and volunteer tourist guides creating more space for visitors, new computers and large format photographs of Fremantle. Other improvements to the centre have been the introduction of an afterhours key collection box, an improved telephone system with a message on hold capability, an upgraded electronic door counter, new merchandise shelving and installation of flexible brochure racking with dividers for each regional destination. Staff and the volunteer guides have also been provided with new highly visible uniforms.

The Fremantle tourist guides, previously located at the Fremantle Railway Station, were integrated into the operation of the centre at the end of 2011. The guide's core role is to greet visitors as they come into the centre and respond to general information requests whilst referring visitors wishing to purchase accommodation and/or tours to the centre's sale consultants. The guides also provide valuable assistance during the cruise season. In excess of 30 volunteers support the centre.

An expanded of locally made and produced merchandise has been introduced into the centre, resulting in a significant increase in merchandise sales. The merchandise ranges from souvenirs, art and craft, maps and books to postcards and gifts.

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## Community development highlights

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Community development provides a range of services, activities, community events and programs, with the aim of improving quality of community life through participation and contribution, community engagement and ultimately, stimulating a vibrant culture within Fremantle making it a great place to live, work and recreate.

### **Fremantle City Library and Information Service**

The library rated 84% in the Community Satisfaction Survey, continuing to be highly valued by the community. Library visitors numbered almost 220 000 during 2011–12 with 112 000 of them borrowing over 220 000 items, 22 700 using a library computer and 13 000 using the wi-fi service.

Self serve loan stations were introduced to enable staff to more proactively assist people to have a better customer experience when visiting. Changes to floor layout improved access to and visibility of stock on the shelves, and created a better space for library events in time for celebration of 2012 as National Year of Reading.

New online resources were introduced, music tracks from the Sony music catalogue are free to library members via the web page, and downloadable audio books are now available in the same way. Planning is underway for the addition of ebooks to this suite of services.

### **Fremantle Community Legal Centre**

2035 clients were assisted. Twenty two community legal education sessions were delivered including Law Week in the Woolstores with 5 solicitors, 18 customers and 8 law students. Information sessions were provided to community groups regarding Centrelink appeal right to indigenous youth about income support.

### **Aboriginal engagement**

The Wardarnji Festival and NAIDOC week celebrations were held to celebrate local Nyoongar culture. The Indigenous Action Group was established and met on two occasions and a conversation was held with Traditional Owners. Dual signage was included during the Old Port Project to represent the Indigenous significance of the location.

### **Warrawee Women's Refuge**

The refuge continued to support families and children escaping domestic violence. Warrawee successfully applied for a LotteryWest for refurbishment of the building and a new playground.

### **The Meeting Place Community Centre**

The Meeting Place offered an average of 45 community education courses per term meeting the diverse needs of the local community. Courses in cooking, languages including English conversation for CALD participants, fitness and health were popular options with sustainability and mental health wellness becoming increasingly popular. A variety of one off talks on topics of interest also attracted interest. Over 1000 community members participated in programs offered at the Centre.

Community groups such as GROW, South Fremantle Playgroup and Speakeasy were amongst the many groups (over 20) to meet regularly at the Centre. A project in partnership with the ELS team at Challenger Institute of Technology also increased the number of CALD participants attending courses at the centre.

### **Hilton Community Centre**

This new service opened in December. Since opening we have had 129 room hire bookings across the Centre and have offered 10 adult community education courses attracting over 100 participants. The centre has a full time administration/resource officer who along with the community centres coordinator is developing positive relationships in the Hilton area to increase usage of the centre.

### **Youth**

The City continued to deliver a range of events, activities and programs for young people between 12 and 25 years. This included urban art projects at the Fremantle Leisure centre and North Fremantle skate park partnering professional artists with local young people. Over 300 young people have been involved in free or low cost school holiday workshops including parkour, hip hop, theatre, skateboarding and fashion. The National Youth Week Incubate youth art and music event also attracted over 250 young people.

The Norfolk Lanes Youth Festival and Kings Square Sounds continued to showcase upcoming local Fremantle bands in free community performances attended by over 2 000 people. The Youth Plan 2012–15 was approved following extensive consultation.

### **Community engagement**

The City undertook 53 community engagement processes, involving a total of 2 316 participants who provided feedback to assist the City's decision-making processes.

Some of the community engagement processes used, such as a citizen's jury and dialogue mapping workshop, were trialled for the first time by the City of Fremantle, in line with its commitment to develop and implement leading contemporary engagement processes.

### **Fremantle Volunteer Service**

Fremantle Volunteer Service referred a total of 563 volunteers, this reflects a significant increase from the previous year and indicates that the volunteering profile is being raised in the Fremantle area. 113 organisations were assisted with volunteer recruitment, and there was an increase in CALD and youth participation in volunteering largely due to partnerships with Notre Dame University and Challenger Institute of Technology.

### **Recreation services**

A strategic recreation needs assessment was completed in 2011 and is being used to establish facility development priorities, identify opportunities to improve local parks and ensure good quality and accessible recreation opportunities are available to the Fremantle community now and in the future. An eight week Saturday night basketball program was trialled at the Hilton community centre with up to 50 young people attending. This project was supported by a number of other agencies including PCYC, Nyoongar Sports, Department of Communities and South Metropolitan Public Health.



### **Positive ageing**

In order to respond to the challenges of an ageing population in 2011 the City developed an Age Friendly City Plan as an action of the Strategic Plan 2010-15.

A number of actions have been implemented as a result of the plan with over 500 community members over the age of 55 participating in programs such as the free 'Come and Try' health and wellbeing courses and workshops including ukulele lessons, golf and laughter yoga. The Meeting Place also facilitated courses with high participation of the over 55s. An Aboriginal art project was facilitated for Aboriginal people to explore Fremantle as an age friendly City.

### **Buster the Fun Bus**

Buster the Fun Bus provided supported parenting sessions at a number of locations in Fremantle and Melville to parents of children aged 0–5 years in. South Beach attracted a large number of families. About 90 families attended a buster session weekly.

### **Fremantle Community Care**

A range of services were coordinated and provided by Fremantle Community Care for the frail aged and people with disabilities, including:

- the Dial A Ride transport program to assist with shopping and Monday outings for Home and Community Care (HACC) assessed clients.
- the podiatry service, three days a week.
- the weekly Freo Club recreation and social club for people with disabilities.

### **Cultural development**

The City provided a number of festivals and events which drew large audiences of locals and visitors including the Fremantle Festival (inclusive of the Childrens Fiesta, Norfolk Lanes Youth music event and Wardarnji Festival), the 2012 Street Arts Festival, the Heritage Festival and the new Hidden Treasures music festival that enlivened the streets and secret places of the West End in winter with Fremantle music.

### **Fremantle Arts Centre**

Fremantle Arts Centre presented 11 exhibitions to a total audience of 54 000 people.

The ***Shaun Tan, Suburban Odyssey*** exhibition attracted 21 000 visitors to become FAC's most popular exhibition ever. FAC also presented ***spaced*** with IASKA as part of the 2012 Perth International Arts Festival and ***Primavera***, a touring exhibition from the Museum of Contemporary Art (Sydney).

The artists in residency program accommodated 55 Artists (31 WA, 14 inter-state overseas, 10 inter-states) in the 11 studios at FAC and Moores Building.

The annual free summer Courtyard Music program ran over 24 Sundays to a new record total audience of 20,100 and featured numerous Fremantle based musicians. Fremantle Community Bank, Bendigo Bank returned as the series' sponsors.

Ten major concerts, including John Butler, Legends of New Orleans Jazz, Cat Empire and the City of Fremantle Candlelight Carols were presented on the South Lawn.

The learning program enrolled 3,900 students (25% children) in classes that ran day-time, evenings, weekends and school holidays. Courses offered included painting drawing, jewellery ceramics and photography.

### **Moore's Building Contemporary Art Gallery**

The Moore's Building galleries were fully utilised with 26 exhibitions showing over 400 artists and attracting more than 30 000 visitors. Highlights for the year included the 2012 FotoFreo exhibition. The Moore's gallery along with the café continue to evolve as a key cultural and social hub in the West End.

### **Public art and City of Fremantle art collection**

Several temporary mural projects were approved and installed, as well as a memorial work at Bathers Beach. A new dedicated ground floor Collection gallery was opened at Fremantle Arts Centre in May. The Collection presented six exhibitions, displaying 119 artworks at Fremantle Arts Centre, Fremantle City Library and John Curtin College of the Arts. The City purchased 19 artworks and received 11 gifts and donations to build the City's Collection of prints and paintings.

### **Fremantle Leisure Centre and Samson Recreation Centre**

Attendances at the leisure centre continue to grow with 432 877 visits over the past twelve months. Samson Recreation centre had a total of 3 854 people participate in COF operated programs including netball, badminton and yoga. This is limited due to the facility being occupied by Wanslea Family Services for after school and holiday care. In addition, 165 groups hired the recreation facility totalling 835 sessions.

The newly constructed program pool has been well accepted with positive feedback received. The pool has been constructed to improve access / egress to the pool, specially designed steps and hand rails for learn to swim, concourse access around the pool and state of the art filtration and disinfectant systems which produces excellent water quality.

The swim school has just under 6 500 enrolments this financial year catering for 12 week year old babies through to adults. The aqua baby program has over 1 700 babies enrolled in this period.

The leisure centre constantly remains between 1 500–1 600 members, with a retention rate of renewing members ranging from 50% to 60% which is considered high in the health and fitness industry.

The aquatic team had no major injuries in the past twelve months, with a 40% reduction in minor injuries from 88 in 2010–11 down to 52 in 2011–12. For the second time, the aquatic's team won for the Royal Lifesaving Society and Leisure Institute of Western Australia Aquatics Pool Lifeguard Challenge. This consisted of three events involving 25m team relay, super lifeguard team challenge and emergency simulation.



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## Corporate services highlights

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2011–12 has seen continued progress in our Enterprise Resource Plan (ERP) with the implementation of enterprise budgeting, carbon accounting, customer service requests and the implementation of the customer contact centre.

### Customer service

This year the City continued the focus on improved customer service by imbedding its customer contact centre. The centre is generally the first point of contact for residents and visitors seeking information of services from the City. The main driver for the centre has been to ensure there is an improvement on the level of information and detail that can be provided at this first point of contact so that residents and customers are able to deal with their issue concisely and also ensure that any follow up is achieved in as short a time frame as possible.

This has been achieved through the construction of a Customer Request Management System which allows the City to develop a process for dealing with common issues to ensure consistency in dealing with these matters. It also ensures that follow up of requests is monitored whilst being dealt with. This also relied on the improved telecommunication to ensure contact could be made.

The City will continue to monitor and report on the various aspects on service requests to ensure that where improvements can be made in delivery of services, we ensure that they are reviewed.

### Community safety and rangers

The City was successful in receiving further grant funding to implement the final two stages of the closed circuit television (CCTV) program. Success has been achieved with both Federal and State governments agreeing to support the final two stages. The City now has 26 fixed locations and one mobile camera.

The City implemented one of the major recommendations from the Community Safety Plan in providing liaison officers to monitor the inner City areas of Fremantle. This program has officers walking through Fremantle and liaising with businesses, tourists, general public, police and other essential services to ensure the social environment meets community expectations.

### Parking services

A review of parking services in and around Fremantle commenced in the later part of the year. This review is considering matters from street parking timing and zones to whether off street parking incentives can be provided.

A tender has also been released at the very end of the year to implement way-finding signage which provides statistics on available bays located in the significant car parks, including private car parks. This is to allow visitors to Fremantle to make decisions about parking on their approach to Fremantle, rather than once they arrive.

### Commercial leases

Management of our commercial properties enables the City to maintain a variety of revenue sources which supports the longer term financial sustainability of the City. The weaker economic outlook requires the City to closely monitor the market to ensure that these properties continue to be used to their optimum.

During the year the City negotiated for an extension of lease until January 2013 with Hoyts cinemas in Queensgate. The City is still reviewing options for this site and has maintained the tenancy in the short term to allow time for council to consider its options for this site.

The City has commenced a new tender process for the future sale of Point Street. There are still several stages of the process to be undertaken in the consideration of sale of this property to ensure that the City achieves the best outcome in the east end of the CBD.

#### Human resources

The City has been working towards a target of 4% of the workforce coming from an indigenous background. During this year the City achieved the 2.3% mark and is looking forward to achieving its target by 2015.

During the year the team has completed the transition of the new industrial relations environment into our two enterprise agreements. A review and audit of HR policies has been substantially undertaken and will be completed early in the next year.

A new enterprise agreement was approved by staff and the organisation for the outside employees which will see benefits to both over the next four years.

The delivery of HR services on-line was commenced and is anticipated to be rolled out over the next twelve months. An “e” learning environment was implemented to allow delivery of induction and common skills at the desk top level to ensure all employees are able to keep their knowledge and understanding of the organisational procedures up to date.

#### Information technology

The City of Fremantle has configured a vBlock 0 private cloud via the Virtual Computing Environment (VCE) coalition. The coalition consists of three information technology industry leaders Cisco (compute/switching), EMC (storage) and VMware (virtualization software). The VCE coalition offers an accelerated approach to data centre management by providing dramatic efficiencies, scalability and significant reductions within both capital and operating expenses. As a result the City has received best-of-breed technologies from three vendors whilst receiving end-to-end vendor accountability and support via one direct channel, which is the VCE.

A large amount of work has been invested in upgrading our core business systems software including revision updates to both Technology One and ECM/DataWorks. Continued development within our Geospatial, Business Planning, Personnel Evaluation and Project Management applications has been made with a number of integration projects underway to facilitate information transfer between business processes and systems.

The City has made bold commitments to climate change and environmental protection, with conservation of energy and mitigation of CO2 emissions key. The City's ICT Cloud strategy is underpinning these goals due to the heavy reduction in rack style server equipment and on premise appliances.

#### Finance

Finance plays a key role in assisting the City by providing efficient and effective financial management practices. This year the City has engaged an external provider to undertake internal audits of various aspects of the organisation. This process started with a review of key aspects of the organisation to develop an Organisational Risk Management Plan which was then used to identify various aspects for review under the internal audit contract. A two year audit plan was agreed to by council's Audit Committee with year two being completed this year. A report will be provided back to committee to look to continue this valuable program.

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## Planning and development highlights

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The planning and development directorate has engaged in a number of key planning projects in support of the City's strategic plan. This has occurred whilst maintaining the day to day core business activities of determining statutory planning and building applications, providing environmental health inspection and licensing services, and development compliance.

Key projects and initiatives include:

### **City centre strategic sites planning scheme amendment (Amendment 49)**

City of Fremantle Planning Scheme Amendment 49 proposes changes to development standards and other scheme provisions for a number of key strategic sites within the city centre, aimed at achieving the council's objectives for increased retail and commercial activity and residential population in the CBD. The amendment was the subject of an extensive community consultation process during October to December 2011, prior to being adopted by council in March 2012. Final approval of the amendment by the planning minister is anticipated before the end of 2012.

### **City owned key development sites**

The City entered into a Memorandum of Understanding with the owner of the Myer building as a basis for investigations into the viability of a joint development and place making project involving some or all of the City-owned properties adjoining Kings Square and William Street. A revised business planning process was undertaken in preparation for the invitation of tenders for the purchase of the City owned Point Street property, bounded by Adelaide, Point and Cantonment Streets and Princess May Park, to facilitate redevelopment of the site.

### **Kings Square urban design strategy**

To complement and provide a frame of reference for the potential redevelopment of key sites in and around Kings Square as provided for in scheme amendment 49, the City engaged a consultant team to work with the Chair of the City's Design Advisory Committee and City staff and elected members to produce an Urban Design Strategy for the area. The project involved an innovative community engagement process culminating in a Citizen's Jury.

### **Small secondary dwellings**

An amendment to the local planning scheme to facilitate development of small secondary dwellings in rear gardens of existing houses, allowing for much greater diversity and affordability of housing within Fremantle, received final approval from the Minister for Planning in December 2011.

### **Implementation of the *Building Act 2011***

The *Building Act 2011* came into operation on Monday 2 April 2012. It introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process. Process improvements have been introduced by the City's Building Surveyors to ensure that the City continues to provide exceptional service to the community and meets its legislative obligations.

### **Updating of the municipal heritage inventory and heritage list**

In September 2011, council adopted recommendations for modifications to the categorisation of places on the heritage list and the addition of over 30 new listings.

### **New policies adopted and customer services initiatives**

New policies adopted include:

- local planning policy for Wray Avenue precinct
- neighbour mediation policy
- revised planning compliance policy

### **Lefroy Road quarry site**

In January 2012 council adopted the structure plan intended to guide future redevelopment of the former quarry site for a combination of residential development and public open space use. Endorsement of the plan by the Western Australian Planning Commission is expected to be completed in August 2012.

### **Significant planning decisions**

Some of the significant planning approvals that have been issued during 2011–12 (but not yet implemented) include:

- 200 person backpackers accommodation at the world heritage listed Fremantle Prison
- 93 room hotel in Bannister Street
- 6 storey mixed use development at No. 11 Queen Victoria Street
- redevelopment of the Myers building.

### **Key issues and challenges for 2012–13**

- monitoring and responding to the impacts of private certification of building approvals under the *Building Act 2011* upon demand for building surveying services provided by the City.
- implementation of the new Residential Design Codes

### **Plans/key projects for 2012–13**

- preparation of Activity Centres Structure Plan for Fremantle city centre, and adoption of precinct design policies to complement planning scheme provisions for the city centre core area and the east end precinct
- completion of study on identification of preferred alignment for rapid public transit corridor linking Fremantle city centre with Cockburn Coast development area.
- review of the Residential Streetscape Planning Policy
- implementation of electronic lodgement of building and planning applications
- consideration of a significant tree register.



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## **Technical services highlights**

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The technical services unit is responsible for managing the City's infrastructure assets, including roads; storm water drainage, footpaths, parks, reserves, vehicle fleet and maintaining the City's building portfolio. It provides a comprehensive range of technical skills covering infrastructure management and provision of project management expertise for specific projects undertaken by the City. City Works is the preferred contractor for construction and maintenance works to manage these assets.

The City completed \$4.0 million of improvements in its infrastructure capital works program, partly funded by \$1.2 million of grants from bodies such as Main Roads WA and the Federal Department of Transport and Regional Services (Roads to Recovery program). The City also spent nearly \$4 million on routine maintenance of the City's infrastructure assets.

Major programs exist for road reconstruction and rehabilitation, drainage, footpath replacement, street vision projects and traffic management projects, as well as parks and environmental projects.

Projects included:

- major road and streetscape upgrade for Queen Victoria Street
- new road crossing over the railway at Mews Road and Cliff Street
- various bicycle facilities / infrastructure and on road bicycle improvements including a contra flow lane at the Mews road rail crossing
- carpark improvements associated with the Arthur Head and Bathers Beach redevelopment
- carpark extension at South Beach
- traffic management improvements included :
  - High Street and East Street traffic signals modifications
  - Ellen Street and Ord Street channelisation treatment.
- \$1 million spent annually on the road preservation program, which included sites on Hampton Road and East Street
- \$300 000 on the continuation of the footpath replacement program
- Additional parking bays at Winterfold Primary School
- Street lighting upgrade in various streets including South Terrace
- lighting of Moores Heritage Building
- upgrade of the Hilton Community Centre development
- the Dick Lawrence pavilion upgrade and extension
- roof replacement at Bruce Lee Public toilets and Stevens Street Reserve Clubrooms
- refurbishment to the Public Toilets at Parmelia Park and South Beach
- upgrade to the North Fremantle Hall
- repair works to the internal walls at the Roundhouse
- skate park at Gordon Dedman Reserve
- drainage improvements at Keegan Street and Davies Street
- streetscape improvements associated with the ISAF Sailing Championships
- the planting of over 1000 street trees under the major tree planting program through direct planting and customer requests.

A major focus for the infrastructure team was the development of advanced asset management plans and cost gap analysis, which have been completed for individual asset classes of roads, paths, drainages, buildings, parks, street furniture and fleet. Each one of these plans describes the asset and attempts to provide information about the whole of life implications (mainly budgetary) about owning these assets. Planning is underway to improve renewal programs that have been derived from these plans.

There was a strong focus on renewal projects and maintenance works to improve the look of the City. Some of these special works included installation of bollards, renewal of street furniture in the Central Business area including at Kings Square, upgrades to bus shelters, irrigation cubicles and minor repairs to the buildings.

- over \$200 000 was spent on maintenance to assets including street signage and for graffiti removal.

Challenges exist for technical services in continuing to provide a balanced infrastructure asset management strategy from available financial resources, given the relative age and condition of these assets and the demands for other funding programs.

### **Waste management**

The below table shows the approximate tonnages of Fremantle waste disposed:

<b>Method of waste disposal (t)</b>	
Total household waste – green bin	Tonnes
Total tonnes collected	10 390
- Total to Regional Resource Recovery Centre (secondary waste processing)	6 860
- Total to landfill	3 530

Total household waste – yellow top recycling bin	Tonnes
Total tonnes collected	3 556
- Total to materials recovery factory	3 556
- Total to landfill	0

Additional waste services	Tonnes
Green waste collections (verge)	1000
Green waste (drop off)	165
Junk/whitegoods/metals (verge)	1000
Junk (drop off)	210
Public area litter and street litter bins	1 300
Street sweeper waste	450

### **Statutory reporting**

## RECORDS MANAGEMENT

Under the *State Records Act 2000* the City of Fremantle, is required to provide an annual report as outlined in the record-keeping plan.

### Commitment to Records Management

The City is committed to records management and has adopted a policy that all records are to be managed in an efficient and effective manner, at a cost commensurate with operational, information and legislative requirements. This is to enhance their retrieval and ensure their integrity, physical safety and security, as well as supporting the City of Fremantle's compliance with record-keeping legislation and privacy principles.

### Record-keeping audit

A record-keeping audit of the Fremantle Leisure Centre/Samson Recreation Centre was conducted during August/September 2011.

Areas of strength included the majority of staff having a good knowledge of the City's record keeping policies and procedures and understanding the importance of creating, capturing and maintaining complete and accurate records. Staff were also interested in attending additional training to further develop their knowledge and skills. Thirty eight (38) audit action items were identified as areas requiring some improvement and will be addressed by the Director Community Development over the next twelve (12) months.

### Record-keeping training program

Regular training is conducted for all staff in relation to records management and our electronic document management system DataWorks. It is compulsory for all new staff members to attend a records management information session and DataWorks training (conducted monthly).

Employees are provided with details of their record-keeping roles and responsibilities, along with supporting case studies to ensure a good understanding is ascertained at the onset of employment. The training program, procedures and records processes were again reviewed this year and updated accordingly.

To indicate the increase in awareness, the statistics below highlight the number of documents placed into DataWorks, during each financial year, since its implementation in September 2002:

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Total documents recorded	47 178	72 872	73 403	82 836	91 290	114 732	104 695
	2009-10	2010-11	2011-12				
	93 549	111 962	122 761				

## Disability access and inclusion plan (DAIP)

Striving towards best practice in access and inclusion in the Fremantle community through the Disability Access and Inclusion Plan (DAIP) continued to be a strong focus and commitment for the City of Fremantle in 2011–12.

It is a requirement of the *Disability Services Act (1993)* amended in 2004, that all public authorities develop and implement a Disability Access and Inclusion Plan that outlines the ways in which the authority will ensure that people with disabilities have equal access to its facilities and services.

The plan is governed by the *WA Disability Services Act (1993)* and Commonwealth *Disability Discrimination Act (1992)* with implementation facilitated through the City's disability access officer across all areas of council.

At an operational level the Disability Access and Inclusion Plan (DAIP) is one component of an interlocking set of strategic plans aiming to achieve the objectives of the City of Fremantle Strategic Plan, the overarching document for the City of Fremantle.

A sample of key new initiatives delivered in 2011–12 is listed below, while a full report is available on request.

### Achievements

The City has implemented a number of initiatives to ensure access and inclusion for people with a disability. There are many examples and these are just a few key initiatives:

- developed and implemented the Age Friendly City Plan, Youth Strategy and Sport and Recreation Plan
- Fremantle Leisure Centre now has improved stair access/egress with wider stairs and handrails into Program Pool. Forward planning for access ramps into both 50 and 25 metre pools is underway
- The Fremantle Arts Centre, in the last six months two galleries have been shifted to the ground floor so that now all arts centre galleries are 100% wheelchair accessible. A compliant ramp was also installed.
- the City's style guide now includes the following statement:
  - *All visual design work, corporate documents and promotional collateral for the City of Fremantle must comply with the relevant sections of the 'accessible information' section of the State (Western Australian) Government "" Access Guidelines for Information Services and Facilities (a guide to assist government, business and community groups to create Western Australia as an accessible and inclusive community"", the Accessible Information Policy and Guidelines for Local Government"" and the Association for the Blind of WA (inc) ""General Guidelines for Accessible Print"".*

- budget has been approved for purchase of a print to audio scanner for placement in the library in 2012–13
- the Hilton Community Centre was upgraded and is now being used by several disability groups
- the City developed a Community Engagement Framework and established a community engagement team who assists and supports others in the organisation to plan engagement and taking into account the needs of all ages and abilities
- the City's sport and recreation clubs supported by the regional club development officer
- the library welcomes and is actively and regularly used by people with disabilities, the homebound delivery service is used for information dissemination as well as provision of library materials. Fre-info community information records include disabled access notation.

**C1211-5      AMENDMENT TO OFFICER'S RECOMMENDATION: APPROVAL FOR  
THE TRIAL OF THE PROPOSED SATURDAY MULTICULTURAL  
FOOD MARKETS AT BATHERS BEACH, ARTHUR HEAD RESERVE,  
FREMANTLE (SUBMITTED BY  
CR R PEMBERTON)**

**ALTERNATIVE RECOMMENDATION**

- A. To amend point 2 to add the following wording:
2. *Trading can be extended to include Friday and Sunday (from 5pm until 9pm) should the applicant wish to do so during the trial period.*

**REASON/S FOR CHANGE TO COMMITTEE RECOMMENDATION**

The community support for more social / hospitality venues at Bathers Beach has been overwhelmingly positive since the closure of Kelp Bar. If the markets are a success and not found to be detrimental to nearby businesses, they should be able to operate over the entire weekend, without the need to come back to full council.

- B. To amend point 4 to read as follows:

4. *The market will be limited to no more than 20 food stalls and 30 stalls in total.*

**REASON/S FOR CHANGE TO COMMITTEE RECOMMENDATION**

To ensure that the markets are a low cost trading environment and can include local arts and crafts plus buskers – some flexibility with the number of stalls will be beneficial. By not adding to the number of food stalls, which compete with nearby restaurants and food outlets – the additional stalls are limited to other traders that will act as attractors to the entire area.

**C1211-6      AMENDMENT TO OFFICER'S RECOMMENDATION : TENDER  
ACCEPTANCE ESPLANADE RESERVE YOUTH PLAZA (SUBMITTED  
BY CR A SULLIVAN)**

The regional nature of Fremantle and The Esplanade warrant a Youth Plaza, incorporating skate facilities, that is of a size and functional capacity that serves the greater Fremantle region. Based on other such venues around Australia, a budget range of \$1.4 - \$1.6 million is likely to provide an appropriately sized facility for this destination. While initial investigations indicate a very high probability that the Council would gain a more modest grant of \$400,000 from LotteryWest, it also remains open and reasonable to apply for the desired target budget of \$1.6 million from both LotteryWest and other State Government sources including those derived from the proceeds of crime. To give the Council the best chance of producing an appropriately sized and functioning Youth Plaza, the Council should in the first instance have designs developed that demonstrate how such a facility could be integrated into The Esplanade.

**AMENDMENT TO OFFICER'S RECOMMENDATION**

To amend the wording to read as follows:

**That Council:**

**Accept the proposal from Convic for the design and construct of the Esplanade Reserve Youth Plaza on the basis of two options: being**

- **Stage 1 working to a budget in the range of \$600,000 to \$1.0 million; and**
- **Stage 2 working to a budget in the range of \$1.0 million to \$1.6 million,**

**and on the understanding that Councils capital contribution to the project is an initial budget of \$600,000 and that if a LotteryWest application and/or State funding from the proceeds of crime funds are successful, the project budget could increase from \$600,000 to a maximum of \$1.6 million.**

**REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

To have designs developed that demonstrate how such a facility could be integrated into The Esplanade to give Council the best chance of producing an appropriately sized and functioning Youth Plaza.

## LATE ITEM RELATING TO PSC1211-180

The following item has been added to the agenda for the Ordinary Meeting of Council to be held on 28 November 2012. It was referred from the Planning Services Committee meeting held on 21 November 2012

### PSC1211-180 OCM MINUTES - 28 NOVEMBER 2012

<b>DataWorks Reference:</b>	059/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	21 November 2012 (PSC)
<b>Responsible Officer:</b>	Manager Statutory Planning
<b>Actioning Officer:</b>	Acting Coordinator Statutory Planning
<b>Decision Making Level:</b>	Planning Services Committee
<b>Previous Item Number/s:</b>	PSC0811-309 (DA337/08) – 19 November 2008; PSC1009-163 (DA0197/10) – 22 September 2010; PSC1106-108 (DA0143/11) – 15 June 2011
<b>Attachments:</b>	Development Plans (as amended)
<b>Date Received:</b>	26 June 2012 (amended plans)
<b>Owner Name:</b>	Lisa Ramakrishnan & Naimish Patel
<b>Submitted by:</b>	Tim Grey-Smith
<b>Scheme:</b>	Neighbourhood Centre Zone (R25)
<b>Heritage Listing:</b>	MHI – Management Category Level 3, South Fremantle Heritage Area
<b>Existing Landuse:</b>	Restaurant
<b>Use Class:</b>	Restaurant
<b>Use Permissibility:</b>	'A'





## EXECUTIVE SUMMARY

The application is presented to the Planning Services Committee (PSC) due to the nature of the proposed variations sought and submissions which have been received which raise concerns that cannot be dealt with via the imposition of conditions.

The applicant is seeking Planning Approval for alterations to the existing commercial building ('Restaurant') at No. 25 (Lot 95) Douro Road, South Fremantle. Broadly speaking, the alterations pertain exclusively to modifications to the existing rear courtyard area of the 'Restaurant', otherwise known as 'The Crowded House' to facilitate use of that area for the purposes of dining.

The application is recommended for conditional approval.

## BACKGROUND

The site is zoned 'Neighbourhood Centre' under the City's Local Planning Scheme No. 4 (LPS4) with a density coding of R25 and is located within the South Fremantle Local Planning Area 4 (LPA 4) as prescribed in Schedule 12 of LPS4. The site is located in the street block bound by Hulbert Street to the west, Ocean Road to the south, Douro Road to the north and Thomas Street to the east. The site is listed on the City's Heritage List and the City's Municipal Heritage Inventory (MHI) as a Management Category Level 3, and is located within the South Fremantle Heritage Area which is a prescribed Heritage Area under Clause 7.2 of LPS4.

The subject site is 455m<sup>2</sup> and is located on the south-eastern side of the intersection of Douro Road and Thomas Street, South Fremantle. The site has a north-south orientation and is currently improved by a single storey commercial building and associated structures and is relatively flat in terms of topography. The site is currently approved for use as a 'Restaurant' and is otherwise known as 'The Crowded House'.

A review of the property file revealed the following relevant information:

- On 19 March 1986, conditional Planning Approval was granted for a Restaurant use at No. 25 (Lot 95) Douro Road, South Fremantle under the City's former Town Planning Scheme No. 2 (TPS2) (refer DA2/86);
- At its meeting held 19 November 2008, the PSC resolved to refuse an application seeking Planning Approval for the use of an outdoor covered area for dining purposes, change of hours of operation to an existing Restaurant use and replacement sign at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC0811-309 (DA337/08)), as it was deemed contrary to the objectives of the Neighbourhood Centre zone as prescribed by Clause 4.2.1(ii) of LPS4, for the following reasons:
  - "a) the proposed outdoor covered dining area will adversely impact on the amenity of the adjoining and surrounding residential properties due to noise; and*
  - b) the proposed extended trading hours of the restaurant activities, coupled with the proposed outdoor dining area, will exacerbate the potential adverse impact on the adjoining/surrounding residential properties."*
- At its meeting held 22 September 2010, the PSC resolved to grant conditional Planning Approval for proposed change in the hours of operation and capacity of the

existing Restaurant use and a replacement sign at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC1009-163 (DA0197/10)); and

- At its meeting held 15 June 2011, the PSC resolved to grant conditional Planning Approval for proposed change to approved days and hours of operation for the existing Restaurant at No. 25 (Lot 96) Douro Road, South Fremantle (refer PSC1106-108 (DA0143/11)).

## **DETAIL**

On 8 September 2011, the City received an application seeking Planning Approval for alterations to the existing commercial building (restaurant) at No. 25 (Lot 95) Douro Road, South Fremantle (refer DA0434/11). Details of the proposal are as follows:

### Alterations:

The applicant is seeking Planning Approval for alterations to the existing commercial building (restaurant) which comprises of modifications to the rear courtyard area which is currently covered by a patio. The ultimate purpose of the modifications is to facilitate the use of the covered rear courtyard area as a dining area. The modifications to the covered rear courtyard area include the removal of *“existing lattice on all openings, installing glass brick on the Southern and Western walls, and installing glass louvers on the Eastern wall to allow ventilation.”* The applicant has stated in their covering letter that the purpose of these modifications is to *“ensure that there is no impact on the amenity of directly adjoining neighbours due to the sound of dining in this area.”*

Further, the applicant has outlined the following measures be put in place to limit the overall impact the use of the rear courtyard area for dining may have on adjoining properties, of which they have stated their willingness for these matters to be addressed via conditions of Planning Approval:

- *“Seating capacity of this space to be limited to 20 persons.*
- *That the area only be used for formal dining, and not as a function space, or karaoke.*
- *That the space only be used in ‘peak’ periods (ie when planning approval allows 60 seats in total and at all other times be closed).*
- *Live entertainment shall not be permitted in this area.*
- *Amplified music shall be limited to background noise only.”*

On 26 June 2012, the City received amended development plans from the applicant which included “plasterboard ceiling insulation with acoustic insulation” to the rear alfresco area.

The proposed development plans (as amended) are contained as ‘Attachment 1’ of this report.

## **CONSULTATION**

### **Community**

The application was 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 proposal sought discretionary decisions to the prescribed standards contained within

LPS4. At the conclusion of the advertising period, being 4 October 2011, the City had received nineteen (19) submissions pertaining to the proposal, raising the following relevant planning concerns:

- Car parking and traffic;
- Proximity to residential areas;
- Impact on amenity (noise).

In addition to the concerns raised above, the following concern was raised in the submissions; however they are not considered relevant planning considerations:

- Anti-social behaviour.

It is further noted one of the submissions received was in the form of a petition signed by 57 people whom 'strongly object' to this proposal.

Accordingly, the relevant planning concerns outlined above will be discussed in the 'Planning Comment' section of this report.

## **STATUTORY AND POLICY ASSESSMENT**

The proposal was assessed against the relevant provisions of LPS4 and Council's Local Planning Policies. Variations to the prescribed standards sought are discussed in the 'Planning Comment' section of this report.

## **PLANNING COMMENT**

### **Local Planning Scheme No. 4 (LPS4)**

#### Car Parking

Under the provisions of Table 3 – Vehicle Parking of the City's LPS4, the parking requirement for a 'Restaurant' is as follows:

<b>Car Parking Bays</b>	<b>Delivery Bays</b>	<b>Bicycle Racks</b>
1: 5 seats; or 1: 5m <sup>2</sup> dining area, whichever is the greater	1: service/storage area	1: 30 seats or *1: 100 people accommodated

<b>Required</b>	<b>Provided (on-site)</b>	<b>Discretion</b>
13 bays (62m <sup>2</sup> / 5m <sup>2</sup> )	0	-13

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, 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 (i). In terms of public transport (ii), the subject site has a bus stop within approximately 20 metres of its location, and is also located within 300 metres of Hampton Road, which supports high-frequency bus services as well.

It would be reasonable to expect that by the very nature of current approved 'Restaurant' use, and any liquor license that has been granted for that site, that patrons may plan their night ahead, whether that be car pooling, catching a taxi or alternative means of transport other than driving. In this regard, it is considered that this may reduced the overall impact of car parking shortfall associated with this change of use application.

Importantly, Condition No. 3 of the Planning Approval for DA0143/11 dated 14 July 2011 essentially restricted the maximum seating capacity of the approved 'Restaurant' use to 60 persons (customers) on-site at any given time. In this regard, given that the current application does not seek to increase the number of customers above the maximum 60 already approved, whilst the actual parking requirement has increased, by its very nature, Condition No. 3 of the Planning Approval for DA0143/11 negates any perceived car parking shortfall proposed by the current application as there is no increase to the number of customers proposed.

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

## **Consultation**

### *Impact on Amenity (Noise)*

In its current form, if the application were to be approved by Council, alterations would need to be carried out in order for the development to comply with the prescribed environmental health regulations regarding noise. In this regard, it is considered that this can be addressed via a condition of the approval. It is recommended that the condition be worded so as to afford the applicant thirty (30) days from the commencement of the rear courtyard area being used for the purposes of dining to provide this information to the City.

This approach is recommended for the following reasons:

- It will provide a degree of flexibility to the applicant to begin using the rear courtyard area for the purposes of dining; and
- It will provide an opportunity to the Noise Consultant ultimately engaged by the applicant to prepare their report based on actual data (ie people using in the dining area) as opposed to predicting data (ie what the noise levels may actually be).

## **CONCLUSION**

Whilst a number of concerns have been conveyed in relation potential for issues arising as a result of the proposed development, it is important to note that there is an existing regulatory framework external to planning control to deal issues such as noise and anti-social behaviour.

The proposal is considered to be generally consistent with the planning requirements encompassed within the City's LPS4. It is considered that the proposal will act to strengthen the purpose of the Neighbourhood Centre zone in providing enhanced flexibility for an existing use which will in turn contribute to the vitality of the South Fremantle locality and the City as a whole. On this basis, it is considered that a refusal is not warranted in this circumstance.

Based on concerns related to noise, a condition of approval will be included to require that the applicant submit a report detailing noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the *Environmental Protection (Noise) Regulations 1997*, as well as any design measures proposed to address sound attenuation both internally and externally. If these matters cannot be resolved within thirty (30) days from commencement of the rear courtyard area being used for the purposes of dining, the applicant would not be in compliance with their Planning Approval.

Accordingly, the proposal is recommended for approval subject to conditions.

## **OFFICER'S RECOMMENDATION**

### **MOVED: Cr A Sullivan**

That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:

5. This approval relates only to the development as indicated on the approved plans, dated 21 June 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
6. Within thirty (30) days of commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - c) Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the *Environmental Protection (Noise) Regulations 1997*, and
  - d) Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.
7. The rear courtyard area hereby approved for the purposes of dining shall:
  - a) be limited to a maximum number of 20 persons at any given time;
  - b) only be used for formal dining, and not as a function space, or karaoke;
  - c) only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;
  - d) not be used for the purposes of live entertainment; and
  - e) only have amplified music in the form of background music only.
8. All storm water discharge shall be contained and disposed of on-site.

**Cr J Wilson MOVED an amendment to the Officer's Recommendation to change the wording of condition 2 to state the following:**

3. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:
- c. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997, and
  - d. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

**Cr A Sullivan MOVED** an amendment to the Officer's Recommendation to include the following wording to condition 2:

The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.

**CARRIED: 6/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Ingrid Waltham Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

## **COMMITTEE RECOMMENDATION**

**MOVED: Cr A Sullivan**

**That the application be APPROVED under the Metropolitan Regional Scheme and Local Planning Scheme No. 4 for the alterations to existing commercial building (restaurant) at No. 25 (Lot 9) Douro Road, South Fremantle, subject to the following conditions:**

**3. This approval relates only to the development as indicated on the approved plans, dated 21 June 2012. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**

**4. Prior to commencement of the rear courtyard area being used for the purposes of dining hereby approved, the applicant shall submit a report that addresses the following matters to the satisfaction of the Chief Executive Officer, City of Fremantle:**

**g. Noise attenuation measures, including a qualified Noise Consultants report confirming compliance with the Environmental Protection (Noise) Regulations 1997,**

**h. Internal and external design measures proposed to address sound attenuation both internally and externally and include vibration protection and attenuation.**

**The works detailed in the approved report above be carried out prior to the occupation of the rear courtyard to the satisfaction of the Chief Executive Officer of the City of Fremantle.**

**7. The rear courtyard area hereby approved for the purposes of dining shall:**

- a. be limited to a maximum number of 20 persons at any given time;**
- b. only be used for formal dining, and not as a function space, or karaoke;**
- c. only be used in 'peak' periods (site is restricted to 60 seats as defined by Condition No. 3 of the Planning Approval for DA0143/11 for the site dated 14 July 2011) and at all other times be closed;**
- d. not be used for the purposes of live entertainment; and**
- e. only have amplified music in the form of background music only.**

**8. All storm water discharge shall be contained and disposed of on-site. of the development.**

**CARRIED: 6/0**

**Cr J Wilson requested the item be referred to the Ordinary Meeting of Council.  
Seconded by Cr B Massie.**



**PETITION BY RESIDENTS AROUND GIBSON PARK TO STOP COUNCIL FINING  
THEM FOR PARKING ON THEIR FRONT VERGES**

**Petition by Residents around Gibson Park to stop Council fining them for parking on their front verges**

To the Mayor and Councillors of Fremantle City Council –

We the undersigned residents surrounding Gibson Park direct Council attention to the problem due to the season netball, that has arisen over the years for residents surrounding Gibson park.

The problem has been going on since the early 70's, and residents have tried in the past to have their safety and peace protected by council. This was done in the past (note letter to residents – 1972 and 1985), and has now turned full circle with the residents being persecuted by council, and the netball being protected.

We therefore petition that –

- (1) A better venue be considered for the netball, away from residents, and with adequate parking for the amount of cars that come here each hour on Saturdays during the netball season, and at times when it clashes with the Derby at East Fremantle Oval.

Failing this –

**The original signs that were erected in 1972 be re-instated for No Parking Road or Verge, Saturday and Sunday 6am to 6pm.**

Or –

**The original signs that were erected in 1972 be re-instated for No parking Road or Verge, Saturday and Sunday, March to September.**

- (2) Council Officers patrol the streets around the park at these times throughout the day of the netball taking place to ensure residents are not put in danger with netballers and families and friends parking on the verges, **and residents be considered before any outside event such as netball and football.**
- (3) That netball staffers or volunteers who police the parking on the lower park, also actively ensure that their people are not parking on verges or driveways around the park. **Netballers informed every hour by PA, Officers are patrolling.**
- (4) Residents be provided with **R** stickers to go on their Fremantle Parking stickers giving them precedence over outside parkers.
- (5) Land around the East Fremantle Oval (inside) be considered for parking for any and all events around the area.

Consideration be given to making the 3 streets surrounding Gibson park,  
**Residents only**

Name	Address	Signature
C. M. CLARKE	126 Forrest St 216	C. Clarke
M. D. CLARKE	126 Forrest St Fremantle	M. D. Clarke
P. K. Allen	126 Forrest St	P. K. Allen
D. Stralaw	129 Holland St	D. Stralaw
T. Stralaw	129 Holland St	T. Stralaw
M. TESSER	127 Holland St	M. Tesser
J. TESSER	127 Holland St	J. Tesser
J. TURTON	129 Holland St	J. Turton
L. M. GREGG	123 Holland St	L. M. Gregg
A. McEller	123 Holland St	A. McEller
K. V. N. N. N.	123A Holland St	K. V. N. N. N.
B. HAWKINS	121 Holland St	B. Hawkins
K. MacKenzie	118A Holland St	K. MacKenzie
A. WARNER	118A Holland St	A. Warner
O. Dohler	118A Holland St	O. Dohler
G. Macdonald	126 Holland St	G. Macdonald
A. Macdonald	126 Holland St	A. Macdonald
M. Williams	91 Forrest St	M. Williams
T. Swan	91 Forrest St	T. Swan
C. E. L. L. L.	112 Forrest St	C. E. L. L. L.
Peterbin Nini	118A Forrest St	Peterbin Nini
C. J. L. L.	103 Forrest St	C. J. L. L.
Math. Chaborn	3/148 Forrest St	Math. Chaborn
C. Mervinaker	11/148 Forrest St	C. Mervinaker

2

Name	Address	Signature
MANUELA COPPINI	16/148 FOREST ST	Manuela Copini
Naomi Rocher	17/148 Forest St	Naomi Rocher
JRORI NURSE	1. Cowley St. Fremantle	Jrori Nurse
G. MOKRISSE	152 FOREST ST FREMANTLE	G. Mokrisse
Rod Vindala	147 Forest St Frem.	Rod Vindala
M. Williams	28/98 Forest St Frem	M. Williams
Max Gabrielsen	150 Holland St Frem	Max Gabrielsen
David	10 Winkfield St	David
Danny Allen	12 Withamson St	Danny Allen
James D. Marsh	14 W. Withamson St	James D. Marsh
Alex YARRAD	9/300 High St	Alex YARRAD
Vanessa Koon	18/340 High St	Vanessa Koon
DAN HAWKINS	17 Chudleigh St	DAN HAWKINS
MIKE HAWKINS	17 CHUDLEIGH ST	MIKE HAWKINS
JOEL BAILEY	15 CHUDLEIGH ST	JOEL BAILEY
D. CRICKS	1/130 FOREST	D. CRICKS
WOB. GONDINE	132 FOREST ST FREO	WOB. GONDINE
Brenda Goding	132 FOREST ST FREO	Brenda Goding
ELIZABETH	131 FOREST ST	ELIZABETH
D. Peterson	136 Forrest	D. Peterson
J. Bondillo	136 Forrest	J. Bondillo
Sunny Ho	12/8 Forest St	Sunny Ho
Lisa Lercese	6 Unslaw St	Lisa Lercese
Rita Lercese	6 Unslaw St	Rita Lercese

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Name	Address	Signature
D. Tempa	140A Forrest St	D. Tempa
P. Brown	2/4 Wilkes St	P. Brown
N. Norris	4/4 WILKINSON ST	N. Norris
T. H. H. H. H.	2/143 Forrest St	T. H. H. H.
S. H. H. H.	"	S. H. H. H.
K. McKee	17 Coode St	K. McKee
T. H. H. H.	17 Coode St	T. H. H. H.
C. LONEY	11 COODE ST	C. LONEY
A. Reilly	7 Coode St	A. Reilly
K. H. H. H.	5 Coode St	K. H. H. H.
Fergus Reilly	5 Coode St	Fergus Reilly
Lisa Stedman	1 Coode St	Lisa Stedman
Dawn Forde	2 Coode St	Dawn Forde
A. G. G. G.	28A Forrest St	A. G. G. G.
M. Christian	118A Forrest St	M. Christian
Mel Johns	118A Forrest St	Mel Johns
Elisa H. H. H.	118B Forrest St	Elisa H. H. H.
Paolo J. J. J.	118B Forrest St	Paolo J. J. J.
Alice Bernhardt	118B FORREST ST	Alice Bernhardt
Mathew Ferreira	118B. FORREST ST	Mathew Ferreira
Orietta Simons	89 Forrest St	Orietta Simons
Erin Byrnes	85 Forrest St	Erin Byrnes
Jo Walsh	85 Forrest St	Jo Walsh
C. Westcott	106 Forrest St	C. Westcott
S. Marwick	116 Forrest St	S. Marwick

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