



# MINUTES

## Ordinary Meeting of Council

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Wednesday, 27 March 2013, 6.00pm

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**CLOSURE OF MEETING**

## ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council  
held in the Council Chambers, Fremantle City Council  
on **27 March 2013** at 6.00 pm.

### DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Mr Brad Pettitt declared the meeting open at 6.04 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 (arrived 6.05pm)
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 Bill Massie	Hilton Ward
Cr Jon Strachan	South Ward (arrived 6.06pm)
Cr Andrew Sullivan	South Ward
Cr David Hume	Beaconsfield Ward
Cr Josh Wilson	Deputy Mayor / Beaconsfield Ward (arrived 6.45pm)
Mr Glen Dougall	Director Corporate Services
Ms Marisa Spaziani	Director Community Development
Mr Peter Pikor	Director Technical Services
Mr Paul Garbett	Manager Strategic Planning
Mrs Natalie Martin - Goode	Manager Statutory Planning (departed 6.42pm)
Ms Linda Omar	Minute Secretary

*There were approximately 4 members of the public and 1 member/s of the press in attendance.*

### APOLOGIES

Mr Graeme Mackenzie                      Chief Executive Officer

Mr Philip St John

Director Planning and Development Services

### **LEAVE OF ABSENCE**

Nil

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

Nil

**Cr D Thompson arrived at 6.05 pm prior to consideration of the following item.**

### **PUBLIC QUESTION TIME**

The following questions relate to item PSC1303-30 Tuckfield Street, No 63 (Lot 170) - Retrospective approval for alterations to an existing single house and proposed modifications to approved deck, bay window and Carport.

**Cr J Strachan arrived at 6.06 pm prior to consideration of the following item.**

#### **Summary of Comment by Mr Patrick Howard**

Spoke in relation to item PSC1303-30 and asked the Elected Members to adopt the condition on pages 11 or 12 of the Planning Department Report titled *South-western setback to proposed deck*.

#### **Summary of Comment by Ms Linda Wayman**

Spoke in relation to item PSC1303-30 and agreed to adopt the Officer's Recommendation.

#### **Summary of Question by Kel Smith**

Spoke in relation to item SGS1210-10 - asked to obtain answers (yes or no) from the Mayor, Brad Pettitt the Chief Executive Officer, Graeme Mackenzie to the questions regarding the major changes proposed by the City to the "Approved" Esplanade Reserve Master Plan of 22 April 2009.

1. Does the city feel it fair and reasonable for all the Community to be given their say on these major changes to the green lungs of Fremantle by way of community consultation and not merely one workshop for skateboarders producing a design that does not take into account the other 99% of the park users who value the passive recreation available on the mound and surrounding green spaces?
2. Will the final design Plans be advertised in the media for public comment and submissions and a notice board placed in the council foyer and on the Esplanade Reserve for 40 days as per City of Fremantle Policies to keep the whole Community Informed?
3. When will these final Design Drawings be available for public comment?

***Question 4 (The Mound) - Proposed demolition of the Mound which was saved by public submissions and Full Council Resolution at that time.***

- a) Did the Skate Plaza Workshops on the 18<sup>th</sup> and 19<sup>th</sup> January allow the public participants to be hoodwinked by Council, Council Staff, the Mayor, and Councillors present, into believing their specified statement that the mound would be safe and must stay in its present location as it was a highly sensitive issue with park users. Then, allow Skate Park Models to be produced knowing full well that the mound was not safe and would be demolished in other plans not shown at the workshop?
- b) Was this misleading information allowed to happen?, Knowing full well, that the Fremantle Councils original brief to Convic (in which Councillor Sullivan was heavily involved hence his walkout of the October 2012 Council Meeting which saved the mound) recommended removal of the mound and that a Skate Plaza Design Plan should be produced showing its intended demolition?

***Question 5 (Skate Plaza Area Options 1 and 2) - The Proposed new Skate Park/Plaza Option 2 is now 10 times the area agreed by the public approved Master Plan.***

- a) Will the original Skate Park on the Master Plan be offered as a third option to the public?
- b) Is the Council aware that Design Proposals Option 1 and Option 2 allowing a permanent structure of a minimum of 500 tonnes of grey concrete in approximately 3400 square metres of the green lungs of Fremantle may contravene its own policies and the Burra Charter regarding Permanent Structures on the Reserve?
- c) Does Council conveniently consider that this mass concrete jungle up to 1.5metres in depth in places is a temporary or permanent structure?

***Question 6 - Historic Norfolk Pines***

- a) Is the Council aware that these proposed Convic Design Plans Option 1 and Option 2 in Particular, showing 500 tonne of concrete mass over 3,400 square metres will be detrimental to the health of Historic Norfolk Pines?
- b) Is the City ignoring its own policy regarding the Health of these Historic Norfolk Pines given that their own Arboriculturists Reports state that the Shallow root feeder system is only 30 millimetres below the surface and within 30 metre radius of the trunk of the pines and is critical to their survival.

- c) Is the City aware that The Design Plans Option 2 show a 80 metre long concrete Slab close up to the trunk of the 7 pines in a line from near the Children's Playground to the pumping station and installation of this slab will starve the feeder system of water, stress the Pines to the point they will probably die, or they will become so unstable on the South side, the prevailing winds of winter could topple them?
  
- d) Does the city have details of the metred power of the SkyWheel over the past 20 months?



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## **Summary of Response from Marisa Spazani, Director of Community Development**

The Director of Community Development advised there has been 4 widely advertised meetings, face to face, inviting all the residents from the City of Fremantle and surrounds to attend those meetings and workshops and advised many people did attend.

The draft plans will also be available for the residents from Fremantle and surrounding areas for public comment. The Director of Community Development advised there was over 200 surveys received to the City of Fremantle in relation to the item.

The Contractors Convic will now take all the feedback conducted from the surveys and the workshops and will come back to Council with a final draft for Council comment and approval. No dates have been set however it will be shortly after Easter. The final draft will then be available for public comment for a period and the plans will available in a number of spaces, including the Esplanade and the City of Fremantle's website.

## **Summary of Response from Mayor, Brad Pettitt**

Mayor, Brad Pettitt advised Questions 4 -6 be taken on notice and minuted at the next Ordinary council meeting.

## **DISCLOSURES OF INTEREST BY MEMBERS**

Nil

## **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Cr S Wainwright presented the Hilton Harvest Twilight Fair event on 23 March 2013. It was well attended and the event raised significant funding for the event.

Cr S Wainwright advised that the Hilton Harvest Committee Members have raised concerns that the no development has been made at the back of the Hilton Community Centre which is impeding meeting room and toilet access and thought this was part of the development plan.

Cr S Wainwright advised the Councillors that the Hilton Harvest Committee received a grant from the Auspice of Fremantle for pathways to be widened allowing for wheelchair access and there appears to be some delay in commencing the work.

Cr Jon Strachan advised the Councillors he attended the City of Stirling - G20 Meeting, in relation to negotiating a way forward in preparation for the amalgamations of Councils and boundary changes.

Cr Jon Strachan advised the Councillors that a Special Meeting will take place on Wednesday 3 April 2012 at 5.30pm in relation to the proposed boundaries reform.

Mayor, Brad Pettitt thanked fellow Councillors and kindly accepted a signed poster from the Kimberly Concert which was held on Sunday 24 February 2013.

**CONFIRMATION OF MINUTES**

**MOVED: Mayor, Brad Pettitt**

**That the Minutes of the Ordinary Meeting of Council dated Wednesday 27 February 2013 be confirmed as a true and accurate record.**

**SECONDED: Cr B Massie**

**CARRIED: 12/0**

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

**ANNOUNCEMENTS BY THE MAYOR**

Nil

**QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS**

Nil

## **TABLED DOCUMENTS**

### Additional Documents:

- *Attachment 1 - PSC1303-45 Minor amendment - Proposed submission on the Draft State Planning Strategy - submitted Mayor, Brad Pettitt*
- *Attachment 2 - SGS1303-3 Alternative recommendation - Play Spaces Plan and Forward Works Program - submitted by Mayor, Brad Pettitt*
- *Attachment 3 - SGS1303-3 Amended documents - Play Spaces Plan and Forward Works Program - submitted by Marisa Spaziani, Director Community Development*
- *Attachment 4 - SGS1303-3 Minor amendment - play spaces plan and forward works program - submitted by Cr J Strachan*
- *Appendix 1 - SGS1303-3 amended play spaces plan 2013-2016 - March 2013 and Capital Works Program*

### Minutes:

- *Attachment 5 - Minutes - Audit Committee Friday 22 March 2013*

### Late Item:

- *Attachment 6 - C1303-04 - Special Meeting of Council to consider outcomes of the Local Government Reform Survey*

### Public Question Time documents (refer Minute attachments):

- *Attachment 7 - Item relates to PSC 1303-30 by Mr Patrick Howard and three A4 photos of the outdoor living area and the boundary fence*
- *Attachment 8 - Item relates to item SGS1210-10 - titled *Fremantle City Council Ordinary Meeting Question Time* by Mr Kel Smith*

**COMMITTEE REPORTS**

**PLANNING SERVICES COMMITTEE 6 MARCH 2013**

**PSC1303-30 TUCKFIELD STREET, NO. 63 (LOT 170) RETROSPECTIVE APPROVAL FOR ALTERATIONS TO AN EXISTING SINGLE HOUSE AND PROPOSED MODIFICATIONS TO APPROVED DECK, BAY WINDOW AND CARPORT - (SS DA0179/12)**

**DataWorks Reference:** 059/002  
**Disclosure of Interest:** Nil  
**Meeting Date:** 6 March 2013  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Coordinator Planning Mediation  
**Decision Making Level:** Planning Services Committee  
**Previous Item Number/s:** N/A  
**Attachment 1:** Supporting documents and plans  
**Attachment 2:** Photographs taken by the City  
**Date Received:** 1 May 2012 (amended plans 19 July 2012)  
**Owner Name:** Peter Neale  
**Submitted by:** Owner  
**Zoning LPS4:** Residential (R25)  
**Heritage Listing:** LPS4 and MHI (Level 3)  
**Existing Land use:** Single House



## **EXECUTIVE SUMMARY**

The application is referred to the Planning Services Committee (PSC) for determination as submissions have been received that cannot be addressed through conditions of planning approval.

Planning approval was granted in 2006 for two storey additions to the rear of the existing heritage listed building. During the construction process, certain changes have been made to the original planning approval, which has now lapsed. Works commenced but have not been completed within the specified time in the planning approval, which was a requirement under Town Planning Scheme No. 3.

A retrospective planning application was received for the unauthorised changes, as well as seeking planning approval for proposed works. Most of the works undertaken do not introduce any new planning issues, apart from the need to undertake a performance based assessment under the privacy requirements R-codes in relation to:

- A partly completed bay window to the side (south-eastern) elevation; and
- Window opening to the south-eastern upper level side of the balcony.

A performance based assessment is required for proposed changes to the approved rear deck.

The application also involves a proposed carport to the side of the dwelling, which has been considered acceptable following a heritage review of the application, as the original dwelling is on the Heritage List of Local Planning Scheme No. 4.

The application was advertised and two submissions were received.

Having regard to the planning framework, the heritage assessment and the performance based assessment, it is recommended that conditional planning approval can be granted subject to special conditions relating to the provision of screening to the:

- windows to the bay window; and
- side of the upper level balcony.

A draft condition of approval has been included in the report should Council form the opinion that privacy screening is required on the proposed deck to protect the loss of privacy to the property at No. 61 Tuckfield Street, through the potential future loss of landscaping.

## **BACKGROUND**

The site is zoned Residential under the provisions of the City's Local Planning Scheme No. 4 ("LPS4"), and has a density coding of R25. The original building is on the Heritage List of LPS4 and is a Category 3 building on the City's Municipal Heritage Inventory.

To the north-east of the site (left hand side) is a battle-axe lot (No. 65 Tuckfield Street) which has a single house on it. The driveway to the rear lot is located along the common boundary with the development site.

The land to the south-east (rear) is vacant land.

There is a single house to the south-west of the site (right hand side) on No. 61 Tuckfield Street. The dwelling is located to the front of the site. Behind the dwelling is a brick/timber/metal clad outbuilding located on the common boundary with the development site and the rear of the structure aligns approximately with the rear of No. 63 Tuckfield Street. A timber structure is located further towards the rear of the site.

The site opposite the development site is a single house and is on the State Register of Heritage Places.

There is a cross fall in the development site of, with the greatest crossfall being approximately 2.0m near the rear boundary from the northern side boundary down to the southern side boundary. When looking at the dwelling from the rear of the site, the dwelling (which has a loft space within the roof) appears as:

- single storey from No. 65 Tuckfield Street; and
- two storeys from No. 61 Tuckfield Street.

Planning approval was granted under Town Planning Scheme No. 3 on the 23 May 2006 for two storey additions and alterations to the rear of the existing single house (DA158/06). The development was required to be completed within a three year period. A two year extension to the planning approval was granted in 2009, which meant that the development was required to be completed by May 2011.

A building licence was issued in December 2006. The validity of that licence was extended to June 2008 but no further extensions were sought.

The City received a complaint in relation to works being undertaken on the site. An inspection was carried out and based on further investigation, it was revealed that:

- the relevant approvals had lapsed; and
- certain works had been undertaken that were not in accordance with the now lapsed plans.

Upon being advised that unauthorised works had been carried out, the owner then submitted an application for retrospective planning approval in May 2012. Work ceased on the “new” two storey addition to the rear of the site in May 2012.

Planning approval was granted for restoration works to be undertaken on the original heritage listed dwelling on the 22 June 2012 (DA0226/12).

## **APPLICATION DETAILS**

The planning application is for:

- Retrospective approval for works undertaken that were contrary to the lapsed approval for the two storey addition to the rear of the main heritage listed building; and
- Planning approval for the completion of the works associated with the two storey additions.

## **Retrospective Planning Approval**

The following departures were identified from the approved 2006 plans:

### Lower Basement level

1. Lower basement level has been created –has an opening for a door and windows to the south-east and south-west elevations.

### Main Ground floor level

2. Bay window has been partly constructed to the south-western elevation – not completed;
3. Window on south-eastern side modified as a consequence of addition of bay window;
4. Change to internal stair configuration and subsequent change to upper level design of roof; and
5. New door opening and window and modifications to window openings to the north-eastern side of development at the lower level;

### Upper Level

6. Upper level roof over proposed bedroom has been modified and now provides for walls with incomplete window openings to the south-west and north-east sides of that room;
7. Proposed storage space within the roof space of the main heritage dwelling, with access from the main bedroom;
8. Window to south-western side of balcony to main bedroom;

### Heritage listed building

9. Flooring and roof to verandah have been removed;
10. Roof of the proposed building has been replaced with new material and the rear section of the roof over the original building has been modified; and
11. Repair work has been undertaken on the external walls of the original building.

Of those works, only points 2 and 8 will require further consideration due to those needing an assessment against the Performance Criteria of the R-codes.

## **Proposed works for planning approval**

The existing development is almost complete apart from the finishing off of the development. It is proposed to:

- A. complete the finishing off of the existing structure;
- B. modify the design of the approved rear deck; and
- C. construct a car port to the south-western side of the heritage listed building.

## **STATUTORY FRAMEWORK**

The proposed development has been assessed against the relevant provisions contained in LPS4, the R-Codes and Council Local Planning Policies. The proposed development includes the discretion in relation to the privacy design requirements of the R-codes.

Detailed assessment and discussion is contained in the Planning Comment section of this report.

## **CONSULTATION**

### **Public Consultation**

The planning application was the subject of two advertising periods. The second advertising period occurred as more detailed plans and supporting documentation was received by the City. At the close of the second submission period on the 16 August 2012, the City had received two submissions

The following key issues have been raised in those submissions:

- i) Objection to the proposed window on the northeast upper storey (left side) which results in overlooking – window is unauthorised and should not be permitted, even if compliant with the R-codes or Council policies;
- ii) Objection to the expansion of the rear deck and location of swimming pool on the boundary - both have potential to create significant noise and amenity nuisance;
- iii) Concern over loss of privacy from right hand side living room window at the main floor level (now partly constructed as a bay window) that was the subject of a previous condition of planning approval (2006), that was imposed to address privacy concerns;
- iv) Queries whether the south-eastern (rear) facing window to the new main floor living room window was required to be screened like the south-western (right side) facing window referred above – should be the subject of the same glazing condition of approval;
- v) Change to the size and shape of the rear deck, brings the deck closer to the south-western boundary and as such, should be the subject of a condition regarding privacy screening;
- vi) Concern over loss of privacy from south-western (right side) facing upper level balcony.

Those matters that do not meet the relevant standards (iii, v and vi) are discussed in the Planning Comment Section of the report.

### Heritage Assessment

An internal heritage assessment was undertaken in relation to the two planning applications received for the site. The Heritage Assessment recommended specific conditions to be imposed in relation to the planning application DA0226/12, however, no special conditions are considered necessary for this planning application, which deals primarily with the completion of the additions to the existing heritage listed building.

## **PLANNING COMMENT**

### **Part 1 – Works subject to retrospective approval**

#### DE6.8 – PRIVACY

##### A South-western (right side) privacy setback to bay window of dining room



Privacy Setback	Required	Provided	Discretion
South-western – mid-level	6.0m	3.275	2.725m

As part of the 2006 planning approval, the owner proposed a full height window to the right hand side of the building (dining room) which resulted in potential overlooking into No. 61 Tuckfield Street. A condition of planning approval required this window (set back 3.875m from the side boundary) to be provided with “fixed obscure or translucent’ glass or a sill height of 1.6m. This window has been modified by reducing its width and raising the bottom of the window to a normal window height. The partly completed bay window has been installed in the section of wall where the reduced width of the window has occurred.

The applicant commenced the construction of a bay window to the street side of the window referred to in the preceding paragraph. The opening, if approved, will be set back 3.275 (0.6m closer) to the side boundary than the other approved dining room window in this wall.

It is proposed to have hinged stained glass openable windows to the window that faces towards 61 Tuckfield Street. The owner is proposing that the windows only open a maximum of 30 degrees from the closed position. As the windows are openable, the R-codes classify this window as a major opening, requiring a setback of 6.0m compared to the 3.275m setback. Therefore, an assessment is required having regard to the Performance Criteria of the R-codes.

From photographs 2, 3 and 4 of Attachment 2, it can be seen that the existing outbuilding and landscaping shields the view into the adjoining property.

It is noted that in September 2012, the City issued a demolition licence to the owner of No. 61 Tuckfield Street to remove the rear brick/timber/metal clad outbuilding on the common boundary with the development site. The demolition licence had not been acted upon at the time of the writing of this report. If acted upon, then the area to the rear of the existing dwelling at No. 61 Tuckfield Street would be open to overlooking.

To address this potential impact, it is proposed that the City’s standard privacy condition be imposed.

**B South-western (right side) privacy setback to side window of upper level balcony**

Privacy Setback	Required	Provided	Discretion
Side window to upper level balcony (south-western side)	7.5m	7.1m	0.4m

The applicant is required to seek a 0.4m variation to the privacy setback requirements of the R-codes for a side window to an upper level balcony. The main balcony outlook (to the rear of the site) complies with the acceptable Standards of the R-Codes. Photographs 6 and 7 show the side view from this balcony level. The landscaping on the

adjoining site assists in protecting the privacy to the adjoining property at No 61 Tuckfield Street. If the landscaping is removed for whatever reasons, the privacy to the rear of No. 61 Tuckfield Street will be lost. To address this, it is considered on balance, that a screen which prevents a downward view into the adjoining property would address any privacy concerns from this opening, and as such, the recommendation of approval contains the relevant condition.

## **Part 2 – Proposed Works**

### A South-western (side) setback to proposed deck

#### DE6.8 – PRIVACY

<b>Side Boundary Setback</b>	<b>Required</b>	<b>Provided</b>	<b>Discretion</b>
South-western – mid-level deck	7.5m	6.175	1.325m

The 2006 approved rear deck measured 5.2m in width, 2.4m in depth and setback 6.875 from the south-western boundary. A condition of planning approval was not imposed in the 2006 approval to require a privacy screen along the south-western side of the balcony, even though the side of the deck was closer than the Acceptable Development requirement of 7.5m.

The deck is proposed to be set back 6.175m from the side boundary and as such, requires assessment against the Performance Criteria of DE6.8.1 of the R-Codes.

The view from the location of the proposed deck (refer to photograph 5) will be towards the rear one-third of the adjoining property at No. 61 Tuckfield Street. There is an existing outbuilding that is located on No. 61 Tuckfield Street, which abuts the common boundary and finishes near the rear of the existing addition on No. 63 Tuckfield Street. As the circumstances exist at present, the view from the proposed deck towards No. 63 Tuckfield Street is:

- towards the rear section of No. 61 Tuckfield Street,
- not onto any sensitive area (private courtyard or major openings);
- onto an existing outbuilding; and
- partially screened by landscaping on the development site.

On balance, the discretion is supported as the area of the adjoining property that is potentially affected by the loss of privacy is considered not to be a private outdoor living area of the site (rear setback area). Further, the existing landscaping, outbuilding (on 61 Tuckfield Street); and the location/height of the rear addition on the development site screens the active habitable space of No. 61 Tuckfield Street.

If Council was of the view that a condition should be imposed to address the potential future loss of the landscaping/outbuilding on No. 61 Tuckfield Street, then the following condition could be imposed:

## **CONCLUSION**

The development involves work undertaken that was not in accordance with the planning approval issued in 2006. Most of those changes have been minor and have not introduced any new planning issues apart from the matters raised in Part 1 of the Planning Comment section.

In relation to the matters raised in Part 1 above, it is considered that conditional approval could be granted. A condition of planning approval relating to the protection of privacy to the property at No. 61 Tuckfield Street from the openings to the side of the upper level balcony and the bay window, have been included in the recommendation of approval.

Should Council form the view that further protection of the privacy to No. 61 Tuckfield Street is required from the modified deck area, a condition of planning approval has been prepared in the preceding section.

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr A Sullivan**

That the application be **APPROVED** under the Local Planning Scheme No. 4 for the retrospective works and proposed works to an existing single house at No. 63 (Lot 170) Tuckfield Street, Fremantle, subject to the following condition(s):

- a) The development hereby permitted shall take place in accordance with the revised plans dated 19 July 2012, incorporating the conditions listed in this approval.
- b) All storm water discharge shall be contained and disposed of on-site.
- c) Prior to occupation, the south-eastern elevation of the upper level balcony and the windows to the mid-level bay window, as indicated in red on the approval plans dated 19 July 2012, shall be provided with either:
  - i) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
  - ii) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
  - iii) a minimum sill height of 1.60 metres as determined from the internal floor level, or
  - iv) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,
 in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

**CARRIED: 4/1**

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

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

**COUNCIL DECISION**

**Cr I Waltham MOVED** an amendment to the Committee & Officer's Recommendation to add a part D as follows:

That the application be APPROVED under the Local Planning Scheme No. 4 for the retrospective works and proposed works to an existing single house at No. 63 (Lot 170) Tuckfield Street, Fremantle, subject to the following condition(s):

- a) The development hereby permitted shall take place in accordance with the revised plans dated 19 July 2012, incorporating the conditions listed in this approval.
- b) All storm water discharge shall be contained and disposed of on-site.
- c) Prior to occupation, the south-eastern elevation of the upper level balcony and the windows to the mid-level bay window, as indicated in red on the approval plans dated 19 July 2012, shall be provided with either:
  - i) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
  - ii) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
  - iii) a minimum sill height of 1.60 metres as determined from the internal floor level, or
  - iv) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,

in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.
- d) *Prior to occupation, the south-eastern elevation to the rear deck, as indicated in red on the approval plans dated 19 July 2012, shall be provided with either:*
  - i) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or*
  - ii) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or*
  - iii) a minimum sill height of 1.60 metres as determined from the internal floor level, or*
  - iv) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,*

in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

**SECONDED: Cr T Grey-Smith**

**CARRIED: 9/3**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan	Cr Robert Fittock Cr Bill Massie

<p>Cr David Hume Cr Rachel Pemberton Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Dave Coggin Cr Andrew Sullivan</p>	<p>Cr Doug Thompson</p>
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**REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

To provide screening to the rear deck

**Cr D Hume MOVED to defer the item to the 24 April 2013 Ordinary council meeting.**

**MOVED: Cr D Hume**

That the item be deferred to the 24 April 2013 Ordinary council meeting.

Motion lapsed for count of a seconder

**MOVED: Cr A Sullivan**

**That the application be APPROVED under the Local Planning Scheme No. 4 for the retrospective works and proposed works to an existing single house at No. 63 (Lot 170) Tuckfield Street, Fremantle, subject to the following condition(s):**

- a) The development hereby permitted shall take place in accordance with the revised plans dated 19 July 2012, incorporating the conditions listed in this approval.**
- b) All storm water discharge shall be contained and disposed of on-site.**
- c) Prior to occupation, the south-eastern elevation of the upper level balcony and the windows to the mid-level bay window, as indicated in red on the approval plans dated 19 July 2012, shall be provided with either:**
  - i) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or**
  - ii) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or**
  - iii) a minimum sill height of 1.60 metres as determined from the internal floor level, or**
  - iv) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,**  
in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.
- d) Prior to occupation, the south-eastern elevation to the rear deck, as indicated in red on the approval plans dated 19 July 2012, shall be provided with either:**

- i) fixed obscured or translucent glass to a height of 1.60 metres above floor level, or
- ii) fixed with vertical screening, with openings not wider than 5cm and with a maximum of 20% perforated surface area, to a minimum height of 1.60 metres above the floor level, or
- iii) a minimum sill height of 1.60 metres as determined from the internal floor level, or
- iv) screened by an alternative method to the satisfaction of the Chief Executive Officer, City of Fremantle,

in accordance with Clause 6.8.1 A1 of the Residential Design Codes and thereafter maintained to the satisfaction of Chief Executive Officer, City of Fremantle.

**SECONDED: Cr T Grey-Smith**

**CARRIED: 12/0**

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

**PSC1303-33 PROPOSED SCHEME AMENDMENT NO 55 - BICYCLE PARKING  
AND END OF TRIP FACILITIES - FINAL ADOPTION**

<b>DataWorks Reference:</b>	218/061
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	6 March 2013
<b>Responsible Officer:</b>	Manager Planning Projects
<b>Actioning Officer:</b>	Strategic Planning Officer
<b>Decision Making Level:</b>	Council
<b>Previous Item Number/s:</b>	PSC1206-85, 6 June 2012; PSC1207-102, 4 July 2012; PSC1210-167, 24 October 2012
<b>Attachments:</b>	1. Schedule of Submissions 2. Austroads Cycling Aspects to Austroads Guides – Appendix F 3. Schedule of Modifications

**EXECUTIVE SUMMARY**

The purpose of this report is to recommend to Council final adoption of Amendment No. 55, bicycle parking and end of trip facilities, to the City's Local Planning Scheme No. 4 (LPS4).

The scheme amendment introduces into LPS4 the requirements for different types of bicycle racks (long stay (Class 1 and 2) or short stay (Class 3)) for different uses and will also require end of trip facilities (showers and storage lockers) to be provided where long stay bicycle racks are also required in new developments.

The amendment was placed out for public comment and nine submissions were received. The submissions support the aims of the scheme amendment and three submissions provided further comments. Minor modifications to the Scheme amendment have been made in light of comments received.

Therefore, it is recommended that Council resolves to adopt the amendment to the City's LPS4 with minor modification.

**BACKGROUND**

At its ordinary meeting of Council, 24 October 2012, Council adopted Scheme Amendment No 55, bicycle parking and end of trip facilities, for public comment after previous Council support, in principle, for such provisions.

For further background information please see the minutes for previous reports on bicycle parking and end of trip facilities (PSC1206-85, 6 June 2012; PSC1207-102, 4 July 2012; PSC1210-167 – 24 October 2012).

**CONSULTATION**

Following referral from the Environmental Protection Authority, advertising of the scheme amendment was undertaken in accordance with regulation 25(2) of the Town Planning Regulations 1967. The proposed scheme amendment was advertised for comment from



15 January 2013 to 1 March 2013, with advertisements being placed in the Fremantle Gazette for two consecutive weeks and West Australian newspaper for one week.

The City's precinct groups, utility companies, and key agencies were also specifically notified and copies of the amendment and policy documents were made available for viewing at the Service and Information Counter at the Town Hall Centre and on the City's website.

Nine submissions were received (refer to Attachment 1 – schedule of submissions for further information). All submissions are generally supportive of the scheme amendment stating no objection. Three submissions (Main Roads WA, Australian Bicycle Council and the Department of Transport) provided further comments.

The main submission point from Main Roads and the Australian Bicycle Council was in relation to the City's current definition of Bicycle Rack in LPS4, which refers to *Austroads standards part 14*. *Austroads standards part 14* has been superseded by *Austroads Guide to Traffic Management Part 11: Parking*. This point has been taken up as a modification to the Scheme amendment. See the 'Planning Comment' section of this report for more information.

Other comments raised in submissions have been addressed in the Planning Comment section of this report and in the schedule of submissions. For further information please refer to Attachment 1 for the schedule of submissions.

## PLANNING COMMENT

The amendment will introduce provisions into the Scheme that:

- Apportion the different types of bicycle racks (long stay (Class 1 and 2) or short stay (Class 3)) to each land use in table 2 – vehicle parking, as per *Austroads Cycling Aspects of Austroads Guides*; and
- Require end of trip facilities (showers and storage lockers) to be provided in large new developments where long stay bicycle racks are also required.

Both of these are discussed below.

### Bicycle racks

The requirement for bicycle racks by land use and the following definition of bicycle rack has been in the City of Fremantle Local Planning Scheme No. 4 (LPS4) since it was gazetted March 2007:

*Bicycle rack: has the same meaning as given to it in the Austroads standards part 14.*

The *Austroads standards part 14*, referenced in the definition of bicycle rack in LPS4 (above), however, has been superseded by *Austroads Guide to Traffic Management Part 11: Parking*. This document then references *Austroads Cycling Aspects of Austroads Guides (Austroads)*. *Austroads* provides similar information as previously provided in *Austroads standards part 14* in relation to class 1, 2 and 3 bicycle racks. *Austroads* also includes the same information on the different types of bicycle racks required for each land use (see attachment 2) as previously provided in *Austroads standards part 14*.

Accordingly it is recommended a minor modification be made to the Scheme amendment to refer to *Austroads Cycling Aspects to Austroads Guides* in the definition of Bicycle

Rack in LPS4 instead of *Austrroads standards part 14*. Proposed new definition of Bicycle Rack:

*Bicycle rack: Has the same meaning as given to it in the Austrroads Cycling Aspects to Austrroads Guides*

*Austrroads Cycling Aspects to Austrroads Guides* (Austrroads), outlines three different types of bicycle racks: class 1 and 2 (long stay i.e. staff bicycle parking) and class 3 (short stay i.e. visitor bicycle parking) bicycle parking, for a variety of land uses (see attachment 2). LPS4 currently only specifies one type of bicycle rack and there is uncertainty around how specifically this is to be provided with reference to three different long and short stay bicycle rack classes in Austrroads. Accordingly the Scheme amendment will include bicycle rack requirements into LPS4's table 2 – vehicle parking, that specifies what class 1, 2 and 3 bicycle rack standards are required for each land use, based on the Austrroads standards (see attachment 2).

The Australian Bicycle Council, in their submission, suggest including additional bicycle rack provisions for the following:

- Child care premises (for staff and parents dropping kids off)
- Garden centre or hardware store or nursery (for staff and customers)
- Places of worship

Austrroads, however, does not provide any bicycle parking requirements for the above uses. The Australian Bicycle Council further suggests that the *Australian Standard AS2890: Bicycle Parking Facilities* will be updated in the next 12-18 months. Once this review is completed the provisions of the Scheme could be reviewed also and amended if required.

The following note will be added to LPS4 after Table 2 - Vehicle Parking following gazettal of the scheme amendment as notes are for explanatory reasons only and do not form part of the scheme text.

*Note:*

*Class 1 – High security level – Fully enclosed individual lockers*

*Class 2 – Medium security level – Locker compounds fitted with Class 3 facilities with communal access using duplicate keys*

*Class 3 – Low security level – Facilities to which the bicycle frame and wheels can be locked*

*For more information see Austrroads Cycling Aspects to Austrroads Guides*

### **End-of-trip facilities - Shower and change facilities**

End of trip facilities such as shower and change facilities, are related to bicycle parking but can also provide convenience to staff for other activities such as alternative ways of getting to work or exercising during the working day. Showering facilities are not currently required by LPS4 or other planning policies or explicitly required under the National Construction Code of Australia (there are requirements in the construction codes for disability access bathrooms which include a shower, however these are for a different purpose than end of trip facilities).

It is considered reasonable to require large new developments to provide showers. Therefore the following provisions are proposed:

*Any new commercial use class development shall include shower and change facilities for employees in accordance with the following table 3.*

**TABLE 3 - SHOWER FACILITIES**

No. of bicycle racks required	Ratio of number of showers required to the number of bicycle racks required
Up to the first 10 bicycle racks required	One male and one female shower (or 2 unisex) required for every 10* Class 1 or 2 bicycle racks required
Bicycle racks required in excess of the first 10 Bicycle racks required	One male and one female shower (or 2 unisex) required for every 20** Class 1 or 2 bicycle racks required

\*Calculations rounded up to the nearest 10

\*\*Calculations rounded up to the nearest 20

Additional to shower facilities it is considered reasonable for a development to also provide locker facilities for the storage of personal items and clothing. Accordingly the scheme amendment will include a provision that requires one locker per long stay bicycle rack required. This is in line with the Green Building Council of Australia, green star building requirements.

There are several other minor changes required as part of this scheme amendment. These changes do not change the intent of the scheme amendment, but clarify minor errors in the formatting and wording. See schedule of modifications in Attachment 3 for more information.

## **CONCLUSION**

The scheme amendment introduces into LPS4 the requirements for different types of bicycle racks (long stay (Class 1 and 2) or short stay (Class 3)) for different uses and will also require end of trip facilities (showers and storage lockers) to be provided where long stay bicycle racks are required in new developments.

The submissions received on the amendment were generally supportive. It is recommended Council resolve adopt Scheme Amendment No. 55 to LPS4 with minor modifications.

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr A Sullivan**

**That Council:**

1. Note the submissions received as detailed in the Officer's report and attachment 1;
2. Resolve, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2)(a) of the Town Planning Regulations 1967, to adopt with modification the following amendment to the City of Fremantle Local Planning Scheme No. 4:
  - a) Rename 'Table 2 – Zoning' to 'Table 1 – Zoning' and replace all other references to 'Table 2' throughout the Local Planning Scheme to refer to 'Table 1'.
  - b) Replace the Bicycle Racks column in Table 3 – Vehicle Parking with the following and replace all other references to 'Table 3' throughout the Local Planning Scheme to refer to 'Table 2'.

**TABLE 2 - VEHICLE PARKING**

Use Class	Bicycle Racks
<b>RESIDENTIAL USE CLASSES</b>	
Single house Grouped dwelling Multiple dwelling Aged or Dependent persons dwelling Ancillary Accommodation Single bedroom dwelling	As per Residential Design Codes
Small secondary dwelling	Not applicable
Home business	Not applicable
Home occupation	Not applicable
Home office	Not applicable
Residential Building	Class 1: 1 per 4 lodging room Class 3: 1 per 16 lodging rooms  Nursing home: Class 1: 1 per 7 beds Class 3: 1 per 60 beds
Bed & breakfast accommodation	Not applicable
<b>COMMERCIAL AND INDUSTRIAL USE CLASSES</b>	
Child care premises	Not applicable
Commercial	
Bank/building society	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: Two
Funeral parlour	Not applicable
Garden centre Hardware store	Not applicable

Use Class	Bicycle Racks
Market	Class 3: 1 per 10 stalls
Nursery	Not applicable
Office	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Showroom Trade display	Class 1: 1 per 750 m <sup>2</sup> nla Class 3: a per 1000 m <sup>2</sup> nla
Veterinary consulting rooms	Class 2: 1 per 8 practitioners
Veterinary hospital	Class 2: 1 per 8 practitioners
Education Establishment	
Primary school	Class 2: 1 per 5 students, over year 4
High school	Class 2: 1 per 5 students
Tertiary school	Class 1 or 2: 1 per 100 fulltime students Class 2: 2 per 100 fulltime students
Entertainment	
Amusement (public)	Class 3: 2 plus 1 per 50 m <sup>2</sup> gla
Betting agency	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Cinema	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Club premises	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Fast food outlet	Class 1: 1 per 100 m <sup>2</sup> gla Class 3: 1 per 50 m <sup>2</sup> gla
Hotel/tavern	Class 1: 1 per 25m m <sup>2</sup> bar floor area and 1 per 100 m <sup>2</sup> lounge and beer garden Class 3: 1 per 25m m <sup>2</sup> bar floor area and 100 m <sup>2</sup> lounge and beer garden
Motel	Class 1: 1 per 40 units
Night club	Not applicable
Private recreation	Class 1 or 2: 1 per 4 employees Class 3: 1 per 200 m <sup>2</sup> gla
Reception centre	Class 3: 1 per 30 seats or* 1 per 100 people accommodated
Restaurant	Class 1 or 2: 1 per 100 m <sup>2</sup> public area Class 3: Two
Tourist accommodation	Not applicable
Health Services	
Consulting rooms	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Medical centre	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Hospital/ nursing home/hostel	Class 1: 1 per 15 beds Class 3: 1 per 30 beds
Place of worship	Not applicable
Shop	
Convenience store	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Lunch bar	Class 1: 1 per 300 m <sup>2</sup> gla

Use Class	Bicycle Racks
	Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop local	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop with dwelling	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shopping centre	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Civic Use	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Community Purpose	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Transport	
Commercial vehicle parking	Not applicable
Marine technology and ship building	Not applicable
Motor vehicle, boat or caravan sales	Not applicable
Motor vehicle wash	Not applicable
Service station Petrol filling station	Not applicable
Cottage	Not applicable
General	Class 1 or 2: 1 per 150 m <sup>2</sup> gla
Light	Class 1 or 2: 1 per 1000 m <sup>2</sup> gla
Service	Class 1: 1 per 800 m <sup>2</sup> gla
Storage	
Fuel depot	Not applicable
Storage yard	Not applicable
Warehouse	Not applicable
Transport	
Motor vehicle repair	Not applicable
Motor vehicle wrecking	Not applicable
Transport depot	Not applicable

c) Insert after Clause 5.7.3.2 the following clause 5.7.3.3 and 5.7.3.4:

**5.7.3.3 Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.**

**5.7.3.4 Council may waive the class 3 bicycle rack requirements of Table 2, where the provision of such bicycle racks would:**

**(i) be incompatible with the overall design of the development; and**

(ii) the required number of class 3 racks to be provided can adequately be provided by the applicant on public land in the immediate vicinity of the development; and

(iii) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.

d) Insert after clause 5.15 the following clause 5.16:

**5.16 End of Trip Facilities**

**5.16.1 Any new commercial use class development shall include shower and change facilities for employees in accordance with the following Table 3 - Shower facilities.**

**TABLE 3 - SHOWER FACILITIES**

No. of bicycle racks required	Ratio of number of showers required to the number of bicycle racks required
Up to the first 10 bicycle racks required	One male and one female shower (or 2 unisex) required for every 10* Class 1 or 2 bicycle racks required
Bicycle racks required in excess of the first 10 Bicycle racks required	One male and one female shower (or 2 unisex) required for every 20** Class 1 or 2 bicycle racks required

\*Calculations rounded up to the nearest 10

\*\*Calculations rounded up to the nearest 20

**5.16.2 For every class 1 or 2 bicycle rack required in Table 2 one locker shall be provided within the development in a location that is easily accessible to the shower facilities required under clause 5.16.1, where required.**

e) Replace reference to Austroads standards part 14, in the definition of bicycle rack in General definitions, 12.1 - Schedule 1 – Dictionary of defined words and expressions with the wording: Austroads Cycling Aspects to Austroads Guides so that the definition of Bicycle Rack reads:

**Bicycle rack: Has the same meaning as given to it in the Austroads Cycling Aspects to Austroads Guides.**

f) Insert the following note after table 2 subsequent to gazettal of scheme amendment No. 55:

**Note:**

**Class 1 – High security level – Fully enclosed individual lockers**

**Class 2 – Medium security level – Locker compounds fitted with Class 3 facilities with communal access using duplicate keys**

**Class 3 – Low security level – Facilities to which the bicycle frame and wheels can be locked**

**For more information see Austroads Cycling Aspects to Austroads Guides**

3. **Authorise the Mayor and Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation.**
  
4. **Request the Minister for Planning to grant final consent to Scheme Amendment No. 55 as referred to in (2) above.**

**CARRIED: 5/0**

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



**COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**That Council:**

1. Note the submissions received as detailed in the Officer's report and attachment 1;
2. Resolve, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2)(a) of the Town Planning Regulations 1967, to adopt with modification the following amendment to the City of Fremantle Local Planning Scheme No. 4:
  - a) Rename 'Table 2 – Zoning' to 'Table 1 – Zoning' and replace all other references to 'Table 2' throughout the Local Planning Scheme to refer to 'Table 1'.
  - b) Replace the Bicycle Racks column in Table 3 – Vehicle Parking with the following and replace all other references to 'Table 3' throughout the Local Planning Scheme to refer to 'Table 2'.

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Home occupation	Not applicable
Home office	Not applicable
Residential Building	Class 1: 1 per 4 lodging room Class 3: 1 per 16 lodging rooms  Nursing home: Class 1: 1 per 7 beds Class 3: 1 per 60 beds
Bed & breakfast accommodation	Not applicable
<b>COMMERCIAL AND INDUSTRIAL USE CLASSES</b>	
Child care premises	As per shop local
Commercial	
Bank/building society	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: Two
Funeral parlour	Not applicable
Garden centre Hardware store	Not applicable

Use Class	Bicycle Racks
Market	Class 3: 1 per 10 stalls
Nursery	Not applicable
Office	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Showroom Trade display	Class 1: 1 per 750 m <sup>2</sup> nla Class 3: a per 1000 m <sup>2</sup> nla
Veterinary consulting rooms	Class 2: 1 per 8 practitioners
Veterinary hospital	Class 2: 1 per 8 practitioners
Education Establishment	
Primary school	Class 2: 1 per 5 students, over year 4
High school	Class 2: 1 per 5 students
Tertiary school	Class 1 or 2: 1 per 100 fulltime students Class 2: 2 per 100 fulltime students
Entertainment	
Amusement (public)	Class 3: 2 plus 1 per 50 m <sup>2</sup> gla
Betting agency	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Cinema	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Club premises	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Fast food outlet	Class 1: 1 per 100 m <sup>2</sup> gla Class 3: 1 per 50 m <sup>2</sup> gla
Hotel/tavern	Class 1: 1 per 25m m <sup>2</sup> bar floor area and 1 per 100 m <sup>2</sup> lounge and beer garden Class 3: 1 per 25m m <sup>2</sup> bar floor area and 100 m <sup>2</sup> lounge and beer garden
Motel	Class 1: 1 per 40 units
Night club	Not applicable
Private recreation	Class 1 or 2: 1 per 4 employees Class 3: 1 per 200 m <sup>2</sup> gla
Reception centre	Class 3: 1 per 30 seats or* 1 per 100 people accommodated
Restaurant	Class 1 or 2: 1 per 100 m <sup>2</sup> public area Class 3: Two
Tourist accommodation	Not applicable
Health Services	
Consulting rooms	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Medical centre	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Hospital/ nursing home/hostel	Class 1: 1 per 15 beds Class 3: 1 per 30 beds
Place of worship	Not applicable
Shop	
Convenience store	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Lunch bar	Class 1: 1 per 300 m <sup>2</sup> gla

Use Class	Bicycle Racks
	Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop local	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop with dwelling	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shopping centre	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
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Civic Use	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Community Purpose	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Transport	
Commercial vehicle parking	Not applicable
Marine technology and ship building	Not applicable
Motor vehicle, boat or caravan sales	Not applicable
Motor vehicle wash	Not applicable
Service station Petrol filling station	Not applicable
Cottage	Not applicable
General	Class 1 or 2: 1 per 150 m <sup>2</sup> gla
Light	Class 1 or 2: 1 per 1000 m <sup>2</sup> gla
Service	Class 1: 1 per 800 m <sup>2</sup> gla
Storage	
Fuel depot	Not applicable
Storage yard	Not applicable
Warehouse	Not applicable
Transport	
Motor vehicle repair	Not applicable
Motor vehicle wrecking	Not applicable
Transport depot	Not applicable

c) Insert after Clause 5.7.3.2 the following clause 5.7.3.3 and 5.7.3.4:

5.7.3.5 Council may waive the class 1 or 2 bicycle rack requirements of Table 2, where, in the opinion of the Council, the development application is for a minor change of use.

5.7.3.6 Council may waive the class 3 bicycle rack requirements of Table 2, where the provision of such bicycle racks would:

(iv) be incompatible with the overall design of the development; and

- (v) the required number of class 3 racks to be provided can adequately be provided by the applicant on public land in the immediate vicinity of the development; and
- (vi) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.

d) Insert after clause 5.15 the following clause 5.16:

**5.16 End of Trip Facilities**

**5.16.1 Any new commercial use class development shall include shower and change facilities for employees in accordance with the following Table 3 - Shower facilities.**

**TABLE 3 - SHOWER FACILITIES**

No. of bicycle racks required	Ratio of number of showers required to the number of bicycle racks required
Up to the first 10 bicycle racks required	One male and one female shower (or 2 unisex) required for every 10* Class 1 or 2 bicycle racks required
Bicycle racks required in excess of the first 10 Bicycle racks required	One male and one female shower (or 2 unisex) required for every 20** Class 1 or 2 bicycle racks required

\*Calculations rounded up to the nearest 10

\*\*Calculations rounded up to the nearest 20

**5.16.2 For every class 1 or 2 bicycle rack required in Table 2 one locker shall be provided within the development in a location that is easily accessible to the shower facilities required under clause 5.16.1, where required.**

- e) Replace reference to Austroads standards part 14, in the definition of bicycle rack in General definitions, 12.1 - Schedule 1 – Dictionary of defined words and expressions with the wording: Austroads Cycling Aspects to Austroads Guides so that the definition of Bicycle Rack reads:

**Bicycle rack:** Has the same meaning as given to it in the Austroads Cycling Aspects to Austroads Guides.

- f) Insert the following note after table 2 subsequent to gazettal of scheme amendment No. 55:

**Note:**

**Class 1 – High security level – Fully enclosed individual lockers**

**Class 2 – Medium security level – Locker compounds fitted with Class 3 facilities with communal access using duplicate keys**

**Class 3 – Low security level – Facilities to which the bicycle frame and wheels can be locked**

**For more information see Austroads Cycling Aspects to Austroads Guides**

3. Authorise the Mayor and Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation.
4. Request the Minister for Planning to grant final consent to Scheme Amendment No. 55 as referred to in (2) above.

**SECONDED: Cr T Grey-Smith**

**Cr S Wainwright MOVED two amendments to Table 2 - Vehicle Parking as follows:**

- a) remove the words 'not applicable' and insert the words 'as per show room' against the 'Garden Centre Hardware Store' Commercial and Industrial use classes - as follows:

TABLE 2 - VEHICLE PARKING	
Use Class	Bicycle Racks
<b>COMMERCIAL AND INDUSTRIAL USE CLASSES</b>	
Garden centre	Not applicable
Hardware store	<i>As per show room</i>

- b) remove the words 'not applicable' and insert the words 'as per community purpose' against the Place of Worship Commercial and Industrial use classes - as follows:

TABLE 2 - VEHICLE PARKING	
Use Class	Bicycle Racks
<b>COMMERCIAL AND INDUSTRIAL USE CLASSES</b>	
Place of Worship	Not applicable
	<i>As per community purpose</i>

**SECONDED: Cr Tim Grey-Smith**

**CARRIED: 12/0**

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

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

To better reflect the needs for bicycle parking and end of trip facilities at the two sites.

**MOVED: Cr A Sullivan**

**That Council:**

1. Note the submissions received as detailed in the Officer's report and attachment 1;
2. Resolve, pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17(2)(a) of the Town Planning Regulations 1967, to adopt with modification the following amendment to the City of Fremantle Local Planning Scheme No. 4:
  - a) Rename 'Table 2 – Zoning' to 'Table 1 – Zoning' and replace all other references to 'Table 2' throughout the Local Planning Scheme to refer to 'Table 1'.
  - b) Replace the Bicycle Racks column in Table 3 – Vehicle Parking with the following and replace all other references to 'Table 3' throughout the Local Planning Scheme to refer to 'Table 2'.

**TABLE 2 - VEHICLE PARKING**

Use Class	Bicycle Racks
<b>RESIDENTIAL USE CLASSES</b>	
Single house Grouped dwelling Multiple dwelling Aged or Dependent persons dwelling Ancillary Accommodation Single bedroom dwelling	As per Residential Design Codes
Small secondary dwelling	Not applicable
Home business	Not applicable
Home occupation	Not applicable
Home office	Not applicable
Residential Building	Class 1: 1 per 4 lodging room Class 3: 1 per 16 lodging rooms  Nursing home: Class 1: 1 per 7 beds Class 3: 1 per 60 beds
Bed & breakfast accommodation	Not applicable
<b>COMMERCIAL AND INDUSTRIAL USE CLASSES</b>	
Child care premises	As per shop local
Commercial	
Bank/building society	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: Two
Funeral parlour	Not applicable

Use Class	Bicycle Racks
Garden centre Hardware store	As per showroom
Market	Class 3: 1 per 10 stalls
Nursery	Not applicable
Office	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Showroom Trade display	Class 1: 1 per 750 m <sup>2</sup> nla Class 3: a per 1000 m <sup>2</sup> nla
Veterinary consulting rooms	Class 2: 1 per 8 practitioners
Veterinary hospital	Class 2: 1 per 8 practitioners
Education Establishment	
Primary school	Class 2: 1 per 5 students, over year 4
High school	Class 2: 1 per 5 students
Tertiary school	Class 1 or 2: 1 per 100 fulltime students Class 2: 2 per 100 fulltime students
Entertainment	
Amusement (public)	Class 3: 2 plus 1 per 50 m <sup>2</sup> gla
Betting agency	Class 1 or 2: 1 per 200 m <sup>2</sup> gla Class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla
Cinema	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Club premises	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Fast food outlet	Class 1: 1 per 100 m <sup>2</sup> gla Class 3: 1 per 50 m <sup>2</sup> gla
Hotel/tavern	Class 1: 1 per 25m m <sup>2</sup> bar floor area and 1 per 100 m <sup>2</sup> lounge and beer garden Class 3: 1 per 25m m <sup>2</sup> bar floor area and 100 m <sup>2</sup> lounge and beer garden
Motel	Class 1: 1 per 40 units
Night club	Not applicable
Private recreation	Class 1 or 2: 1 per 4 employees Class 3: 1 per 200 m <sup>2</sup> gla
Reception centre	Class 3: 1 per 30 seats or* 1 per 100 people accommodated
Restaurant	Class 1 or 2: 1 per 100 m <sup>2</sup> public area Class 3: Two
Tourist accommodation	Not applicable
Health Services	
Consulting rooms	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Medical centre	Class 2: 1 per 8 practitioners Class 3: 1 per 4 practitioners
Hospital/ nursing home/hostel	Class 1: 1 per 15 beds Class 3: 1 per 30 beds
Place of worship	As per community purpose
Shop	
Convenience store	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over

Use Class	Bicycle Racks
	1000 m <sup>2</sup> gla)
Lunch bar	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop local	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shop with dwelling	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
Shopping centre	Class 1: 1 per 300 m <sup>2</sup> gla Class 3: 1 per 500 m <sup>2</sup> gla (over 1000 m <sup>2</sup> gla)
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Civic Use	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Community Purpose	Class 2: 1 per 1500 m <sup>2</sup> gla Class 3: 2 and 1 per 1500 m <sup>2</sup> gla
Transport	
Commercial vehicle parking	Not applicable
Marine technology and ship building	Not applicable
Motor vehicle, boat or caravan sales	Not applicable
Motor vehicle wash	Not applicable
Service station	Not applicable
Petrol filling station	
Cottage	Not applicable
General	Class 1 or 2: 1 per 150 m <sup>2</sup> gla
Light	Class 1 or 2: 1 per 1000 m <sup>2</sup> gla
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- (iv) be incompatible with the overall design of the development; and
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- (vi) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.

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**Bicycle rack: Has the same meaning as given to it in the Austroads Cycling Aspects to Austroads Guides.**

f) Insert the following note after table 2 subsequent to gazettal of scheme amendment No. 55:

Note:

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Class 3 – Low security level – Facilities to which the bicycle frame and wheels can be locked

For more information see Austroads Cycling Aspects to Austroads Guides

3. Authorise the Mayor and Chief Executive Officer to execute the relevant documentation and affix the common seal of the City of Fremantle on the documentation.
4. Request the Minister for Planning to grant final consent to Scheme Amendment No. 55 as referred to in (2) above.

**SECONDED: Cr T Grey-Smith**

**CARRIED: 12/0**

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

**Cr A Sullivan MOVED en bloc recommendations numbered PSC1303-34 and PSC1303-35.**

**The following item number PSC1303-34 was MOVED and carried en bloc earlier in the meeting.**

**PSC1303-34 DRAFT LOCAL PLANNING POLICY 1.3 - PUBLIC NOTIFICATION OF PLANNING PROPOSALS - ADOPTION FOR PUBLIC ADVERTISING**

<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	6 March 2013
<b>Responsible Officer:</b>	Manager Statutory Planning
<b>Actioning Officer:</b>	Manager Statutory Planning
<b>Decision Making Level:</b>	Council
<b>Previous Item Number/s:</b>	PSC1105-94 (25 May 2011)
<b>Attachment 1:</b>	Current Local Planning Policy 1.3 Public Notification of Planning Proposals

**EXECUTIVE SUMMARY**

**The purpose of this report is to recommend that Council adopt an amended local planning policy, *LPP1.3 Public Notification of Planning Proposals* to clarify and update the provisions of the policy.**

**It is recommended that the amended local planning policy be adopted for the purpose of advertising for public comment in accordance with clause 2.4 of Local Planning Scheme No.4.**

**BACKGROUND**

In May 1991 Council adopted policy D.A.5 'Advertising and Notification of Development Applications'. This policy was last reviewed in August 1994.

In April 1982 Council adopted policy D.A.2 'Access to Planning Applications and Lodging Submissions'. This policy was last reviewed in August 1997.

In July 2001 Council adopted policy D.A.14 'Consultation / Notification for the Assessment of Significant Development Applications'. There is no record that this policy has ever been reviewed.

In March 2007 Local Planning Scheme No. 4 was gazetted and contained provisions to allow Council to prepare and adopt local planning policies in respect of any matter related to the planning and development of the Scheme area and to amend or rescind any policies.

In May 2008 Council revoked D.A.2, D.A.5 and D.A.14 and replaced them with *LPP1.3 Public Notification of Planning Proposals*. This policy has not been reviewed since this time.

In May 2011 Council updated LPP 1.3.

In the interest of achieving a balance between keeping the community informed and the efficient processing of planning proposals, the policy has primarily been amended to allow for the following:

1. Deleting the requirement to compulsory advertise all proposals for properties that have a management category of 1 or 2 on the MHI;
2. Simplifying the clause relating to advertising planning proposals that incorporate a significant exercise of discretion against the requirement of the LPS4, the R Codes or planning policy;
3. Deleting the requirement for a community information session for significant planning applications based on poor turn out over the last 3 years and require that community information sessions be conducted for significant scheme amendments;
4. Delete the requirement to advertise scheme amendments in the Western Australian news paper (a local newspaper is sufficient);
5. Clarify when public notification periods commence for development applications and other planning proposals;
6. Increase the additional consultation period around the Christmas/new year holiday period.
7. Modifying the sign on site details to be consistent with the City's new style guide;
8. More clearly define what adjoining properties are advertised to (i.e. including properties separated by a right of way less than 6.0 wide which is consistent with the requirements of the R Codes);
9. Clarify that generally advertising will not be initiated on request by a member of the public if the proposal is not required to be advertised in accordance with the terms of this policy; and
10. General formatting (i.e. renumbering, consistent wording, legislation reference updates and capitalisation)

## **STATUTORY AND POLICY IMPLICATIONS**

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

Clause 2.4 of LPS4 allows Council to amend a local planning policy and outlines the procedure that must be followed in order to amend a policy. The process of amending a local planning policy under the Scheme is identical to the process of making a new policy.

## **CONSULTATION**

Should Council resolve to proceed with the amendments to the local planning policy, the draft amended policy will be advertised in accordance with the requirements of clause 2.4 of Local Planning Scheme No. 4 which includes:

1. Advertisement in a local newspaper for 2 consecutive weeks detailing where the policy can be inspected, the subject and nature of the draft policy and closing date of the 28 day advertising period;
2. Listing on the City's web site; and
3. Referral to precinct groups

## **PLANNING COMMENT**

The specific proposed modifications to the policy are discussed below.

	PROPOSED POLICY CHANGE	COMMENT
1.	Delete clause 1 (2) that requires all proposal that are level 1 or 2 on the MHI be advertised	<p>A significant number of development applications are received for minor works to level 1 or 2 listed buildings (e.g. internal works, air-conditioners, window modification, front fences, painting etc) that have minimal or no impact on the streetscape or adjoining properties and are currently required to be advertised. This significantly delays the processing of the application. Heritage assessments are still required to be undertaken for these proposals and in the instance that a proposal seeks discretion against a requirement of LPS4, R Codes or planning policy, advertising will be required.</p> <p>The deletion of the requirement for the compulsory advertising for all such applications would represent a significant process improvement. A discretionary clause has been added stating that notwithstanding the above, if it is the public interest to advertise a proposal, planning applications for level 1 or 2 listed buildings (or any other planning proposal) can still be advertised. Such a judgment would be made by senior planning staff having regard to the potential impact of the proposal on the streetscape and adjoining neighbours.</p>
2.	Simply clause 1(4) - relating to advertng planning proposals that incorporate a significant exercise of discretion	<p>Currently this clause requires advertising for proposals that incorporate:</p> <ol style="list-style-type: none"> <li>1. the significant exercise of discretion against the requirement of the LPS4, the R Codes or planning policy; and</li> <li>2. significant urban design and streetscape impacts; or</li> <li>3. other amenity impacts (summarised).</li> </ol> <p>In practice clause 1 above includes those matters raised in clauses 2 and 3 i.e. amenity, streetscape or urban design impacts are covered in the various statutory documents the City uses to assess planning proposals that include LPS4, the R Codes and planning policy. On this basis it is recommended that items 2 and 3 above be deleted from this clause.</p>
3.	Clause 5 - Deletion of the requirement for community information sessions for 'significant' planning applications	<p>In the past 3 years approximately 6 community information sessions for planning applications have been held with public attendance ranging from 0 to 10. The majority of the public who attended these sessions had already viewed plans (either online or at the City offices). Also the questions asked at the information sessions could have easily been answered by the assessing planning officer either on the phone or via a meeting. For non 'significant' applications where several members of the community have requested information/clarification, planning staff have arranged public meetings to address issues. On this basis it is considered that sufficient mechanisms currently exist to address</p>

		<p>community questions/concerns for significant planning proposals. On this basis it is recommended that this requirement be deleted. It is also proposed to require community information session for significant scheme amendments.</p> <p>Note that it is proposed to retain the requirement for community information sessions for structure plans and detailed areas plans.</p>
4.	<p>Clause 5 –Delete the requirement to advertise scheme amendments in the Western Australian newspaper</p>	<p>The publishing of a scheme amendment in the state newspaper costs approximately \$700-900 and is not a requirement of the regulations. It is sufficient for an amendment to be published in a local newspaper.</p> <p>On this basis it is recommended that this requirement be deleted and this row in the table be deleted.</p>
5.	<p>Clause 10 (a) - Increase the additional consultation period around the Christmas/new year holiday period</p>	<p>Currently clause 10(a) requires that 14 days be added to the usual consultation period for consultation that falls between 18 December to 8 January. It is proposed to extend this period to 15 December to 15 January to represent the middle of each month.</p>
6.	<p>Explanatory Note 1 - Clarify when public notification periods commence for development applications and other planning proposals</p>	<p>This note currently states that for all planning proposals, the advertising period is deemed to commence the days after the date shown of advertising letters. LPS4 states that for planning proposals other than development applications (i.e. scheme amendments, structure plans, detailed area plans and local planning policies) advertising commences for the date public notice is published in a local newspaper. On this basis it is recommended that explanatory note 1 be modified accordingly.</p>
7.	<p>Explanatory Note 3 – modifications of the sign on site requirements</p>	<p>Currently this clause is overly prescriptive in terms of the details of a sign on site (e.g. letter size, sign dimensions etc) such that minor modifications for the purpose of process improvement or updated signage guide require the policy to be amended through a lengthy statutory process. It is the current process that specific signage details are provided to the applicant once a development application is lodged and it is determined that a sign on site is required. The modification of this clause will not change this process.</p>
8.	<p>Explanatory Note 4 – diagrams explaining what “adjoining” properties should be advertised to.</p>	<p>An additional diagram has been added to clarify that properties separated by a right of way less than 6.0m in width are also considered “adjoining” properties and are therefore required to be included in the advertising process. This is consistent with the advertising requirements of the R Codes.</p>
9.	<p>Explanatory Note 6 - Clarify that generally advertising will not be initiated on request by a</p>	<p>This note currently states that precinct groups are able to initiate comments on an application that has been received that has not been advertised. It is not appropriate for any member of the public to require that an application is advertised where there is no requirement to do so under the terms of this policy.</p>

	member of the public if the proposal is not required to be advertised in accordance with the terms of this policy	
10.	General formatting	This generally includes renumbering, legislation reference updates and capitalisation and ensuring the wording is consistent throughout the policy. These changes to not change the intent of any of the policy provisions.

## **CONCLUSION**

The revised policy is considered to refine and clarify the existing advertising process which will streamline planning proposal assessment.

It is therefore recommended that Council resolve to adopt the revised policy for the purpose of advertising. Following the close of advertising, a further report will be presented to Council for consideration for the final adoption of the revised policy.

## OFFICERS RECOMMENDATION

### MOVED: Cr A Sullivan

That Council adopt the draft amended Local Planning Policy, LPP1.3 Public Notification of Planning Proposals, for advertising 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 LPP 1.3

### Public Notification of Planning Proposals

ADOPTION DATE: 28 May 2008  
AMENDED: 25 May 2011 and ??/??/2013  
AUTHORITY: LOCAL PLANNING SCHEME NO. 4; RESIDENTIAL DESIGN CODES (2010); TOWN PLANNING REGULATIONS 1967

#### Introduction

This policy provides guidance on the exercise of discretion under Local Planning Scheme No. 4 in terms of when public notice is given, and the means and duration of public notice periods, where these are not prescribed by the Local Planning Scheme. The opinions of affected property owners and the general public can inform but cannot be a substitute for the exercise of professional advice by City officers. This policy does not replace or alter the Council's obligations under the *Freedom of Information Act, 1992*.

#### Aims and objectives

- 1) To provide for a consistent approach on the circumstances when public notice is given, and the means and duration of public notice periods, of planning proposals,
- 2) To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.

#### Scope of the Policy

This policy is applicable to the entire municipal area of the City of Fremantle and will be applied by the City when making discretionary decisions relating to public notice of planning proposals. Planning proposals in the context of this policy include development applications; Structure Plans; Scheme Amendments and Detailed Area Plans. For the purposes of this policy, in circumstances where consultation is undertaken it will include both the owners and occupiers of properties that, in the opinion of the City, may be affected by the proposal and/or other stakeholders where these are identified. The Policy also applies to Planning Applications for which the Council is not the final decision making authority.

#### Statutory background

Local Planning Scheme No 4 includes a number of clauses relating to the giving of public notice of development applications, Structure Plans, Detailed Area Plans and Local



Planning Polices. Some requirements relating to the public notice of development applications are mandatory, while others provide the Council with discretion as to whether a proposal is advertised and the method of that advertising.

Part 4 of the Residential Design Codes November 2010 requires that the Council notify potentially affected neighbours in certain circumstances.

The *Town Planning Regulations 1967* prescribe the means of public notice of a Local Planning Scheme amendment, and provide the Minister with discretion to determine additional means of notice. In certain cases, the Council may initiate advertising of a Scheme amendment, or provide advice to the Minister and Western Australian Planning Commission on the appropriate means of giving public notice and the duration of that notice.

## POLICY

1. Requirement to give public notice of certain planning applications under clause 9.4 of the Scheme.

In addition to where notice is prescribed by Local Planning Scheme No. 4, public notice will also be given of the following Planning Applications prior to consideration for approval where the application:

- a) involves the complete demolition of a building where the building is located on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990*, on the Heritage List under clause 7.1 of the Scheme or within a Heritage Area designated under clause 7.2 of the Scheme,  
or
- (b) involves a subdivision or survey strata creating more than twenty (20) lots and the proposal has not previously been advertised as part of a Scheme Amendment or Structure Plan,  
or
- (c) Involves a significant exercise of discretion in terms of the Local Planning Scheme, Residential Design Codes or Policy provisions  
or
- (d) Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly different from the predominant and expected pattern of land use within the locality.

- 1.1 Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the Manager/Coordinator Statutory Planning if it is considered in the public interest to do so.

2. Significant planning applications

Where a planning application meets any 2 of the criteria above, that application shall be considered to be a significant application in terms of this policy.

3. Evidence of non objection

Notwithstanding the above, the Council will waive the notification requirements in respect of residential planning applications involving the exercise of discretion under the Residential Design Codes or Council Policy in cases where:

- (a) The application involves the notification of one neighbour only (see note 4 at the end of this policy),

OR

- (b) The applicant provides a copy of the plan including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title and ownership details will be confirmed. The certification must include:

- The full name of the owner/s or occupier/s certifying non objection clearly printed in capital letters and a signature;
- A statement printed in capital letters indicating no objection to the proposal; and
- A current contact address printed in capital letters and a contact telephone number.

4. Refusal of applications without giving of public notice

Any planning proposal may be refused by the Council without the giving of public notice.

5. Means and duration of notice of planning proposals

	Standard application	Significant application	Scheme Amendment	Structure Plan and Detailed Area Plan	Local Planning Policy
Time period (1)	14 days	28 days	42 days unless agreed otherwise by WAPC	SP - 42 days DAP – 28 days	28 days
Local newspaper notice (2)	No	Yes	Yes	Yes	Yes
Sign on site (3)	No	Yes	Yes, if proposing rezoning of land	Yes	No
Notice to owners and occupiers	Yes, adjoining properties only (4)	Yes, 100m radius (5)	Yes, 100m radius (5)	Yes, 100m radius (5)	No
Web site	No	Yes	Yes	Yes	Yes
Precinct groups (6)	No	Yes	Yes	Yes	Yes
Community Information session (7)	No	No	Yes (8)	Yes	No
Government Gazette	No	No	Yes	No	No

Numbers in brackets ( ) refer to Explanatory Notes at the end of this policy.

6. **Additional** public notice of proposal previously advertised

- (a) Where a planning proposal is subsequently modified prior to its final determination and additional variations arise from the modifications; or
- (b) Where an application to amend an existing planning approval is received under clause 8.3 of the Scheme, and additional variations arise from the proposed amendments;

Additional public notice shall be given in the same manner under the provisions of this policy as if the modified/amended proposal was received as a new development application.

7. Amendments to Structure Plans

No public notice will be given of an application to vary an existing Structure Plan under Clause 6.2.6.1 of the Scheme. Public notice will be given of any other application to vary a Structure Plan as if it were a new plan.

8. Approval subject to later approval of details

Where a planning application has been approved subject to later approval of details under Clause 10.8 of the Scheme the subject applications for further approval will not be notified for public comment unless specified in the original approval or required by the Scheme and/or policy.

9. Planning Proposals where the Council is not the final decision maker

Public notice will be given of planning proposals where the Council is not the decision maker in the same way as those where the final decision is made by the Council. A full copy of any submissions received will be forwarded to the decision maker. Council is not responsible for informing any submitter of the decision maker's final decision.

10. Holiday periods

An additional 14 days will be added to any notice period prescribed under this Policy where any part of the notification period falls within the following dates:

- (a) Between 15 December and 15 January
- (b) Between one week before and one week after Easter Sunday

11. Notification of interested parties that a matter is listed on a Council Standing Committee Agenda

- (a) Applications for approval to commence a use or to commence or carry out development – the landowner, applicant and all parties who have made a submission will be notified in writing of the date at which an item will be listed on a Standing Committee agenda.
- (b) Planning proposals that alter the development potential of land which have not previously been advertised – regardless of the recommendation of any report, notification that an item that affects the development potential of land will be considered by a Standing Committee will be undertaken in accordance with Explanatory Note (4) and will also include the landowner and the applicant.
- (c) Planning proposals that alter the development potential of land which have previously been advertised - the landowner, applicant and all parties who have made a submission will be notified in writing of the date at which an item will be listed on a Standing Committee agenda.

Should a Standing Committee refer the item to full Council for determination, the same parties referred to above shall also be notified of the date of the Council meeting.

In all cases, staff will endeavour to ensure that the written notification is mailed on the Friday prior to the scheduled meeting date.

12. Notification of the Council/Committee/City decision

The applicant, the owner and all authors of written submissions will be advised of the decision of the Council/Committee/City in the form of a written notification of the decision and any associated conditions, advisory notes or refusal reasons.

13. Availability of documents

All plans and written information forming part of the proposal shall be made available for public viewing and access during the public notice period of that proposal. The documentation may be viewed at the City's Service and Information counter without an appointment and copies of the plans and related information will be provided on request.

When a development application is submitted, the plans and written information forming part of the proposal will be copied and given to an interested party on request during the public notice period. On this basis making an application for development approval is taken as having given consent to the City providing to members of the public copies of plans and written information forming part of the proposal.

14. Requests for changes to public notice periods

Requests for extensions or reductions of public notice periods prescribed by this policy will not be approved by staff. Staff will make every reasonable effort to make the Council aware of any submissions received after closure of notice periods.

15. Opportunity for applicant to respond to submissions

Copies of written submissions will be given to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions. Personal details such as names, telephone numbers and addresses however will not be given to the applicant.

16. Submissions reported to Council

Officer reports to Council will include a summary of the issues raised in any of the submissions received as part of the advertising process. If the text of a submission is to be included in the report, the author's personal details will not be identified. Full copies of submissions are available to Elected Members upon request but will not be made available to members of the public unless required by law.

Where an interested party does not respond to an invitation to make a submission on a proposal, Council will not view this as signifying no objection to that proposal.

## EXPLANATORY NOTES

- (1) For development applications the time period shall be deemed to have commenced one day after the date shown on the letters that are sent to owners and occupiers by the City. For all other planning proposals the time period for advertising shall commence on the date public notice is published in a local newspaper.

- (2) A local newspaper notice is an in a local newspaper, run for two consecutive weeks during the advertising period. Newspaper notices are arranged by the City with the costs payable by the applicant.
- (3) A sign on the site shall shall be erected in a prominent position on the site to the satisfaction of Council. Where land subject to a proposal has more than one street frontage or where a site is very large, the applicant shall locate one sign in a prominent location and shall provide sufficient additional signs on each street alignment.

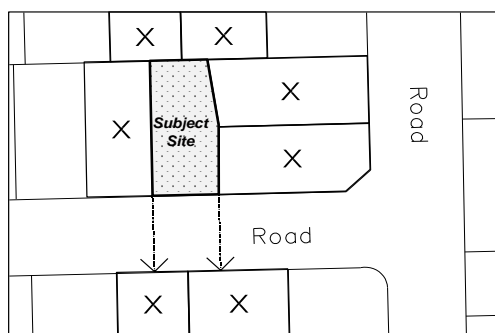
The sign/s should be erected on the property boundary or within 0.5m of the boundary and be clearly visible from outside of the property boundary. The sign/s should be maintained in a good condition for the duration of the advertising period.

The City will provide the specific requirements of the sign (eg timing, lettering size and overall sign dimensions) to the applicant after the application is lodged a preliminary assessment is made as to whether a sign on site is required. Any signage will be in accordance with the City's Style Guide.

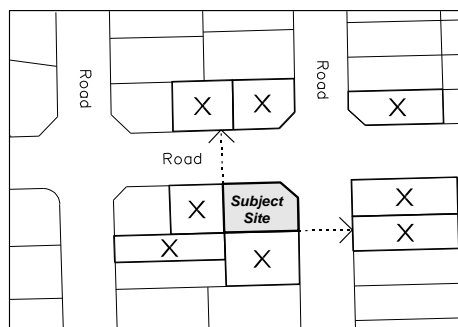
Responsibility for the costs, erection, maintenance and removal of sign/s lies with the applicant.

- (4) Means a letter to all owners and occupiers of all abutting properties (those sharing any common boundary and including diagonally opposite or those separated by a right-of-way or access way less than 6.0m in width) as shown below:

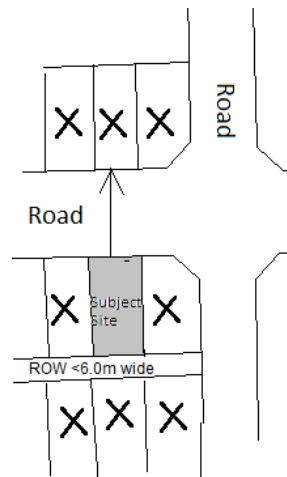
Example (a)



Example (b)



Example (c)



excepting in the case of an application for discretionary approval relating to a side or rear setback variation behind the building line, or to the privacy requirements contained within Element 6.8 of the Residential Design Codes 2010, where only the owner/occupier of the property onto whose boundary the discretion is sought will be notified.

- (5) Means a letter to all owners and occupiers of all properties which fall wholly or partly within a radius of 100 metres from the boundary of the subject land on which the development is proposed.
- (6) The Precinct groups will be requested to formally comment on all applications under this policy other than standard applications. Precinct groups will be given the standard consultation period,
- (7) A community information session on the proposal will be held with invitation extended to Councillors, interested community members, and applicants. The information session will be held during the public consultation period, normally at least one week prior to completion to enable participants to make a formal written submission to Council after the session.
- (8) Community information sessions are only required for significant scheme amendments. A significant scheme amendment as determined by the Manager Planning Policy and Projects would include (but not limited to) large scale rezoning, an amendment that has significant strategic planning impacts or an amendment that is significantly different from the predominant and expected pattern of land use in the area.

Cr J Wilson MOVED an amendment to the Officer's Recommendation to change the following wording:

	Standard application	Significant application	Scheme Amendment	Structure Plan and Detailed Area Plan	Local Planning Policy
Community Information session (7)	No	Yes	Yes (8)	Yes	No

For	Against
Cr Robert Fittock Cr Josh Wilson Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan	

**COMMITTEE RECOMMENDATION / COUNCIL DECISION**

**MOVED: Cr A Sullivan**

That Council adopt the draft amended Local Planning Policy, LPP1.3 Public Notification of Planning Proposals, for advertising 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 LPP 1.3**

**Public Notification of Planning Proposals**

**ADOPTION DATE:** 28 May 2008  
**AMENDED:** 25 May 2011 and ??/??/2013  
**AUTHORITY:** LOCAL PLANNING SCHEME NO. 4; RESIDENTIAL DESIGN CODES (2010); TOWN PLANNING REGULATIONS 1967

**Introduction**

This policy provides guidance on the exercise of discretion under Local Planning Scheme No. 4 in terms of when public notice is given, and the means and duration of public notice periods, where these are not prescribed by the Local Planning Scheme. The opinions of affected property owners and the general public can inform but cannot be a substitute for the exercise of professional advice by City officers. This policy does not replace or alter the Council's obligations under the *Freedom of Information Act, 1992*.



### **Aims and objectives**

- 1) To provide for a consistent approach on the circumstances when public notice is given, and the means and duration of public notice periods, of planning proposals,
- 2) To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.

### **Scope of the Policy**

This policy is applicable to the entire municipal area of the City of Fremantle and will be applied by the City when making discretionary decisions relating to public notice of planning proposals. Planning proposals in the context of this policy include development applications; Structure Plans; Scheme Amendments and Detailed Area Plans. For the purposes of this policy, in circumstances where consultation is undertaken it will include both the owners and occupiers of properties that, in the opinion of the City, may be affected by the proposal and/or other stakeholders where these are identified. The Policy also applies to Planning Applications for which the Council is not the final decision making authority.

### **Statutory background**

Local Planning Scheme No 4 includes a number of clauses relating to the giving of public notice of development applications, Structure Plans, Detailed Area Plans and Local Planning Polices. Some requirements relating to the public notice of development applications are mandatory, while others provide the Council with discretion as to whether a proposal is advertised and the method of that advertising.

Part 4 of the Residential Design Codes November 2010 requires that the Council notify potentially affected neighbours in certain circumstances.

The *Town Planning Regulations 1967* prescribe the means of public notice of a Local Planning Scheme amendment, and provide the Minister with discretion to determine additional means of notice. In certain cases, the Council may initiate advertising of a Scheme amendment, or provide advice to the Minister and Western Australian Planning Commission on the appropriate means of giving public notice and the duration of that notice.

### **POLICY**

1. Requirement to give public notice of certain planning applications under clause 9.4 of the Scheme.

In addition to where notice is prescribed by Local Planning Scheme No. 4, public notice will also be given of the following Planning Applications prior to consideration for approval where the application:

- b) involves the complete demolition of a building where the building is located on a site listed on the Register of Heritage Places under the *Heritage of Western Australia Act 1990*, on the Heritage List under clause

7.1 of the Scheme or within a Heritage Area designated under clause 7.2 of the Scheme,

or

(b) involves a subdivision or survey strata creating more than twenty (20) lots and the proposal has not previously been advertised as part of a Scheme Amendment or Structure Plan,

or

(c) Involves a significant exercise of discretion in terms of the Local Planning Scheme, Residential Design Codes or Policy provisions

or

(d) Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly different from the predominant and expected pattern of land use within the locality.

1.1 Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the Manager/Coordinator Statutory Planning if it is considered in the public interest to do so.

## 2. Significant planning applications

Where a planning application meets any 2 of the criteria above, that application shall be considered to be a significant application in terms of this policy.

## 3. Evidence of non objection

Notwithstanding the above, the Council will waive the notification requirements in respect of residential planning applications involving the exercise of discretion under the Residential Design Codes or Council Policy in cases where:

(a) The application involves the notification of one neighbour only (see note 4 at the end of this policy),

OR

(b) The applicant provides a copy of the plan including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as owners on the Certificate of Title and ownership details will be confirmed. The certification must include:

- The full name of the owner/s or occupier/s certifying non objection clearly printed in capital letters and a signature;
- A statement printed in capital letters indicating no objection to the proposal; and
- A current contact address printed in capital letters and a contact telephone number.

## 4. Refusal of applications without giving of public notice

**Any planning proposal may be refused by the Council without the giving of public notice.**

**5. Means and duration of notice of planning proposals**

	Standard application	Significant application	Scheme Amendment	Structure Plan and Detailed Area Plan	Local Planning Policy
Time period (1)	14 days	28 days	42 days unless agreed otherwise by WAPC	SP - 42 days DAP – 28 days	28 days
Local newspaper notice (2)	No	Yes	Yes	Yes	Yes
Sign on site (3)	No	Yes	Yes, if proposing rezoning of land	Yes	No
Notice to owners and occupiers	Yes, adjoining properties only (4)	Yes, 100m radius (5)	Yes, 100m radius (5)	Yes, 100m radius (5)	No
Web site	No	Yes	Yes	Yes	Yes
Precinct groups (6)	No	Yes	Yes	Yes	Yes
Community Information session (7)	No	Yes	Yes (8)	Yes	No
Government Gazette	No	No	Yes	No	No

*Numbers in brackets ( ) refer to Explanatory Notes at the end of this policy.*

**6. Additional public notice of proposal previously advertised**

- (c) Where a planning proposal is subsequently modified prior to its final determination and additional variations arise from the modifications; or
- (d) Where an application to amend an existing planning approval is received under clause 8.3 of the Scheme, and additional variations arise from the proposed amendments;

**Additional public notice shall be given in the same manner under the provisions of this policy as if the modified/amended proposal was received as a new development application.**

**7. Amendments to Structure Plans**

**No public notice will be given of an application to vary an existing Structure Plan under Clause 6.2.6.1 of the Scheme. Public notice will be given of any other application to vary a Structure Plan as if it were a new plan.**

**8. Approval subject to later approval of details**

**Where a planning application has been approved subject to later approval of details under Clause 10.8 of the Scheme the subject applications for further approval will not be notified for public comment unless specified in the original approval or required by the Scheme and/or policy.**

**9. Planning Proposals where the Council is not the final decision maker**

**Public notice will be given of planning proposals where the Council is not the decision maker in the same way as those where the final decision is made by the Council. A full copy of any submissions received will be forwarded to the decision maker. Council is not responsible for informing any submitter of the decision maker's final decision.**

**10. Holiday periods**

**An additional 14 days will be added to any notice period prescribed under this Policy where any part of the notification period falls within the following dates:**

- (c) Between 15 December and 15 January**
- (d) Between one week before and one week after Easter Sunday**

**11. Notification of interested parties that a matter is listed on a Council Standing Committee Agenda**

- (a) Applications for approval to commence a use or to commence or carry out development – the landowner, applicant and all parties who have made a submission will be notified in writing of the date at which an item will be listed on a Standing Committee agenda.**
- (b) Planning proposals that alter the development potential of land which have not previously been advertised – regardless of the recommendation of any report, notification that an item that affects the development potential of land will be considered by a Standing Committee will be undertaken in accordance with Explanatory Note (4) and will also include the landowner and the applicant.**
- (c) Planning proposals that alter the development potential of land which have previously been advertised - the landowner, applicant and all parties who have made a submission will be notified in writing of the date at which an item will be listed on a Standing Committee agenda.**

**Should a Standing Committee refer the item to full Council for determination, the same parties referred to above shall also be notified of the date of the Council meeting.**

In all cases, staff will endeavour to ensure that the written notification is mailed on the Friday prior to the scheduled meeting date.

#### **12. Notification of the Council/Committee/City decision**

The applicant, the owner and all authors of written submissions will be advised of the decision of the Council/Committee/City in the form of a written notification of the decision and any associated conditions, advisory notes or refusal reasons.

#### **13. Availability of documents**

All plans and written information forming part of the proposal shall be made available for public viewing and access during the public notice period of that proposal. The documentation may be viewed at the City's Service and Information counter without an appointment and copies of the plans and related information will be provided on request.

When a development application is submitted, the plans and written information forming part of the proposal will be copied and given to an interested party on request during the public notice period. On this basis making an application for development approval is taken as having given consent to the City providing to members of the public copies of plans and written information forming part of the proposal.

#### **14. Requests for changes to public notice periods**

Requests for extensions or reductions of public notice periods prescribed by this policy will not be approved by staff. Staff will make every reasonable effort to make the Council aware of any submissions received after closure of notice periods.

#### **15. Opportunity for applicant to respond to submissions**

Copies of written submissions will be given to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions. Personal details such as names, telephone numbers and addresses however will not be given to the applicant.

#### **16. Submissions reported to Council**

Officer reports to Council will include a summary of the issues raised in any of the submissions received as part of the advertising process. If the text of a submission is to be included in the report, the author's personal details will not be identified. Full copies of submissions are available to Elected Members upon request but will not be made available to members of the public unless required by law.

Where an interested party does not respond to an invitation to make a submission on a proposal, Council will not view this as signifying no objection to that proposal.

**EXPLANATORY NOTES**

- (1) For development applications the time period shall be deemed to have commenced one day after the date shown on the letters that are sent to owners and occupiers by the City. For all other planning proposals the time period for advertising shall commence on the date public notice is published in a local newspaper.
- (2) A local newspaper notice is an in a local newspaper, run for two consecutive weeks during the advertising period. Newspaper notices are arranged by the City with the costs payable by the applicant.
- (3) A sign on the site shall shall be erected in a prominent position on the site to the satisfaction of Council. Where land subject to a proposal has more than one street frontage or where a site is very large, the applicant shall locate one sign in a prominent location and shall provide sufficient additional signs on each street alignment.

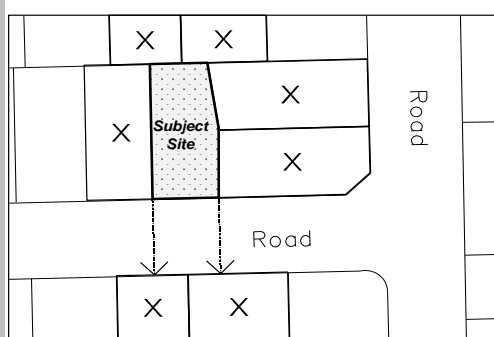
The sign/s should be erected on the property boundary or within 0.5m of the boundary and be clearly visible from outside of the property boundary. The sign/s should be maintained in a good condition for the duration of the advertising period.

The City will provide the specific requirements of the sign (eg timing, lettering size and overall sign dimensions) to the applicant after the application is lodged a preliminary assessment is made as to whether a sign on site is required. Any signage will be in accordance with the City’s Style Guide.

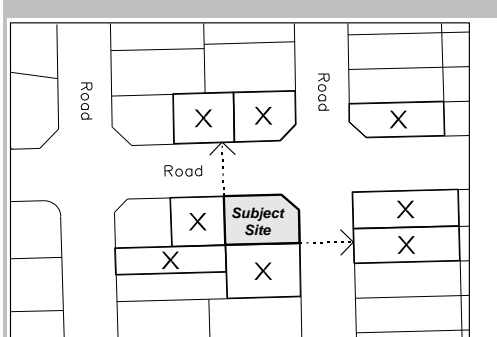
Responsibility for the costs, erection, maintenance and removal of sign/s lies with the applicant.

- (4) Means a letter to all owners and occupiers of all abutting properties (those sharing any common boundary and including diagonally opposite or those separated by a right-of-way or access way less then 6.0m in width) as shown below:

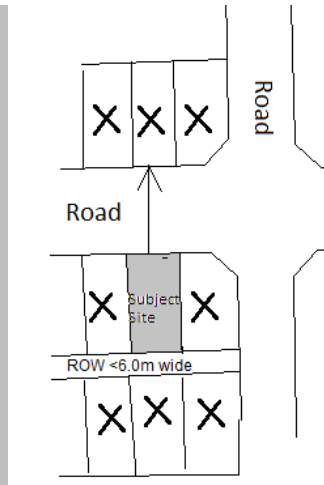
**Example (a)**



**Example (b)**



**Example (c)**



excepting in the case of an application for discretionary approval relating to a side or rear setback variation behind the building line, or to the privacy requirements contained within Element 6.8 of the Residential Design Codes 2010, where only the owner/occupier of the property onto whose boundary the discretion is sought will be notified.

- (5) Means a letter to all owners and occupiers of all properties which fall wholly or partly within a radius of 100 metres from the boundary of the subject land on which the development is proposed.
- (6) The Precinct groups will be requested to formally comment on all applications under this policy other than standard applications. Precinct groups will be given the standard consultation period,
- (7) A community information session on the proposal will be held with invitation extended to Councillors, interested community members, and applicants. The information session will be held during the public consultation period, normally at least one week prior to completion to enable participants to make a formal written submission to Council after the session.
- (8) Community information sessions are only required for significant scheme amendments. A significant scheme amendment as determined by the Manager Planning Policy and Projects would include (but not limited to) large scale rezoning, an amendment that has significant strategic planning impacts or an amendment that is significantly different from the predominant and expected pattern of land use in the area.

**SECONDED: Cr R Fittock**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Rachel Pemberton Cr Robert Fittock Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright	



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Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	
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The following item number PSC1303-35 was **MOVED** and carried en bloc earlier in the meeting.

**PSC1303-35 PROPOSED REVOCATION OF LOCAL PLANNING POLICY - DBH5 SATELLITE DISHES, AIR CONDITIONERS AND ANTENNAS**

**DataWorks Reference:** 117/010  
**Disclosure of Interest:** Nil  
**Meeting Date:** 6 March 2013  
**Responsible Officer:** Manager Planning Projects  
**Actioning Officer:** Strategic Planning Officer  
**Decision Making Level:** Council  
**Previous Item Number/s:** None  
**Attachments:**  
1. DBH5 Satellite dishes, air conditioners and antennas  
2. LPS4 Schedule 15 – External fixtures, Air conditioner units and minor structures provisions

### **EXECUTIVE SUMMARY**

The purpose of this report is to seek Council approval to revoke Local Planning Policy *DBH5 Satellite dishes, air conditioners and antennas*.

The City receives few applications for satellite dishes, air conditioners or antennas as many are permitted under the 'minor development permitted without planning approval' provisions of Schedule 15 of the City's Local Planning Scheme No. 4. However where a planning application is received the application can adequately be assessed with through current planning documents and on a case by case basis.

Accordingly, Local Planning Policy *DBH5 Satellite dishes, air conditioners and antennas* is considered to be obsolete in the City's statutory planning framework. It is therefore recommended that Council resolve to revoke this policy.

### **BACKGROUND**

On 8 March 2007 the City's Local Planning Scheme No. 4 (LPS4) was gazetted, resulting in an ongoing review of local planning policies. The purpose of the review is to ensure that local planning policies are consistent with, and do not duplicate, the contents of LPS4 or other planning documents. Where policies are no longer relevant to the City's statutory planning framework it is recommended they be revoked.

As part of this ongoing policy review the provisions of Local Planning Policy *DBH5 Satellite dishes, air conditioners and antennas* have been identified as being redundant and the policy no longer required. It is therefore recommended that the policy be revoked.

A copy of the policy is provided as an attachment to this report (Refer to attachment 1).

## STATUTORY AND POLICY ASSESSMENT

Pursuant to clause 2.5.1(b) of the City's Local Planning Scheme No. 4, Council may revoke a local planning policy by the publication of a formal notice of revocation by the Council once a week for 2 consecutive weeks in a local newspaper circulating in the Scheme area.

### PLANNING COMMENT

Local Planning Policy *DBH5 Satellite dishes, air conditioners and antennas* was adopted in December 1993 and amended in August 1997. It refers to when planning approval is needed for such development and factors to be considered in determining applications.

Since adoption of the policy, other planning documents have been introduced to the City and State's statutory planning framework that provide a regulatory basis for controlling such development. These documents include the City's Local Planning Scheme No. 4 (LPS4), gazetted 8 March 2007, and the Western Australian Planning Commission's State Planning Policy 3.1 – Residential Design Codes (R-codes) which was first introduced in 2002 and further updated in 2008 and 2010.

There is a contradiction between elements of Policy DBH5 and LPS4 (which is the prevailing statutory planning instrument), particularly in terms of specifying the circumstances in which planning approval will be required. A particular weakness of Policy DBH5 is its inclusion of a degree of subjective judgement to determine whether or not planning approval is required – it states that an application is required “When, in the opinion of Council, the size, position or visual impact of the satellite dish or air conditioner will have a significant impact on adjoining sites or the general locality”. LPS4 adopts a less ambiguous, and more transparent, approach to specifying the circumstances in which planning approval is, or is not, required based on matters of fact relating to the size and location of the development.

In the City's LPS4 satellite dishes and antennas come under the definition of external fixtures where they are fixed to the building and are defined as minor structures where they are free standing. Air conditioners are excluded from this definition.

#### Definitions from LPS4

External fixtures	Minor structures
means items attached to (or emerging from) buildings including, without limiting the generality of the foregoing, external hot water heater systems, gas cylinders, plumbing vents, solar panels, satellite dishes, aerials, basketball and netball hoops, outdoor lighting, and TV and radio antennae, but not including air conditioning units.	means free standing structures not attached to a building including, without limiting the generality of the foregoing, letter boxes, clothes lines, children's play equipment, basketball and netball hoops, barbeques and free standing satellite dishes, but not including flag poles.

LPS4 includes a schedule (No. 15) of minor development that is permitted without requiring planning approval. In Schedule 15 external fixtures, air conditioners and minor structures are identified as minor development and specific criteria are provided to determine the circumstances in which such development will not require planning

approval (see attachment 2 for the full provisions of Schedule 15 applicable to external fixtures, air conditioning units and minor structures). For example, on a property that is not heritage listed an external fixture would not require planning approval where:

- it does not exceed 1.8m in height and is fixed to a wall of a building which faces the rear or a side boundary (excluding walls facing secondary streets), or
- it is fixed to a plane of the roof of a building or to a flat roof, and projects no more than 1m above the part of the existing roof to which the fixture is attached or projects no more than 2m above the highest part of the existing roof at any point in the case of an aerial or antenna.
- A satellite antenna or dish would not require planning approval where the diameter does not exceed 1m.

Due to the permitted development provisions in Schedule 15 of LPS4 the City receives few applications for satellite dishes, air conditioners and antennas. If a planning application is still required for any these types of development it can be assessed on its own merits under the following clauses of LPS4:

- the amenity provisions of the objectives of the relevant zone, e.g. *Development within the residential zone shall 4.2.1(a)(ii) safeguard and enhance the amenity of residential areas and ensure that development, including alterations and additions, are sympathetic with the character of the area.*
- Clause 10.2.1 (o) Matters to be considered by Council when considering an application e.g. *the preservation of the amenity of the locality*

Applications relating to residential properties are also assessed under the external fixtures provisions of the R-codes. The R-codes acceptable development and performance criteria are presented in the table below. Basically where the development is not visible from the street or does not detract from the streetscape or the visual amenity of residents or neighbouring properties, the R-codes criteria can be satisfied. Such applications are easily assessed on a case by case basis against these criteria.

Design Element 6.10.2 - External fixtures.

Acceptable Development	Performance Criteria
<p>A2.1 The location of solar collectors attached to or emerging from buildings is permitted as of right as primacy must be given to maximising the efficiency of these units.</p> <p>A2.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes.</p> <p>A2.3 Other external fixtures that:</p> <ul style="list-style-type: none"> <li>i are not visible from the primary street;</li> <li>ii are designed integrally with the building;</li> <li>or</li> <li>iii are located so as not to be visually obtrusive.</li> </ul> <p>A2.4 Antennae, satellite dishes and the like not visible from the street</p>	<p>P2 Solar collectors permitted as of right and other external fixtures that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>

## CONCLUSION

Local Planning Policy *DBH5 Satellite dishes, air conditioners and antennas* is considered to be obsolete and no longer useful in the City's statutory planning framework. The types of development the policy addresses can now more appropriately be dealt with through current planning documents, particularly LPS4 and the R-codes.

It is therefore recommended that Council resolve to revoke *DBH5 Satellite dishes, air conditioners and antennas*.

## COMMITTEE AND OFFICER'S RECOMMENDATION/COUNCIL DECISION

**That Council, in accordance with Clause 2.5.1(b) of Local Planning Scheme No 4, revoke local planning policy DBH5 'Satellite dishes, air conditioners and antennas'.**

**MOVED: Cr A Sullivan**

**SECONDED: Cr R Fittock**

**CARRIED: 12/0**

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

## PLANNING SERVICES COMMITTEE 20 MARCH 2013

**Cr A Sullivan MOVED en bloc recommendations numbered PSC1303-42, PSC1303-43 and PSC1303-44.**

**The following item number PSC1303-42 was MOVED and carried en bloc earlier in the meeting.**

### **PSC1303-42 KINGS SQUARE PROJECT - PUBLIC REALM DESIGN**

**DataWorks Reference:** 053/004, 203/023  
**Disclosure of Interest:** nil  
**Meeting Date:** Planning Services Committee 20 March 2013  
**Previous Item:** PSC1302-27  
**Responsible Officer:** Manager Planning Projects  
**Actioning Officer:** Strategic Urban Designer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

### **EXECUTIVE SUMMARY**

**This report recommends that a suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy.**

**This timing would enable the streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project.**

**Funding of \$90,000 would be required for consulting fees and costs during 2013/14.**

**Preparation of the concept designs will also enable more accurate costs and opportunities for staging of implementation to be identified for further consideration by Council.**

### **BACKGROUND**

At a Special Council meeting on 11 February 2013 the Kings Square Redevelopment Business Plan was adopted. The Council also resolved to:

*Request officers prepare a report for consideration by council on the processes for developing the detailed design for the public realm spaces in the precinct.*

At its meeting on 27 February 2013 the Council resolved to conduct an architectural design competition for the selection of a design concept approach and consultant team for development of the City's Core Facilities in Kings Square, comprising library, civic chamber, administrative and surplus offices, council services, urban room, café and specialty retail in accordance with the adopted Kings Square Project Business Plan,

together with all of the public realm area of High Street within Kings Square (Reserve 41176).

This report addresses the process to prepare detailed designs for the remaining public realm spaces in the precinct. These spaces comprise Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church.

## **COMMENT**

The Kings Square Urban Design Strategy, which was adopted by Council in June 2012, provides the basis for any future upgrading of the public domain of Kings Square and Queen Street. In particular the strategy recommended:

- Restore the historical street pattern as a key part of the heritage of the place.
- Provide a variety of public spaces in size and character, with the total area being similar to current.
- Spaces to be able to accommodate occasional major civic events or gatherings, smaller more regular and organised events (with appropriate shelter, amenity and infrastructure), markets and commercial events, busy shopping spaces and quiet contemplative spaces.
- Key public spaces must demonstrate how they can be combined and adapted to create larger spaces for rare but significant events without loss to every day, informal, small-scale spaces.
- Create places along the edges for people to occupy – provide enhanced footpaths along Adelaide Street and Newman Court.
- Emphasise the civic importance of the square through ordered tree planting along the edges.
- All streets (except Queen Street) to be ‘shared spaces’ for shared pedestrian, cyclist, vehicle use.
- Re-open Newman Court to vehicle traffic within a space designed to be shared with pedestrians and cyclists.
- Restore traffic circulation around the square.
- Ensure vehicle access ways can be used as one-way or two-way without major modification.
- Retain and reinforce pedestrian connections to/from the square via existing street networks as the highest priority, although additional/improved off-street secondary connections to be pursued where possible. Include improving pedestrian (and possible vehicle) connection to South Terrace strip from Newman Court.
- Retain on-street parking, generally a similar number as current, however street parking to be re-arranged to reduce visual and physical impact on the square by locating on one side of the street only (preferably the inside edge of the square) and/or grouping bays.

With regard to the environs of St Johns Church the strategy recommended:

- Articulate outdoor spaces for church events.
- Create consolidated green space that offers an increase in the quality of passive recreational amenity.
- Retain healthy Moreton Bay figs.
- Retain palms in front of church and plant more to Queen Street frontage to define the church outdoor activity area.

The design of these spaces also needs to be integrated with the proposed redevelopment of the City's civic and administration facilities, the former Myer building, and the Queensgate and Spicer sites with regard to pedestrian, cycle and vehicle access to these sites, ground level uses (e.g. opportunities for al fresco dining), shelter, landscaping, viewlines, etc.

It would therefore be appropriate that streetscape concepts be prepared at the same time as the design development stage for the adjacent buildings – anticipated to be 2013/14.

A consultant team would need to be engaged that comprises skills in urban design, landscape architecture and civil engineering. The team would be required to work closely with the design teams for the various buildings of the Kings Square project. It is estimated that funding of \$90,000 would be required for consulting fees and costs during 2013/14.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Based on the recent upgrading, total reconstruction and conversion of Bayview Terrace Claremont to a shared space, costs for design and construction of shared spaces around Kings Square could be up to \$1500 per square metre. The area of the three road reserves around the square totals approximately 6500 sqm; therefore total costs may be in the order of up to \$9m. This does not include the High Street reserve and the grounds of St Johns Church.

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## **CONCLUSION**

Preparation of concept designs during 2013/14 will enable the streetscape designs to be coordinated with the design development stage of the various building components of the Kings Square project. Preparation of the concept designs will also enable more accurate costs and opportunities for staging of implementation to be identified for further consideration by Council.



## STRATEGIC AND POLICY IMPLICATIONS

The recommendation would commence the implementation of the Council's adopted Kings Square Urban Design Strategy with regard to the upgrading of the public realm in and around the square.

## COMMUNITY ENGAGEMENT

There was an intensive community engagement process in the preparation of the Kings Square Urban Design Strategy prior to its adoption by Council. It is anticipated that there would be further community input as the detailed designs for the public spaces are developed.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION

That

1. A suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy. The streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project.
2. Funding of \$90,000 for consultancy fees to prepare the streetscape concept designs be placed for consideration in the 2013/14 draft budget process.
3. Staging and future funding requirements for implementation of the streetscape improvements be determined following consideration of the concept designs by Council.

**Cr R Pemberton MOVED an amendment to the Officer's Recommendation to include the following wording in 1:**

*The brief for the design concept should also include a suitable play area for young children if one has not been incorporated into the selected design for the City's Core Facilities and adjacent public realm resulting from the design competition.*

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham	

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Cr Bill Massie Cr Andrew Sullivan Cr David Hume	
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**COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**MOVED: Cr A Sullivan**

**That**

1. A suitable consultant team be engaged in 2013/14 to prepare design concepts and cost estimates for the upgrading of Newman Court, the areas of Adelaide Street, Queen Street and William Street encircling Kings Square, and the environs of St Johns Church based on the adopted Kings Square Urban Design Strategy. The streetscape designs to be prepared in conjunction with the preparation of architectural designs for the various building components of the Kings Square project. *The brief for the design concept should also include a suitable play area for young children if one has not been incorporated into the selected design for the City's Core Facilities and adjacent public realm resulting from the design competition.*
2. Funding of \$90,000 for consultancy fees to prepare the streetscape concept designs be placed for consideration in the 2013/14 draft budget process.
3. Staging and future funding requirements for implementation of the streetscape improvements be determined following consideration of the concept designs by Council.

**SECONDED: Cr D Coggin**

**CARRIED: 12/0**

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

The following item number PSC1303-43 was MOVED and carried en bloc earlier in the meeting.

**PSC1303-43 WESTGATE MALL - RESERVE NO. 38030 PEDESTRIAN ACCESS WAY - PROPOSED (TEMPORARY) PARTIAL CLOSURE OF LOT 2130 PROVIDING OPTIONS TO LEASE AND SECURE ACCESS - (KW)**

**Disclosure of Interest:** Nil  
**Meeting Date:** 20 March 2013  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Land Administrator  
**Decision Making Level:** Council  
**Previous Item Number/s:** SGS0903-2 and SGS0905-10  
**Attachment 1:** Reserve No.38030 enquiry details.  
**Attachment 2:** WAPC Procedure for the closure of PAW's.

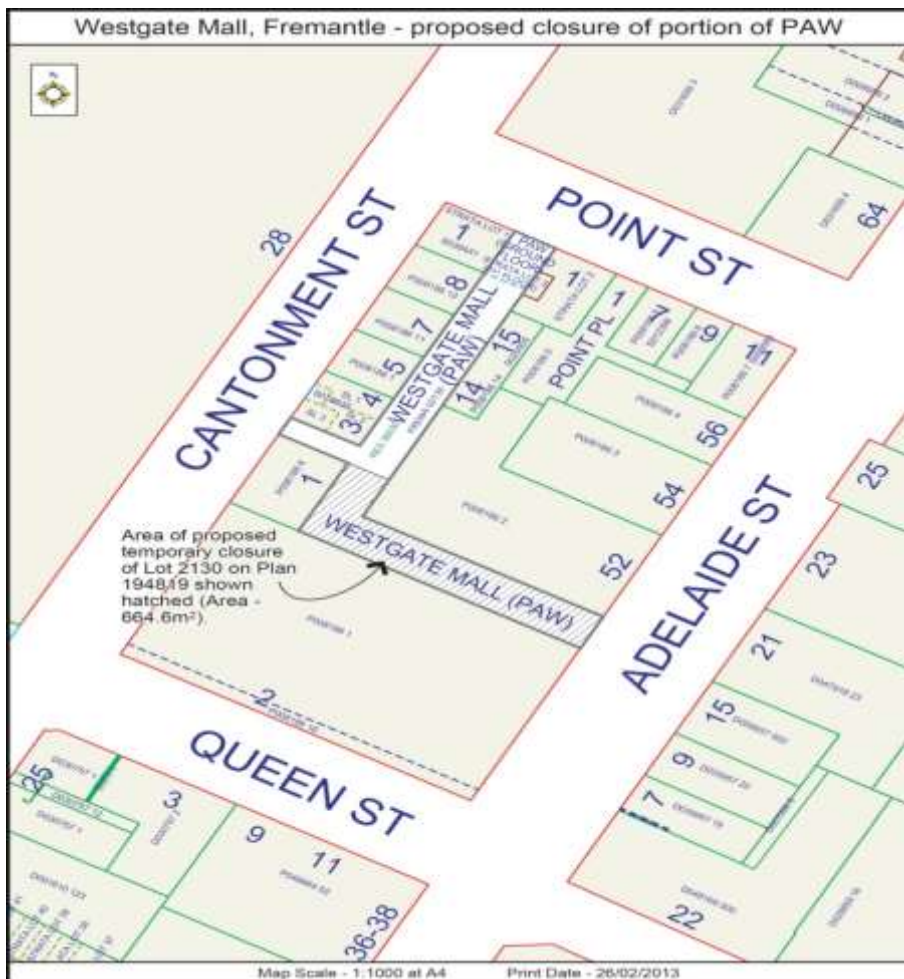


Figure 1 - not shown to scale above.

## EXECUTIVE SUMMARY

The Pedestrian Access Way (PAW) Reserve No. 38030 being Lots 2130 and 55 and known as Westgate Mall, is the subject of a number of discussions with Council and the Department Of Regional Development and Lands (RDL) in order to improve security and increase vitality in the area. This proposal involves the temporary closure of a portion of Lot 2130 shown as the hatched area in the map above ("the land").

Subject to the Minister for Lands approval, the proposed partial PAW closure will transfer the land back to the status of Unallocated Crown Land (UCL). As UCL the Minister may grant a Lease directly to the City in accordance with Section 79 of the Land Administration Act 1997. The lease term could be 10 years or may coincide with Councils receipt of a major development application whereby the re-location of the Adelaide Street Westgate Mall access leg to mid block could be achieved (in accordance with Local Planning Policy 3.1.5 major off-street pedestrian routes).

In order to achieve these outcomes the City is required by RDL to;

1. Provide a Business Case (for a Commercial Venture) detailing the financial aspects of the proposed leasing arrangement. The Crown is likely to charge rent at 25% of unimproved market rental. The Business Case will outline the City's requirement to allow the access leg from Adelaide Street, Fremantle to be closed off at any time.
2. Initiate a formal PAW closure in relation to the Land.
3. Excise the subject Land from Reserve No. 38030 including the creation of a Deposited Plan. All survey costs are paid by the City.

In order to facilitate commercial activity and restrict public access through the Adelaide Street access leg of the PAW, it is recommended that Council;

1. Approve the proposed temporary closure of a portion of Lot 2130 located within the Pedestrian Access Way Reserve No. 38030 (Westgate Mall) for the purposes of returning the land to the Crown as Unallocated Crown Land (UCL) - in order for the City of Fremantle to lease the UCL directly from the Crown.
2. Approve the proposed Lease of the UCL land described in Item 1 above between RDL and the City of Fremantle whereby the City may sub-lease to commercial tenants and restrict public access from the Adelaide Street, Fremantle leg - subject to the Ministers approval of both item 1 and 2.

## BACKGROUND

At its Ordinary Meeting held on 25<sup>th</sup> March 2009 (SGS0903-2) the Council resolved to:

1. *"Agree to not proceed at this time with the closure of the Adelaide St leg of the Westgate Mall Pedestrian Access Way as it is considered that the closure would not properly resolve the current problems with the mall, particularly in the current economic and property development market."*

2. *Investigate the possibility of using the mall for an ongoing low cost markets. Give consideration to the allocation in the draft 2009/10 budget to undertake upgrading of the current mall including the installation of security CCTV, improved landscaping and street furniture and installation and management of a gate system.*
3. *Officers bring back a report on the feasibility of part two and possible sources of contribution of these items by May 2009".*

At its Ordinary Meeting held on 27<sup>th</sup> May 2009 (SGS0905-10) the Council resolved to:

1. *"Receive this report outlining the feasibility of security CCTV, entry gates, markets and landscape improvements to the Westgate mall Public Access Way.*
2. *Give consideration to the allocation of \$75,000 in the draft 2009/10 budget to install security CCTV, and to improve planting and street furniture in the PAW.*
3. *Give consideration to the allocation of \$25,000 in the 2009/10 budget to undertake a feasibility study of markets in the mall, including opportunities for ongoing funding of the markets.*
4. *Council immediately advertise for expressions of interest from suitably qualified people to be involved in the management of or running of stalls in Westgate Mall either as managers or stall owners or both. The expressions of interest should include but not be confined to details of usage of available space including type of stalls and approximate rentals.*
5. *A summary of recent university student ideas put forward for refurbishment of Westgate mall as part of the Fremantle on the Edge Curtin University project be brought to Council in June in order that Council can decide if it wishes to explore any ideas further. The Green Living Wall proposal in particular attracted significant interest and was a highlight of the student presentations.*
6. *Talks be held with the Fremantle Growers Markets who are due to leave their current location at the end of October 2009 to see if they have any interest in being relocated to Westgate Mall.*
7. *All shop owners in the vicinity be written to alerting them to Council's interest in improving the Westgate Mall in terms of improved usage, security, and planting and street furniture. Shop owners in the mall should be encouraged to improve the condition of their awnings, which are not the responsibility of Council."*

On 03 November 2011 a meeting was held with the Team Leader of RDL and the City of Fremantle Property Co-ordinator. At this meeting the City was provided with a course of action to transfer the subject Land from a PAW to a Mall or Plaza Reserve that included the installation of gates to the PAW access points.

On 09 November 2011 the Land Administrator clarified the process from the earlier meeting with the Team Leader of RDL. The process to install gates to the access points required the creation of a local law to allow the Mall to be closed off at night. Additional

Local Laws were required for any parking requirements to allow retail owners/suppliers to drop off goods for example.

During April and May of 2012 the City discussed other options with the senior staff at RDL in order to find a way to close off and provide improved security for tenants and the public alike. RDL staff suggested presenting the City's requirements in a Business Case together with an application to close a portion of the PAW being the subject Land. The proposal would allow the Land to be returned to the Crown allowing the RDL to lease directly to the City providing the power to sublease to tenants. With the PAW status removed the blocking off of the Adelaide Street access leg could be achieved subject to the Minister's approval. The proposal and process was further examined with RDL on 25 February 2013 as the proposal for this report.

## **STATUTORY REQUIREMENTS**

### PAW closure process

The City is required to follow the "Procedure for the Closure of Pedestrian Access Ways" as set out in the October 2009 WAPC Planning Guidelines ("Guidelines") included as Attachment 2 of this report. The new closure procedure is based on the concept of a pedestrian and cycle access plan. Option B of the Guidelines is selected as the appropriate procedure to close a PAW within the City of Fremantle as the City does not have a WAPC endorsed pedestrian and cycle access plan. In addition to the PAW closure report noted in Step 1 of the Guidelines, RDL have requested that the City submit a Business Case in relation to the commercial aspect of the proposal.

The Guidelines are framed around a PAW closure and amalgamation with the adjoining properties in accordance with Section 87 of the Land Administration Act 1997. In relation to the subject Land (shown in figure 1), the proposal will involve a temporary PAW closure with the reinstatement of the PAW at a later date. The relevant information from the Guidelines for a temporary PAW closure are summarised below;

### Temporary pedestrian access way closure

*"The temporary closure of a pedestrian access way may be considered as an alternative to permanent closure where:*

- *Other methods of dealing with safety, crime and anti-social behaviour have proven to be unsuccessful; and*
- *Permanent closure is not desirable due to the possible need for future access.*

The Guidelines for Option B is summarised below;

Step 1	The City prepares a PAW closure report.
Step 2	The City refers the closure report to all relevant infrastructure providers and any other agencies for comment.
Step 3	The City consults the community likely to be affected by the proposed closure (including all abutting landowners) and seeks their comments in writing.
Step 4	The City assesses any comments and advice received from infrastructure providers, agencies and the community and determines whether to close the PAW or retain it and keep it open.

Step 5	If the City resolves to close the PAW it advises all abutting landowners of its decision and seeks support for the closure.
Step 6	The City submits a written request to close the PAW to the WAPC with relevant supporting information.
Step 7	The WAPC assesses the proposal and communicates its decision to the local government.
Step 8	On receipt of the WAPC's endorsement, the local government proceeds with the closure, and refers the request to RDL for processing.

A more detailed explanation of the process is included in attachment 2.

## COMMENTS

The earlier proposal to transfer the subject Land from a PAW to a Mall Reserve provided the City with the ability to close off the access points at night with gates. However the proposal was discarded as the Land Administration Act (Section 59) is quite clear that a Mall Reserve must provide vehicular and pedestrian access without any mention of restrictions to that access. Therefore the security issues were not resolved with this option.

The current proposal to close the Adelaide Street leg of the PAW (as shown in figure 1) will allow the land to be leased directly to the City from RDL. The City is required by State RDL to include a Business Case as part of the PAW closure process. Therefore the City's requirements to close access from the Adelaide Street leg with a temporary building or gate may be included within the Business Case initially and then to form part of the Head Lease agreement. Subject to the Ministers approval, the negotiated Head Lease between the RDL and the City of Fremantle should include a clause to allow the restriction of the Adelaide Street access leg with either a gate or temporary building. The Lease period could be 10 years or perhaps the Lease might end upon the City's receipt of a major development application whereby the future plans to re-align the Adelaide Street access leg could be achieved.

## EXTERNAL SUBMISSIONS

### *Community*

Public advertising for a minimum of 35 days is a requirement of a formal PAW closure.

## CONCLUSION

In order for the City to improve the vitality, security and safety of Westgate Mall it is necessary to restrict access from the Adelaide Street PAW with either a temporary building or gates. The City also wishes to lease parts of the subject Land (as shown in figure 1). In order to achieve these objectives the City has been advised by senior officers at RDL to follow the process discussed above and summarised below;

1. Provide a Business Case (for a Commercial Venture) detailing the financial aspects of the proposed leasing arrangement. The Crown is likely to charge rent at 25% of unimproved market rental. The Business Case will outline the City's requirement to allow the access leg from Adelaide Street, Fremantle to be closed off at any time.
2. Initiate a formal PAW closure in relation to the Land.



3. Excise the subject Land from Reserve No. 38030 including the creation of a Deposited Plan. All survey costs are paid by the City.

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

**MOVED: Cr A Sullivan**

**That Council;**

1. **APPROVE** the proposed temporary closure of a portion of Lot 2130 located within the Pedestrian Access Way Reserve No. 38030 - Westgate Mall, Fremantle (as detailed in the City's map dated 26 February 2013 - Figure 1) for the purposes of returning the land to the Crown as Unallocated Crown Land (UCL) - in order for the City of Fremantle to lease the UCL directly from the Crown.
2. Undertake a public consultation and advertising process including a 35 day public comment period in regard to the proposed temporary closure of a portion of the Pedestrian Access Way as described in item 1.
3. Following the completion of the advertising period, consider the submissions received during the advertising and public consultation in a report to Council for a final decision prior to an application being made to the Western Australian Planning Commission (WAPC) and the department of Regional Development and Lands (RDL) requesting the temporary closure of the Pedestrian Access Way described in item 1.

**SECONDED: Cr D Coggin**

**CARRIED: 12/0**

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



The following item number PSC1303-44 was MOVED and carried en bloc earlier in the meeting.

**PSC1303-44 MODIFICATION TO LOCAL PLANNING POLICY 1.6 - PREPARING HERITAGE ASSESSMENTS (LPP 1.6) - FINAL ADOPTION**

**DataWorks Reference:** 117/035  
**Disclosure of Interest:** Nil  
**Meeting Date:** 20 March 2013  
**Responsible Officer:** Manager Statutory Planning  
**Actioning Officer:** Strategic Planner  
**Decision Making Level:** Council  
**Previous Item Number/s:** PSC1211-175 (28 November 2012)  
**Attachments:**  
1. PSC1211-175 LPP 1.6 Adoption for Advertising  
2. Modifications to LPP 1.6 with track changes

### **EXECUTIVE SUMMARY**

The purpose of this report is to recommend to Council final adoption of the modifications to *Local Planning Policy 1.6 – Preparing Heritage Assessments* (LPP1.6).

LPP1.6, originally adopted on 25 February 2009, provides the framework for when a Heritage Assessment is required and outlines the format for a Heritage Assessment. The proposed modifications to the policy will overall update the wording of the policy and refine the Heritage Assessment format. Specifically the main changes to the policy are:

1. Deleting the requirement for a Statement of Conservation;
2. Increasing the applicability of a Heritage Assessment from two years to five years;
3. Refining the Statement of Heritage Impact assessment criteria;
4. Adding fences to minor development and renaming the clause;
5. Including a new clause that gives senior staff discretion on when to require or exempt a proposed development from requiring heritage assessment.

The draft local planning policy was placed out for public comment for not less than 42 days in accordance the requirements of Local Planning Scheme No. 4 and Local Planning Policy 1.3, with no submissions received. 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 modified Local Planning Policy 1.6 in accordance with clause 2.4 of Local Planning Scheme No. 4, with minor modification.

## **BACKGROUND**

At its Ordinary Meeting of 28 November 2012, Council resolved to adopt modified *Local Planning Policy 1.6 – Preparing Heritage Assessments* for the purpose of public advertising (please see the full report at Attachment 1).

The proposed modifications will overall update the wording of the policy, as originally adopted on 25 February 2009, to 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 or exempt. The purpose and intent of the policy remains unchanged.

## **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 clause 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 11 December 2012 to 25 January 2013, 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.

No submissions were received during the consultation period.

## **PLANNING COMMENT**

### **Recommended Minor Modifications**

On further review of the policy during the advertising period, officers recommend that some minor adjustments are made to improve the overall clarity and functionality of the policy and to ensure the consistent and correct application of the policy. This includes general formatting (i.e. renumbering, consistent wording, legislation reference updates and capitalisation). The proposed modifications are not considered to change the intent or purpose of the advertised policy and therefore it is not considered that re-advertising of the policy is required.

Each modification has been detailed below (excluding general formatting) and a full copy of the policy with all changes clearly tracked can be found at Attachment 2 of this report.

### Modification to the Title

The title of the policy as advertised is *Local Planning Policy 1.6 – Preparing Heritage Assessments*. This policy applies to both the application and preparation of a heritage assessment. Therefore officers recommend the title be modified as follows for consistency with the purpose and application of the policy:

*Local Planning Policy 1.6 – Heritage Assessment*

### Modification to Statutory Background

To maintain consistency with existing and recently adopted local planning policies and to provide transparency as to the planning provisions under which this policy revision was made, it is recommended the following statement be included in the Statutory Background of the modified LPP 1.6:

*This Local Planning Policy is prepared under the provisions of Part 2 of the City of Fremantle's Local Planning Scheme No. 4 ('LPS4' or 'the Scheme').*

### Inclusion of an Application section

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

*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.*

To maintain consistency with the format of other recently adopted local planning policies, and to clarify the application of the policy, it is recommended the section of the Statutory Background as highlighted in grey above be removed and placed under the separate heading of 'Application' with minor re-wording.

Additionally, it is recommended the following provision of clause 2.3 be relocated for inclusion in the 'Application' section of the policy, where it considered more relevant.

*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.*

The Application section for inclusion into the policy is recommended to read as follows:

### **Application**

*This policy applies to planning applications, Structure Plans, Detailed Area Plans and Local Planning Scheme amendments ('proposal').*

*A Heritage Assessment will not be required whereby a Heritage Assessment has been previously obtained on another similar or relevant proposal for the same property and within five calendar years of the date of application of that proposal.*

### Modification to the format

In addition to general formatting (i.e. renumbering, consistent wording, legislation reference updates and capitalisation) it is recommended that *clause 1 – Content of Heritage Assessment* and *clause 2 – Circumstances where a Heritage Assessment will be undertaken* are reversed so that the circumstances of when a heritage assessment is required immediately proceeds the 'Application' of the policy. A modification to the title of proposed clause 1 is also recommended:

- Clause 1 – Circumstances where a Heritage Assessment will be undertaken
  - When a Heritage Assessment is required

- Clause 2 – Content of a Heritage Assessment

This modification maintains consistency with the format of existing and recently adopted local planning policies and improves the overall functionality of the policy.

Modification to clause 2 - Circumstances where a Heritage Assessment will be undertaken

Clause 2 of the policy was advertised as follows:

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

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

- 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.*

To improve the overall clarity and functionality of the policy officers recommend the following modifications to clause 2 and as shown in italics below:

- Relocate the provision of clause 2.1 to the Application section of the policy;
- Convert Table 4 into a list format;
- Clause 2.2 – modify to specify the circumstances in which discretion may be given to allow/exempt a heritage assessment under clause 2.1 and 2.3; and
- Renumber to clause 1 as discussed under ‘Modification to the format’ above.

1. *When a Heritage Assessment is required*

1. *A Heritage Assessment will be required in accordance with clause 2 for one or more of the following development proposals:*

- (i) Demolition of the primary structure/building.*
- (ii) Demolition of any other structure of masonry or timber construction*
- (iii) All development on State Register of Heritage Places and/or Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 1, 2 and 3.*
- (iv) All development on property located within the West End Conservation Area (as set out in DGF14 Fremantle West End Conservation Area Policy).*

1.2 *Notwithstanding clause 1.1, the following development proposals do not require a Heritage Assessment for Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 2 and 3:*

- (i) Small scale new structures on the subject site which are not attached to the primary structure/building (such as outbuildings) and which are located out of the front setback area.*
- (ii) Ancillary lightweight structures added to buildings (such as timber patios, sails, 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 the installation would not involve any significant structural alteration to the building.*
- (iv) Non structural internal changes.*
- (v) Fences whereby they are in accordance with the City’s Local Planning Policy 2.8 – Fences Policy.*

1.3 *Notwithstanding the requirements of clauses 1.1 and 1.2 above, the Manager Statutory Planning, with due regard to the advice of the Heritage Coordinator, may determine that:*

- (i) A Heritage Assessment is required for any development proposal that is considered to impact on the heritage significance of the place or locality; or*
- (ii) A Heritage Assessment is not required for any development proposal that presents minimal to no impact on the heritage significance of the place or locality.*

Modification to clause 2.1 – Statement of Heritage Significance

Modification to this clause is recommended to remove repetition of information and provide clarity as to the content and preparation of the Statement of Heritage Significance as follows:

## 2.1 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 (as defined in part 3 of this policy) 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.*~~

*A Statement of Heritage Significance should be presented in accordance with clause 2.1.1 and prepared through the following process:*

- *An inspection of the place*
- *Collection and analysis of historical documents (such as rates books, archives etc)*
- *An assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.*

### Removal of clause 3 – Heritage Assessor

Clause 3 sets out who may undertake a heritage assessment. Upon original adoption of this policy, the City did not have the capacity to complete all required heritage assessments 'in house' and the services of external independent heritage architect(s) were regularly engaged to undertake the assessment. The City now has full capacity to complete required heritage assessments by qualified staff internally. Therefore it is considered this clause of the policy to now be redundant and removal is recommended.

## CONCLUSION

The 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 as to when a Heritage Assessment is required.

The modified Local Planning Policy 1.6 was advertised in accordance with part 2 of LPS4, with no submissions received. However, officers have recommended minor adjustment to the modified policy to ensure the consistent and correct application of the policy and of which include modification to the following:

- Policy title;
- Inclusion of an Application section;
- Conversion of Table 4 into a list format;



- Modification to clause 2.2 to specify when discretion may be given to the exemption or requirement of a heritage assessment; and
- Removal of clause 3 – Heritage Assessor

These modifications are not considered to alter the intent or purpose of the policy and therefore it is considered that re-advertising of the modified policy is not required.

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

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

**MOVED: Cr A Sullivan**

**Adopt the local planning policy, Local Planning Policy 1.6 – Heritage Assessment, 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 1.6**

#### **HERITAGE ASSESSMENT**

**ADOPTION DATE: 25 February 2009**  
**AMENDED: ###/###/2013**  
**AUTHORITY: LOCAL PLANNING SCHEME NO.4**

#### **STATUTORY BACKGROUND**

This Local Planning Policy is prepared under the provisions of Part 2 of the City of Fremantle's Local Planning Scheme No. 4 ('LPS4' or 'the Scheme').

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.

#### **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 a proposal. 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.**

## **APPLICATION**

This policy applies to planning applications, Structure Plans, Detailed Area Plans and Local Planning Scheme amendments ('proposal').

A Heritage Assessment will not be required whereby a Heritage Assessment has been previously obtained on another similar or relevant proposal for the same property and within five calendar years of the date of application of that proposal.

## **POLICY**

### **1. When a Heritage Assessment is required**

**1.1 A Heritage Assessment will be required in accordance with clause 2 for one or more of the following development proposals:**

- (i) Demolition of the primary structure/building.**
- (ii) Demolition of any other structure of masonry or timber construction.**
- (iii) All development on State Register of Heritage Places and/or Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 1, 2 and 3.**
- (iv) All development on property located within the West End Conservation Area (as set out in Local Planning Policy DGF14 Fremantle West End Conservation Area Policy).**

**1.2 Notwithstanding clause 1.1, the following development proposals do not require a Heritage Assessment for Heritage Listed properties with a Municipal Heritage Inventory Management Category Level 2 and 3:**

- (i) Small scale new structures on the subject site which are not attached to the primary structure/building (such as outbuildings) and 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 the installation would not involve any significant structural alteration to the building.**
- (iv) Non structural internal changes.**
- (v) Fences whereby they are in accordance with the City's Local Planning Policy 2.8 – Fences Policy.**

**1.3 Notwithstanding the requirements of clauses 1.1 and 1.2 above, the Manager Statutory Planning, with due regard to the advice of the Heritage Coordinator, may determine that:**

- (i) A Heritage Assessment is required for any development proposal that is considered to impact on the heritage significance of the place or locality; or**
- (ii) A Heritage Assessment is not required for any development proposal that presents minimal to no impact on the heritage significance of the place or locality.**

## 2. Content of Heritage Assessment

A Heritage Assessment shall consist of the following components:

- (i) Statement of Heritage Significance
- (ii) Statement of Heritage Impact

### 2.1 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 presented in accordance with clause 2.1.1 and prepared through the following process:

- An inspection of the place
- Collection and analysis of historical documents (such as rates books, archives etc)
- An assessment of the aesthetic, historic, scientific and social/spiritual values for past, present and future generations.

#### 2.1.1 REPORT FORMAT FOR STATEMENT OF HERITAGE SIGNIFICANCE:

- Description of the Place
  - (i) Historical notes
  - (ii) Physical descriptions
- Heritage Values

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

- Statement of Heritage Significance

<b>Significance</b>			
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>			

### 2.2 Statement of Heritage Impact

The Statement of Heritage Impact examines the impact of the proposal on the heritage significance of the place, and includes a professional judgment concerning the impact of the proposal on the identified heritage values of the place, as identified in clause 2.1.

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

- Statement of Heritage Impact

<b>The level of positive and negative impact that the proposal will have on the heritage significance of the place with regard to the following criteria:</b>	
<b>The extent of loss of significant fabric.</b>	
<b>The extent of conservation work to significant fabric.</b>	
<b>The permanent impact that the proposal is likely to have on the values that contribute to the heritage significance of the place.</b>	
<b>The impact a proposal will have on a heritage building in terms of its use siting, bulk, form, scale, character, colour, texture and materials.</b>	
<b>The impact the proposal will have on the visual setting and the other relationships that contribute to the heritage significance of the place.</b>	
<b>The impact the proposal will have on the streetscape and townscape characteristics of the area in which it stands.</b>	
<b>The impact the proposal will have on important public views and spaces, vistas, landmarks and landscape features.</b>	
<b>Conclusion and recommendation(s)</b>	
<ul style="list-style-type: none"> <li>• The degree of positive and negative impact on the place in terms of its heritage significance is:</li> <li>• With consideration of this, the following conditions are recommended:</li> </ul>	

**SECONDED: Cr D Coggin**

**CARRIED: 12/0**

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

**PSC1303-45 PROPOSED SUBMISSION ON THE DRAFT STATE PLANNING STRATEGY**

<b>DataWorks Reference:</b>	102/009
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	20 March 2013
<b>Responsible Officer:</b>	Manager Planning Projects
<b>Actioning Officer:</b>	Strategic Planning Officer
<b>Decision Making Level:</b>	Council
<b>Previous Item Number/s:</b>	None
<b>Attachments:</b>	None

**EXECUTIVE SUMMARY**

**On 19 December 2012, the Minister for Planning launched the Western Australia draft State Planning Strategy (the strategy) for public consultation. The public consultation period for the strategy closes on 29 March 2013.**

**The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond, based on a framework of planning principles, strategic goals and state-wide strategic directions.**

**It is recommended that the Council makes a submission on the draft strategy, supporting its objectives but also expressing concern about the approach to implementation, monitoring and review of the strategy.**

**BACKGROUND**

On 19 December 2012 the Minister for Planning launched the draft State Planning Strategy (the strategy) for public consultation. The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across Western Australia's state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond based on a framework of planning principles, strategic goals and state strategic directions (refer to figure 1 below). The strategy is intended to inform community, economic, environmental, infrastructure, development and governance decisions throughout the State and build upon the strategic planning capacity and capability of Western Australia to better predict, adapt to and manage change in future years to 2050 and beyond. The public consultation period for the strategy closes 29 March 2013.

The State Planning Strategy was first published in 1997. The 1997 strategy contained a strictly land use planning perspective with a regional focus. Many of its priority actions were implemented through a series of annual audits up to the year 2000. The revised strategy, reaches beyond simply land use planning to place priority on managing future communities, environment and economic growth with a threefold, local, regional and state, focus.

The strategy is structured into four parts (refer to figure 1 below), Vision, Principles, Strategic goals and strategic directions, and is the lead strategic planning document within Government (refer to figure 2 below).

Figure - 1. The State Planning Strategy structure



Figure - 2. The State Planning Strategy positioning



The strategy’s vision is as follows:

**A diverse state:** offering the diversity of ecosystems, landscapes, enterprises, people and cultures.

**A liveable State:** the place of choice for the brightest and best.

**A connected State:** as connected to the rest of the world as any other place.

**A collaborative State:** enabling alignments that progress the State’s sustained prosperity.

**Planning for sustained prosperity**

In the strategy five interrelated strategic goals have been identified with the view to realising a vision of sustained prosperity for Western Australia:

- Global competitiveness will be enhanced through economic diversification
- Economic expansion and inter-regional collaboration will build strong and resilient regions
- Investment in infrastructure and social capital will build sustainable communities
- Infrastructure planning and coordination will achieve efficiencies and promote economic growth
- Sustainable development and efficient use of resources will enhance environmental conservation

The strategy then outlines the challenges and opportunities for the state under the ten strategic directions of key importance to Western Australia’s sustained growth:

1. Economic development
2. Education, training and knowledge transfer



3. Tourism
4. Environment
5. Agriculture and food
6. Physical infrastructure
  - 6.1. Movement of people, resources and information
  - 6.2. Water
  - 6.3. Energy
  - 6.4. Waste
  - 6.5. Telecommunications
7. Social infrastructure
  - 7.1. Spaces and places
  - 7.2. Affordable living
  - 7.3. Health and wellbeing
8. Land availability
9. Remote settlements
10. Security.

## **PLANNING COMMENT**

The draft strategy is comprehensive in scope and attempts to consider a broad range of issues and strategic directions on a state-wide scale. The strategy is an improvement on the previous State Planning Strategy (1997), which had a relatively narrow, primarily land use planning, focus. Once finalised the strategy should be a wide ranging, strategic planning document that aims to ensure the State has the capacity to adapt and respond to change, whilst still delivering equitable and sustainable growth to 2050 and beyond.

As the strategy is of State significance and will potentially guide planning and development (and other factors) in Western Australia for the next forty years, it is considered important for the City of Fremantle to make a submission on the document.

It is considered the City should express its general support for the strategy as a high level state wide document, to guide development and economic growth in WA to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review.

### Implementation

There is no implementation section in the strategy to provide the framework to guide the future growth and development of the State. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.

The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 'Strategic Directions' in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a 'whole of Government' approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

### Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State's social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

### Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design.
- 4. Environment - recognition on the State's built heritage and the importance to conserve and maintain places of significance.
- 6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas.

## **CONCLUSION**

The purpose and function of the strategy is to provide a sound basis for the integration and coordination of strategic planning across state, regional and local jurisdictions. The strategy presents a vision for Western Australia to 2050 and beyond based on a framework of planning principles, strategic goals and state-wide strategic directions.

It is recommended that the Council makes a submission on the State Planning Strategy as outlined in the Planning Comment section above.

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr A Sullivan**

**That Council authorise the Chief Executive Officer to submit the following comments to the Minister of Planning as the City of Fremantle's submission on the Draft State Planning Strategy:**

**The City of Fremantle is generally supportive of the strategy as a high level state wide document, to guide development and economic growth in Western Australia to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.**

**The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:**

### **Implementation**

**There is no implementation section in the strategy to provide the framework to guide the future growth and development of the state. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.**

**The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.**

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 ‘Strategic Directions’ in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a ‘whole of Government’ approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

#### Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State’s social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

#### Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design.
- 4. Environment – Recognition of the State’s built heritage and the importance to conserve and maintain places of cultural heritage significance.
- 6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas.

**CARRIED: 7/0**

For	Against
Mayor, Brad Pettitt Cr Rachel Pemberton Cr Robert Fittock Cr Ingrid Waltham Cr Bill Massie Cr Andrew Sullivan Cr David Hume	

## COUNCIL DECISION

Mayor, Brad Pettitt MOVED an amendment to the Committee & Officer's Recommendation to add a further point 4., and a point 8.as follows:

That Council authorise the Chief Executive Officer to submit the following comments to the Minister of Planning as the City of Fremantle's submission on the Draft State Planning Strategy:

The City of Fremantle is generally supportive of the strategy as a high level state wide document, to guide development and economic growth in Western Australia to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:

### Implementation

There is no implementation section in the strategy to provide the framework to guide the future growth and development of the state. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.

The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the

Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 'Strategic Directions' in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a 'whole of Government' approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

#### Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State's social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

#### Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design
- 4. *Environment – Climate Change Mitigation*  
*While the Strategy does make some mention of climate change mitigation this is very limited in scope and not well integrated into the document not set out as a priority. Climate change is mostly dealt with as a factor WA needs adapt to. However, as the World Bank clearly states its recent report on climate change: "there is also no certainty that adaptation to a 4°C world is possible."*  
*Whilst it is good that the SPS acknowledges that "Minimising Western Australia's ecological footprint will assist in reducing pressures such as patterns of consumption, loss of biodiversity, air pollution, and impacts upon water and generation of waste." The Strategy fails to map out a roadmap that minimises Western Australia's ecological and carbon footprints*  
*Given Western Australia has one of the highest per capital levels of carbon emission in the developed world then central to the strategy should be a clear intent and plan to reduce these emissions to a far more sustainable level.*  
*The section on Environment appears to incorrectly understand the State's environment in isolation from global environment changes and concerns. The Goal to "conserve the State's natural assets through sustainable*

*development, clean air, water, light and open spaces” is supportable but must be in addition to enhancing global environmental outcomes where Western Australia’s environment and conservation outcomes are impacted.*

*The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:*

- **4. Environment – Recognition of the State’s built heritage and the importance to conserve and maintain places of cultural heritage significance.**
- **6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas**
- **8. Land Availability - A stronger focus on identifying land which is required for agricultural and food production needs to be embedded in the document. As the Strategy acknowledges agricultural land is “under constant threat from urban expansion and the fragmentation of rural land into smaller lifestyle holdings” and “The continued loss of agricultural land close to the cities and towns requires that measures are put in place to secure land for future agricultural and food industry production.”**

*The Strategy would benefit from a clearer articulation of the process for identifying the buffers required to protect agricultural land as well as bio-diverse and intact bush land from urban encroachment. This needs be linked into other parts of the document of land-use planning including a potential urban growth boundary. These need to be integrated into the document more fully so there is a more integrated view of strategic planning in Western Australia.*

**SECONDED: Cr A Sullivan**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Rachel Pemberton Cr Robert Fittock Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan	

Cr Doug Thompson	
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## **REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

The original submission fails to take into consideration climate change mitigation as a key part of future state planning.

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

**That Council authorise the Chief Executive Officer to submit the following comments to the Minister of Planning as the City of Fremantle's submission on the Draft State Planning Strategy:**

**The City of Fremantle is generally supportive of the strategy as a high level state wide document, to guide development and economic growth in Western Australia to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.**

**The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:**

#### **Implementation**

**There is no implementation section in the strategy to provide the framework to guide the future growth and development of the state. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.**

**The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.**

**The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses**



(especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 'Strategic Directions' in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a 'whole of Government' approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

#### Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State's social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

#### Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design
- 4. Environment – Climate Change Mitigation  
While the Strategy does make some mention of climate change mitigation this is very limited in scope and not well integrated into the document not set out as a priority. Climate change is mostly dealt with as a factor WA needs adapt to. However, as the World Bank clearly states its recent report on climate change: "there is also no certainty that adaptation to a 4°C world is possible."  
Whilst it is good that the SPS acknowledges that "Minimising Western Australia's ecological footprint will assist in reducing pressures such as patterns of consumption, loss of biodiversity, air pollution, and impacts upon water and generation of waste." The Strategy fails to map out a roadmap that minimises Western Australia's ecological and carbon footprints  
Given Western Australia has one of the highest per capital levels of carbon emission in the developed world then central to the strategy should be a clear intent and plan to reduce these emissions to a far more sustainable level.  
The section on Environment appears to incorrectly understand the State's environment in isolation from global environment changes and concerns.

The Goal to “conserve the State’s natural assets through sustainable development, clean air, water, light and open spaces” is supportable but must be in addition to enhancing global environmental outcomes where Western Australia’s environment and conservation outcomes are impacted.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:

- 4. Environment – Recognition of the State’s built heritage and the importance to conserve and maintain places of cultural heritage significance.
- 6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas
- 8. Land Availability - A stronger focus on identifying land which is required for agricultural and food production needs to be embedded in the document. As the Strategy acknowledges agricultural land is “under constant threat from urban expansion and the fragmentation of rural land into smaller lifestyle holdings” and “The continued loss of agricultural land close to the cities and towns requires that measures are put in place to secure land for future agricultural and food industry production.”

The Strategy would benefit from a clearer articulation of the process for identifying the buffers required to protect agricultural land as well as bio-diverse and intact bush land from urban encroachment. This needs be linked into other parts of the document of land-use planning including a potential urban growth boundary. These need to be integrated into the document more fully so there is a more integrated view of strategic planning in Western Australia.

**SECONDED: Cr I Waltham**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Rachel Pemberton Cr Robert Fittock Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin	

Cr Andrew Sullivan Cr Doug Thompson	
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## **STRATEGIC AND GENERAL SERVICES COMMITTEE 13 MARCH 2013**

**Cr A Sullivan MOVED en bloc recommendations numbered SGS1303-1, SGS1303-2, SGS1303-4 and SGS1303-6.**

**The following item number SGS1303-1 was MOVED and carried en bloc earlier in the meeting.**

### **SGS1303-1 CLIMATE CHANGE ADAPTION PLAN - FINAL ADOPTION**

**DataWorks Reference:** 036/069 and 078/025  
**Disclosure of Interest:** Nil  
**Meeting Date:** 13 March 2013  
**Previous Item:** SGS1211-3  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Paul Garbett, Manager Planning Projects and Policy  
**Decision Making Authority:** Council  
**Agenda Attachments:** Climate Change Adaption Plan

## **EXECUTIVE SUMMARY**

**Adoption of a Climate Change Adaptation Plan is one of the Council's key strategic projects for 2012-13, and a specific project under the 'Climate Change and Environmental Protection' Strategic Imperative in the City's Strategic Plan 2010-15.**

**During 2012 the Climate Change Adaptation Working Group prepared a draft Climate Change Adaptation Plan, which was adopted for the purpose of public consultation in November 2012. The plan identifies a number of actions across the themes of rising sea level, increased temperature, decreased rainfall and increased storm intensity. The plan allocates a responsible directorate, a timeline and stipulates the level of influence that the City has over each action.**

**The draft plan was advertised for public comment from the beginning of December 2012 until 18 January 2013. 4 submissions were received; 2 expressed support for the plan, one was from a local government in South Australia offering to share information on sea level rise monitoring work, and one suggested additional content and a more comprehensive approach to risk analysis of impacts and their relationship to actions in the plan.**

**Points raised in submissions are addressed in the main section of this report. Officers do not consider that further amendments to the draft plan are appropriate having regard to the submissions, and it is recommended that the plan as presented in the agenda attachment be adopted.**

## **BACKGROUND**

**On 14 November 2012 the Strategic and General Services Committee acting under delegation resolved that the draft Climate Change Adaptation Plan should be released for public comment, and that subsequently a report be presented to Council with a**

summary of the community consultation and any amendments recommended by officers (see previous item SGS1211-3 for further detail).

### *Consultation*

The draft plan was advertised for public comment from the beginning of December 2012 until 18 January 2013. Four submissions were received as follows:

1. East Fremantle resident – supports the plan, and strongly urges the Council to back it with adequate funding to implement the actions in the plan. An annual report on implementation will encourage all parts of the City's organisation to ensure actions are carried out.
2. Fremantle Ports – supports the City's initiative in preparing the plan. The plan's reference to keeping actions relating to sea level rise at a strategic level pending the outcome of more detailed modelling being undertaken by the Cockburn Sound Coastal Alliance is noted and supported. Requests that information from this modelling be shared with Fremantle Ports when it is available; similarly the Port is happy to share information it possesses that may assist with work relating to sea level rise impacts.
3. City of Port Adelaide Enfield, South Australia – notes the reference to the sea level rise modelling being undertaken by the Cockburn Sound Coastal Alliance, which is similar to modelling carried out by Port Adelaide Enfield Council in 2006. Offers to share information if this would be helpful.
4. Resident and postgraduate student who attended some Working Group meetings and contributed to presentation of climate change impacts contained in the plan as part of Master's thesis – comments that Australian Government guidelines recommend a full risk analysis of climate change impacts, and prioritisation of actions should be expressed in terms of high and low as well as by short term and long term. Also comments that not all identified impacts correlate with actions, e.g. identified health impacts from higher temperatures do not translate into actions involving health and emergency services.

### **COMMENT**

The submissions received have been reviewed by officers. Only one submission makes comments that are in any way critical of the draft plan, and these comments relate primarily to concerns over the rigour of the methodology and the approach to the identification and prioritisation of actions.

During the preparation of the draft plan the Working Group acknowledged that the identified climate change impacts are wide-ranging, and adaptation will require responses from many parts of our society. The Working Group also recognised that the City of Fremantle as a local government authority has limited resources and also limited jurisdiction. In recognition of these facts, and to put in context the City's level of influence over each action, the actions in the plan have been categorised as follows:

- Corporate actions – those that the City has the most control over. These mostly involve the City's infrastructure assets and generally do not require significant input from any other person or agency.

- Community actions – actions that the City can undertake to assist the community to adapt – including things that the City can do to regulate community behaviour.
- Advocacy and communication – actions that are clearly outside the City’s jurisdiction, where the City’s role is limited to trying to influence or work with other agencies.

The Working Group made a conscious decision to focus the plan primarily on corporate actions where the City has sufficient control to deliver tangible outcomes, assuming allocation of sufficient resources for implementation. The community and advocacy actions were limited to matters where the Working Group considered there was a reasonable prospect that the City’s involvement could influence the outcome, and where the matter is particularly important in the context of Fremantle.

In adopting this approach, the Working Group and officers acknowledge that the plan is open to criticism (as expressed through one submission) on the grounds that not all identified impacts have corresponding actions, and therefore the plan is not as comprehensive as it might be. However, the Working Group considered that it was more important to produce a plan that was realistically capable of implementation using the resources available to the City now and over the next few years. The Working Group also recognised that action in response to some of the identified impacts is, or should be the responsibility of other agencies or tiers of government, and in some cases requires a response at a region or state wide level. Therefore there would be limited value in referring to such actions in the City’s own plan.

Similarly, carrying out comprehensive risk assessments of all the impacts identified in the plan would require substantial resources that exceed the City’s capacity. Nevertheless, in key areas such as the potential impact of sea level rise and coastal storm events upon City infrastructure assets, the plan does include an action to undertake further risk assessment.

After reviewing the submissions and having regard to the Working Group’s previous deliberations over the plan’s scope and content, officers do not consider it is appropriate to recommend any amendments to the draft version of the plan at this time.

However it is acknowledged that periodic review of the plan will be appropriate as well as monitoring progress with the implementation of the actions contained in the plan. This might result in future amendments, particularly to take account of the outcomes of related work such as the more detailed sea level rise impact study being undertaken by the Cockburn Sound Coastal Alliance (of which the City of Fremantle is a member).

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Implementation of this plan will have implications for the City’s budget over several years. Accurate cost estimates have not yet been developed for all of the actions contained in the plan, and this will need to be done for relevant actions as part of the annual budget process.

### **Legal**

WALGA has commissioned legal advice pertaining to the risks of action and inaction regarding climate change adaptation for local governments. This has particular relevance for the City in regards to its roles relating to planning, infrastructure and asset management, water and environmental management and governance. This will need to be reviewed in more detail as the actions are implemented – especially development of planning policies and changes to the planning scheme.

### **Operational**

Implementation of this plan will place a workload on the City's staff. In addition to officer time, some actions will require specific budget provision and therefore implementation of these actions in accordance with the timeframes (short, medium or long term) indicated in the plan will be contingent upon budget allocation.

### **Organisational**

Nil

### **CONCLUSION**

The adoption of an Adaptation Plan to guide the City in addressing some of the unavoidable impacts of climate change will complement the strategy for climate change mitigation which the City has already adopted in the form of the Low Carbon City Plan 2011-2015.

Issues raised in the four public submissions received in response to community consultation on the draft Climate Change Adaptation Plan have been summarised in this report. Officers do not consider any amendments are required in response to the submissions for the reasons outlined in the Comment section of this report. Therefore it is recommended that Council adopt the Climate Change Adaptation Plan as presented in Attachment 1.

### **STRATEGIC AND POLICY IMPLICATIONS**

Preparation of the Climate Change Adaptation Plan is a specific project under the 'Climate Change and Environmental Protection' Strategic Imperative in the City's Strategic Plan 2010-15.

### **COMMUNITY ENGAGEMENT**

Details of the community engagement are addressed under the consultation heading in the Background of this report.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

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

**MOVED: Cr J Strachan**

**That Council adopt the attached Climate Change Adaptation Plan.**

**SECONDED: Cr D Hume**

**CARRIED: 12/0**

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



The following item number SGS1303-2 was **MOVED** and carried en bloc earlier in the meeting.

**SGS1303-2 TENDER FCC396/13 - BUILDING MAINTENANCE SERVICES**

**DataWorks Reference:** 135/001  
**Disclosure of Interest:** Nil  
**Meeting Date:** 13 March 2013  
**Previous Item:** Nil  
**Responsible Officer:** Peter Pikor, Director Technical Services  
**Actioning Officer:** Samuel Bryce, Manager City Assets  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

**EXECUTIVE SUMMARY**

Tender FCC 396/13 for general building maintenance services was advertised on 30 January 2013 and closed on 15 February 2013. It allows for a contract period from 1 April 2013 to 31 March 2015. Tender documents identified 11 categories of maintenance works to allow for tender pricing to be submitted against those specific categories.

A total of 22 tenderer responses were received across the various categories, with a number of those submitting tenders relating to more than one category of maintenance for consideration.

Based on council's officer assessment of relevant qualitative and quantitative criteria, the highest ranking tenderers have been recommended to form a panel contract for the various categories of building maintenance.

The acceptance of tendered rates on a panel basis provides council's officers with sufficient flexibility for future works if some contractor resources are not available, while ensuring that contracted services should be able to meet City of Fremantle requirements on qualitative and quantitative criteria at competitive pricing.

**BACKGROUND**

To enable the City of Fremantle to establish a number of contractors which are capable of offering professional services for specific building maintenance tasks at competitive market pricing, tender FCC 396/13 was formed to allow for tenders to be submitted on the following categories of maintenance:

1. Asbestos removal
2. Automatic door specialists
3. Fencing
4. Floor coverings
5. Glazing
6. General building maintenance
7. Gardening

8. Heritage building works
9. Painting
10. Roofing
11. Sewerage pumps

Tenders closed on 15 February 2013, with a total of 22 tenderers providing details for 110 separate bids covering the 11 categories of maintenance.

## COMMENT

City officers have reviewed the bids submitted for all the maintenance categories and have ranked the tenderers based on the qualitative and quantitative criteria as noted.

Evaluations and recommended tenderers are noted below:

### Quote/Tender

**Number:** FCC396/13  
**Project Name:** Asbestos  
**Date:** 18/02/2013  
min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
<b>SOS Enterprises</b>	<b>10</b>	<b>10</b>	<b>12</b>	<b>13</b>	<b>10.1</b>	<b>55.1</b>
Northerly Property	5	5	7	7	5.6	29.6
Hilltop Group	10	10	10	10	8.1	48.1
<b>CPD Group</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>22.5</b>	<b>54.5</b>
Men Behaving Handy	5	5	7	7	8.7	32.7
<b>Roof and Wall Doctor</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>4.5</b>	<b>57.5</b>
West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

Based on the tender evaluation it is recommended SOS Enterprises, CPD Group, Roof and Wall Doctor and Robinson Buildtech be included in a panel of contractors that is capable of providing the City with the best value for money.

Approximate funds expended for asbestos works in the 2011-12 financial year was \$25 000.

**Quote/Tender**

**Number:** FCC396/13  
**Project Name:** Autodoor  
**Date:** 18/02/2013  
min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
CPD Group Pty Ltd	8	8	8	8	6.9	38.9
West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0
<b>Elexacom</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>13</b>	<b>10.4</b>	<b>65.4</b>
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>
Go Doors	10	12	13	13	8.7	56.7

Based on the tender evaluation it is recommended that Elexacom and Robinson Buildtech be included in a panel of contractors for auto door maintenance. Approximate funds expended for auto doors in the 2011-12 financial year was \$10 000.

**Project Name:** Fencing  
**Date:** 18/02/2013  
min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
<b>Northerly Property</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>8.0</b>	<b>54.0</b>
Integrated Service	5	5	7	7	13.3	37.3
SOS Enterprises	5	5	7	7	10.1	34.1
CPD Group	8	8	8	8	8.1	40.1
<b>Emso Mtnce</b>	<b>10</b>	<b>12</b>	<b>10</b>	<b>14</b>	<b>15.2</b>	<b>61.2</b>
Men Behaving Handy	10	10	10	10	8.7	48.7
West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

Based on the tender evaluation it is recommended Robinson Buildtech, Emso Maintenance, Northerly Property be included in a panel of contractors for fencing providing the best value for money.

Approximate funds expended for fencing in the 2011-12 financial year was \$5 000.

**Quote/Tender**

**Number:** FCC396/13

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** Floorcoverings

**Date:** 18/02/2013

min call out for an hour

Quoter/Tenderer	Document Attached?	Details/Comments				Price Inc Gst
		Methodology	Experience	Resources	References	Price
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
Northerly Property	5	5	7	7	3.7	27.7
Integrated Service	5	5	7	7	13.3	37.3
SOS Enterprises	5	5	7	7	10.1	34.1
<b>CPD Group</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>17.4</b>	<b>49.4</b>
West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

Based on the tender evaluation it is recommended Robinson Buildtech and CPD Group be included in a panel of contractors provided the best value for money.

Approximate funds expended for floor coverings in the 2011-12 financial year was \$20 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** Glazing Works

**Date:** 18/02/2013

min call out for an hour

Quoter/Tenderer (Company)	Methodology	Experience	Resources	References	Price	Total Score
	15	15	15	15	40	100

Name)						
<b>O'Brien Glass</b>	<b>13</b>	<b>14</b>	<b>12</b>	<b>13</b>	<b>9.6</b>	<b>61.6</b>
Integrated Service	5	5	7	7	13.3	37.3
SOS Enterprises	5	5	7	7	10.1	34.1
CPD Group	8	8	8	8	19.4	51.4
West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

Based on the tender evaluation it is recommended Robinson Buildtech and O'Brien Glass be included as a panel of contractors for glazing works.  
Approximate funds expended for glazing in the 2011-12 financial year was \$20 000.

**Quote/Tender**

**Number:**

FCC396/13

**Project Name:**

**General Building**

**Date:**

18/02/2013

min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
<b>SOS Enterprises</b>	<b>14</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>10.1</b>	<b>63.1</b>
Northerly Property	12	13	12	13	7.0	57.0
Hilltop Group	12	12	10	14	9.1	57.1
Integrated Service	5	5	7	7	13.3	37.3
<b>CPD Group</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>27.0</b>	<b>83.0</b>
Men Behaving Handy	10	10	10	10	8.7	48.7
A E Hoskins & Sons	12	13	14	14	6.5	59.5
<b>Emso Maintenance</b>	<b>12</b>	<b>13</b>	<b>12</b>	<b>14</b>	<b>15.2</b>	<b>66.2</b>
West Coast Construction	10	13	12	14	5.0	54.0
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	12	12	11	7	10.3	52.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

Based on the tender evaluation it is recommended SOS Enterprises, CPD Group, Emso Maintenance and Robinson Buildtech be included as a panel of contractors for general Building Maintenance

Approximate funds expended on general building maintenance in the 2011-12 financial year was \$450 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** Gardening

**Date:** 18/02/2013

min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
Integrated Service	5	5	7	7	13.3	37.3
CPD Group	8	8	8	8	6.9	38.9
<b>Men Behaving Handy</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>8.7</b>	<b>56.7</b>
West Coast Construction	5	5	7	7	5.0	29.0
<b>M C Handiworx</b>	<b>10</b>	<b>7</b>	<b>7</b>	<b>10</b>	<b>40.0</b>	<b>74.0</b>

Based on the tender evaluation it is recommended M C Handiworx and Men Behaving Handy be included in a panel of contractors for gardening services. Approximate funds expended on gardening in the 2011-12 financial year was \$10 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** Heritage Works

**Date:** 18/02/2013

min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
SOS Enterprises	5	5	7	7	10.1	34.1
<b>CPD Group</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>14</b>	<b>4.3</b>	<b>56.3</b>
<b>A E Hoskins and Sons</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>6.5</b>	<b>59.5</b>
<b>Roof and Wall Doctor</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>4.5</b>	<b>57.5</b>
West Coast Construction	5	5	7	7	5.0	29.0
<b>Emso Maintenance</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>14</b>	<b>15.2</b>	<b>61.2</b>
M C Handiworx	0	0	0	0	40.0	40.0
R E Asset Logistics	5	5	7	7	10.3	34.3
<b>Robinson</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>

<b>Buildtech</b>						
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Based on the tender evaluation it is recommended CPD Group, A E Hoskins and Sons, Roof and Wall Doctor, Emso Maintenance and Robinson Buildtech be included in a panel of contractors for heritage works.

Approximate funds expended on heritage building works in the 2011-12 financial year was \$40 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** **Painting**

**Date:** 18/02/2013

Painting min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
Northerly Property	10	11	11	12	7.8	51.8
Integrated Service	5	5	7	7	13.3	37.3
SOS Enterprises	5	5	7	7	10.1	34.1
Men Behaving Handy	12	12	12	12	8.7	56.7
A E Hoskins & Sons	12	13	14	14	6.5	59.5
Woodbridge Painting	12	12	12	14	12.8	62.8
<b>CPD Group</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>28.6</b>	<b>84.6</b>
Emso Maintenance	10	12	11	14	15.2	62.2
<b>Calibre Coatings</b>	<b>11</b>	<b>13</b>	<b>12</b>	<b>14</b>	<b>36.4</b>	<b>86.4</b>
R E Asset Logistics Pty Ltd	10	8	8	7	10.3	43.3
<b>Cabra Contracts</b>	<b>10</b>	<b>12</b>	<b>10</b>	<b>14</b>	<b>33.3</b>	<b>79.3</b>
Robinson Buildtech	12	13	14	14	24.2	77.2
Colourific Painting	11	13	11	13	28.2	76.2
West Coast Construction	10	13	12	14	5.0	54.0
M C Handiworx	0	7	3	5	40.0	55.0

Based on the tender evaluation it is recommended CPD Group, Cabra Contracts and Calibre Coatings be included in a panel of contractors for painting services.

Approximate funds expended on painting in the 2011-12 financial year was \$40 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** **Roofing**

**Date:** 18/02/2013

min call out for an hour

Quoter/Tenderer	Document Attached?	Details/Comments				Price Inc Gst
		Methodology	Experience	Resources	References	Price
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
Northerly Property	10	11	12	12	7.8	52.8
Integrated Service	5	5	7	7	12.9	36.9
<b>SOS Enterprises</b>	<b>14</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>10.1</b>	<b>61.1</b>
Men Behaving Handy	10	10	10	10	8.7	48.7
A E Hoskins & Sons	12	13	14	14	6.5	59.5
Youngs Plumbing	10	11	11	12	5.7	49.7
<b>CPD Group</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>27.5</b>	<b>83.5</b>
<b>Roof and Wall Doctor</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>4.5</b>	<b>60.5</b>
R E Asset Logistics Pty Ltd	13	13	12	7	10.3	55.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>
West Coast Construction	13	14	13	14	5.0	59.0
M C Handiworx	0	0	0	0	40.0	40.0

Based on the tender evaluation it is recommended CPD Group, Robinson Buildtech, SOS Enterprises and Roof and Wall Doctor represent best value for money for roofing services.

Approximate funds expended on roofing in the 2011-12 financial year was \$85 000.

**Quote/Tender**

**Number:** FCC396/13

**Project Name:** Sewerage Pumps

**Date:** 18/02/2013

min call out for an hour

	Methodology	Experience	Resources	References	Price	Total Score
<b>Quoter/Tenderer (Company Name)</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>40</b>	<b>100</b>
CGA Plumbing & Gas	5	5	7	7	9.2	33.2
SOS Enterprises	5	5	7	7	10.1	34.1
A E Hoskins & Sons	11	11	11	11	6.5	50.5
<b>CPD Group</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>25.7</b>	<b>57.7</b>
R E Asset Logistics Pty Ltd	5	5	7	7	10.3	34.3
<b>Robinson Buildtech</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>24.2</b>	<b>77.2</b>



West Coast Construction	5	5	7	7	5.0	29.0
M C Handiworx	0	0	0	0	40.0	40.0

Based on the tender evaluation it is recommended Robinson Buildtech and CPD Group be included in a panel of contractors for sewerage pump.

Approximate funds expended on sewage pumps in the 2011-12 financial year was \$64 000.

Structural Engineering –6 submissions were received but the evaluation panel decided to withdraw this from the tender process and directly engage professional services.

It was noted that reference checks were completed and assessed as per information submitted at the time of assessment.

## RISK AND OTHER IMPLICATIONS

### Financial

There are no specific budget implications involved with selection of panels of tenderers for categories of building maintenance works.

### Legal

Nil

### Operational

Nil

### Organisational

Nil

## CONCLUSION

There are 13 contractors recommended to provide a range of building maintenance services over a two year period. All contractors meet the quantitative and qualitative requirements outlined by the City.

The proposed acceptance of the recommended tenderers was endorsed by the City's Major Procurement Panel on 5 March 2013.

## 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**

**That Council accepts the offers at the tendered rates for tender FCC 396/13 from the following tenderers on a panel basis for the various categories of building maintenance works;**

- **Asbestos Removal: SOS Enterprises, CPD Group, Roof and Wall Doctor and Robinson Buildtech**
- **Automatic door specialists: Elexacom and Robinson Buildtech:**
- **Fencing: Northerly Property, Emso Maintenance and Robinson Buildtech**
- **Floor coverings: CPD Group and Robinson Buildtech**
- **Glazing: O'Brien Glass and Robinson Buildtech**
- **General Building Maintenance Enterprises: SOS Enterprises, CPD Group, Emso Maintenance and Robinson Buildtech**
- **Gardening: Men Behaving Handy and M C Handiworx**
- **Heritage Building works: CPD Group, A E Hoskins and Sons, Roof and Wall Doctor, Emso Maintenance and Robinson Buildtech**
- **Painting: CPD Group, Calibre Coating and Cabra Contracts**
- **Roofing: CPD Group, Robinson Buildtech, Roof and Wall Doctor and SOS Enterprises**
- **Sewerage pumps: Robinson Buildtech and CPD Group**

**SECONDED: Cr D Hume**

**CARRIED: 12/0**

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



**SGS1303-3** Play Spaces Plan and Forward Works Program

**Cr J Wilson arrived at 6.45 pm prior to consideration of the following item.**

**DataWorks Reference:** 030/026  
**Disclosure of Interest:** Nil  
**Meeting Date:** 13 March 2013  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** Vikki Barlow, Senior Project Officer - Recreation  
**Decision Making Authority:** Council  
**Agenda Attachments:** Attachment 1 - Play spaces plan  
Attachment 2 - Capital Works Program 2013 - 2016

### **EXECUTIVE SUMMARY**

**The Recreation Policy was endorsed by Council in 2011. The policy outlines the recreation priorities of Council including the development of local and major play spaces. To guide development a play spaces plan has been prepared. The report is seeking Council endorsement of the play spaces plan (attachment 1) and a three year capital works program (attachment 2).**

**An analysis of current provision of play grounds and demographics revealed that some play grounds are poorly located and non-compliant with Australian standards. An opportunity exists to enhance and develop strategic play space sites and where possible rationalise existing old and non-compliant play grounds (subject to community consultation).**

**It is proposed that the remaining play spaces reserve of \$400,000 is allocated to implement play space projects identified in 2013/14. Addition funding of \$790,000 is requested for 2014/15 and 15/16 financial years to complete identified projects. External funding will be sought to supplement Council's contribution.**

### **BACKGROUND**

Currently the City of Fremantle provides 46 playgrounds. Many of these facilities are ageing and are no longer compliant with Australian standards. In addition, some are not well located to cater for local demographics.

To replace all of the existing play grounds would be a costly exercise. A recent independent audit estimated that \$2.25 million is required over the next ten years to maintain play grounds to Australian standards.

To address this issue the strategic recreation needs assessment, endorsed by Council in 2010, recommended that where possible play ground facilities are consolidated and larger open space areas are enhanced by developing them as multi-functional play space areas.

The strategic recreation policy (SG48) endorsed by Council in 2011 stated that the City will work towards providing a network of local and major play spaces:

*Major Play Spaces:*

Located in larger parcels of open space and will service the immediate and adjacent suburbs.

*Local Play Spaces:*

Located in smaller parcels of open spaces and will cater for a highly localised catchment, servicing a catchment of up to 1 km radius.

A play spaces plan has been prepared to guide the development of the City's play space areas over the next ten years with projects defined for three years 2013 - 2016.

## **COMMENT**

*Aims of the plan*

The play spaces plan defines a play space as a space that includes a range of features (natural and built) and recreational opportunities for all age groups and abilities e.g. run-about areas, natural play elements, play equipment, fitness trails, and interpretive trails.

The play spaces plan aims to improve the quality of facilities and equipment provided at the City's parks through sourcing new innovative equipment and improving access. The cost to replace all play grounds is prohibitive for Council and therefore the plan aims to use resources more efficiently involving rationalising play grounds where possible and appropriate.

The play spaces plan includes strategies and detailed actions for the development of play spaces and takes into account demographic information from across the City's suburbs.

*Demographic Analysis*

The City of Fremantle population grew by 7% from 2006 – 2011. The greatest increases were empty nesters and retirees (60 – 69 years), primary school aged children (4 – 11 years) and seniors (70 – 85 years).

Overall, while couples with children increased from 2006 to 2011, the dominant profile reflects an ageing population with increasing numbers of empty nesters and retirees and seniors. It is important that future development of play spaces is guided by the demographic information.

*Strategies and Costs*

The play spaces plan (attachment 1) provides a set of strategies and detailed action plan which outlines how the City will develop high quality play space facilities and use resources more efficiently over time.

The strategies include:

- Upgrade major and local play space sites and where possible relocate play equipment from parks not designated as major or local play spaces.
- Engage local communities on decision making in relation to the consolidation of local play grounds and development of **local play space** sites.
- Engage the broader Fremantle community on the development of **major play space** sites including special needs groups i.e. people with disabilities, people from non-english speaking backgrounds and Aboriginal people.

A new high quality major play space would cost between \$500,000 to \$1million to develop a local play space the cost will be up to \$250,000.

It is proposed that external funding is sourced for major and local play space projects and that one major play space is delivered every three years to allow enough time to secure funding and plan effectively. Local play spaces should be upgraded annually.

The funding strategies for the play spaces plan include, continued investment into the play spaces reserve to support the capital works program (attachment 2), actively pursuing external grants through LotteryWest and Department of Sport and Recreation, and prioritising cash in lieu from developer's contributions.

The capital works program provides definition on the proposed play spaces projects over three years. After three years the plan will be evaluated and future projects defined.

## RISK AND OTHER IMPLICATIONS

### Financial

The play spaces reserve was established in 2012/13 with \$1million. Currently \$600,000 is allocated to the Youth Plaza Project.

It is proposed that the remaining \$400,000 reserve funds be allocated to the first year implementation of the play spaces capital works program.

In addition to the reserve funding additional funding will be required to implement the proposed projects identified in the remaining two years of the program (details below).

External funding will be sought through LotteryWest and Department of Sport and Recreation with estimates provided in the table below.

Year	Upgrade	*External funding	Total
2013/14	*\$380,000	\$100,000	<u>\$280,000</u>
2014/15	\$165,000	\$ 50,000	<u>\$115,000</u>
2015/16	\$625,000	\$200,000	<u>\$425,000</u>

\* Play spaces reserve funding

\* Subject to approval

### Legal

Nil

## **Operational**

The greatest impact will be on the City Parks and Landscape business unit as the delivery of the capital works program will sit in this area. There is a risk that the additional capital works projects will require more resources to be completed within the proposed timeframes. Parks and Landscapes will identify appropriate resources through the 2013/14 budget planning process.

## **Organisational**

Nil

## **CONCLUSION**

The city's open space areas and facilities are a major positive attraction to both residents and visitors. Opportunity exists to develop and enhance larger parcels of open spaces areas as multifunction areas that provide for a wide range of people and in particular will attract families.

According to the demographic profiles across Fremantle the City will seek to rationalise old and non-compliant play ground equipment and facilities and invest in play space sites identified in each suburb.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

The City will seek community involvement in the development of local play spaces within this plan, in relation to:

- Selection of equipment and integration with the park landscape.
- Design of landscapes and the integration of play features.
- Replacement of play equipment.
- Consolidation of play spaces where there is an oversupply in order to provide higher quality spaces and play experiences (not necessarily at the same place).
- Access considerations.

The City will seek to be inclusive to all community members in relation to the points above.

The City will ensure children have opportunities to provide input into the design of local and major play spaces.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

**COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

1. The play spaces plan (attachment 1) is endorsed for adoption.
2. The remaining play spaces reserve of \$400,000 is utilised for play space upgrades identified in 2013/14 capital works program.
3. The capital works program (attachment 2) is adopted and \$790,000 additional funding be allocated in the draft 2014/15 and draft 2015/16 financial year budgets for consideration.

**CARRIED: 5/0**

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

**COUNCIL DECISION**

**MOVED: Cr J Strachan**

1. The play spaces plan (attachment 1) is endorsed for adoption.
2. The remaining play spaces reserve of \$400,000 is utilised for play space upgrades identified in 2013/14 capital works program.
3. The capital works program (attachment 2) is adopted and \$790,000 additional funding be allocated in the draft 2014/15 and draft 2015/16 financial year budgets for consideration.

**SECONDED: Cr T Grey-Smith**

**Mayor, Brad Pettitt MOVED to defer the item to the 24 April 2013 Ordinary council meeting.**

**To defer the item to the 24 April 2013 Ordinary council meeting.**

**CARRIED: 12/1**

For	Against
Mayor, Brad Pettitt Cr David Hume Cr Rachel Pemberton Cr Robert Fittock Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham	Cr Jon Strachan



Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	
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**REASON/S FOR CHANGE TO OFFICER'S RECOMMENDATION**

Recommendation deferred to Ordinary Council to meeting in April so further information could be provided.

The following item number **SGS1303-4** was **MOVED** and carried en bloc earlier in the meeting.

**SGS1303-4** Delegated Authority Review - 2013

<b>DataWorks Reference:</b>	100/003
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	Council - 27 March 2013
<b>Previous Item:</b>	Nil
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Melody Foster, Governance Officer
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Delegated Authority Register (Draft for 2013)

## EXECUTIVE SUMMARY

A review of the Delegated Authority Register has been undertaken in accordance with the Local Government Act requirement, to ensure that it contains the requirements for the City of Fremantle to function efficiently and to ensure that good governance is provided.

## BACKGROUND

Under the Local Government Act 1995, local governments may delegate the exercise of any of its powers or duties to a committee of Council or the Chief Executive Officer (CEO) except those powers specifically identified under the Act. The CEO may then delegate these powers (or part thereof) to other officers but only in accordance with the delegation set by Council.

The last review was undertaken in May 2012. The Act requires that a review of delegations to committees and the CEO are to be undertaken at least once every financial year. Annual review of delegations ensure that they remain up to date with Council expectations and current to policy.

## COMMENT

Last year council made minor changes to delegations from Council to the CEO (3.7, 3.8.1, 3.18, 3.20, 3.21, 3.27 and 3.28) and approved the inclusion of new delegations (3.44, 4.19, 4.20 and 4.21).

This year one major amendment has been recommended, for delegation 3.38 Use of City of Fremantle Common Seal. The amendments made to this delegation have been recommended due to the changes made to the *Local Government Act 1995* as part of the *Local Government Amendment Bill 2009*, to include section 9.49A and 9.49B of the Act relating to execution and signing of documents by a local government.

In an attempt to address these changes to the act, it is recommended that 3.38 be amended to give the CEO delegation to authorise affixing of the Common Seal on a range of documents as identified by council and authorisation for other documents to be executed or signed without the Common Seal being affixed. This amendment will

therefore avoid the need for every document to be individually considered by the Council for the purpose of determining whether the Common Seal should be affixed.

As in previous years the recommended changes to the delegations are provided below in table form for consideration. A draft copy of the Delegations Register is attached with this agenda for elected members to peruse the entire document if they wish to.

**Delegations by council to committees (Section 1 and 2)**

Nil

**Delegations by council to the CEO and by the CEO to employees (Section 3)**

<b>Title of Delegation</b>	<b>Page</b>	<b>Recommendation Summary</b>
3.8.1 Schedule of 'Authorised Officers'	14	Amendment to remove positions from this delegation
3.17 Legal proceedings - authority to initiate proceedings and/or prosecutions	28	Amendment to include a new position to this delegation
3.20 Stop work orders and seek injunctions – issue of	31	Amendment to include a new position to this delegation
3.29 Certain provisions about land – persons with express authority	40	Amendment to include a new position to this delegation
3.29.1 Appendix 1 – certain provisions about land – persons with express authority	41	Amendment to include a new position to this delegation
3.31 Placement of regular newspaper column & advertising	48	To be deleted as this delegation is no longer required
3.38 Use of City of Fremantle common seal	55	Amendment to change the name and content of this delegation to reflect the changes made to the Act.
3.42 Short stay accommodation local law – issuing of notices and registration	59	Amendment to remove a position from this delegation

**Delegations by council to employees from other legislation (Section 4)**

<b>Title of Delegation</b>	<b>Page</b>	<b>Recommendation Summary</b>
4.7 Functions delegated under Local Planning Scheme No.4	69-71	Amendment to remove and insert positions and minor changes to the wording of this delegation
4.11 Caravan parks and camping grounds – delegated authority under the provisions of	75-76	Amendment to insert a new position to this delegation
4.19 Functions delegated under the <i>Building Act 2011</i>	83	Amendment to insert positions with sub-delegation

**RISK AND OTHER IMPLICATIONS**

**Financial**

A number of delegations provide ability for officers or committees to exercise power to approve tenders or commit funding. These delegations are only provided where within policy and adopted budgets set by Council.

### **Legal**

Section 5.16 of the *Local Government Act 1995* makes provision for local government to delegate some of the powers and duties under the Act to committees, except for 5.17 which precludes some of these powers.

Section 5.42 of the Act makes provision to delegate some powers and duties to the CEO, except for exclusions under section 5.43. The Act also enables the CEO to further delegate these roles to officers, but only to the extent that Council has delegated power to the CEO.

All delegations need to be in writing and this will occur by way of letter signed by the Mayor to the CEO, and by the CEO to officers where delegation has been passed on.

Section 5.18 and section 5.46 (2) of the Act requires that an annual review of delegations to committees and the CEO be undertaken. This report complies with this requirement.

Council is also requested to review the appointments of the Chief Executive Officer and other nominated officers under the provisions of the *Local Government (Miscellaneous Provisions) Act 1960*, *Health Act 1911*, *Strata Titles Act 1985* and the *City Planning Scheme 2005*. The delegation will enable the officers to attend to specific matters for which delegation is possible in those Acts and City Planning Scheme.

### **Operational**

All officers are provided with written notice of their delegation by the Chief Executive Officer and advised of their obligation to declare an interest where they have a conflict of interest. If no alternative officer is delegated to process a matter where delegation exists it will either be the Chief Executive Officer that determines the matter through a recommendation from an appropriate officer, or the matter will be referred to council/committee.

A delegated responsibility does not necessarily need to be determined under delegation on every occasion, however it is generally the case.

### **Organisational**

All delegations can only be exercised within Council Policy or within the requirements of the statutory power originally provided and only within the level of delegation provided by Council.

### **CONCLUSION**

Delegations provide for an effective and efficient delivery of services to the Fremantle community. The recommendations contained in this report ensure that these delegations remain current to Council's structure, policies and procedures.

## STRATEGIC AND POLICY IMPLICATIONS

The requested ongoing delegations assist in administering the strategic direction of Council.

## COMMUNITY ENGAGEMENT

Nil

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

## COMMITTEE AND OFFICER'S RECOMMENDATION/COUNCIL DECISION

**MOVED: Cr J Strachan**

**That Council adopts the amended Delegated Authority Register and delegations listed in this register in accordance the *Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985, Local Planning Scheme, Building Act 2011 and Public Interest Disclosure Act 2003* as attached with the Strategic and General Services Committee agenda for March 2013.**

**SECONDED: Cr D Hume**

**CARRIED: 13/0**

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

**SGS1303-5** Mid year budget review - March 2012

**DataWorks Reference:** 091/014  
**Disclosure of Interest:** Nil  
**Meeting Date:** 13 March 2013  
**Previous Item:** C1207-5  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Alan Carmichael, Manager Finance and Administration  
**Decision Making Authority:** Council  
**Agenda Attachments:** Project timelines for deferred capital works items

### **EXECUTIVE SUMMARY**

**Local Governments are required to undertake a mid-year budget review each year to ensure sound financial management.**

**A review has been undertaken by Directorate and nature/type and the results have been considered by the Senior Management Group. The review has highlighted a number of changes due to various reasons outlined within the report.**

**The budget was originally adopted with an estimated closing municipal cash surplus of \$80,000 and City of Fremantle Trust Fund a Nil position. The adopted opening surplus in the 2012/13 Budget was \$4,352,375 comprising \$2,192,375 from municipal and \$2,160,000 from City of Fremantle Trust Fund. After completion and audit of the financial statement to 30 June 2012, the consolidated opening surplus came in at \$4,063,973 comprising \$2,037,037 from municipal and \$2,026,936 from City of Fremantle Trust Fund. Arising from this finalisation was a municipal deficit of \$155,338 and City of Fremantle Trust Fund deficit of \$133,064 which will all be addressed as part of this review.**

**Resolution SGS1212-10 from the Council meeting of 19 December 2012 reduced the adopted municipal cash surplus by \$15,000 and item PSC1302-27 from the 27 February 2013 Council meeting reduced it by a further \$60,000.**

**The budget review has determined that an estimated consolidated cash surplus to 30 June 2013 is estimated at \$69,975. The surplus is comprised of municipal surplus of \$69,975 and City of Fremantle Trust Fund deficit of Nil. The objective with the budget review has been to ensure the projects being deferred due to timing delays are fully funded for the new budget.**

**Whilst the resolution provided below seeks to shift funding between some areas within a service area, the report information mainly focuses on where a suggested change will affect the outcome of the budget at 30 June, 2013.**

### **BACKGROUND**

**The budget was adopted on 25 July 2012 with a municipal surplus of \$80,000 and City of Fremantle Trust Fund of Nil.**

Each year local governments are required to adopt a budget for the activities and services it will perform in the financial year. The Local Government Act 1995 requires that a review of the budget is to occur once a year for the period ending not earlier than 31 December of that financial year.

The report provides the review for the 2012/2013 adopted budget for the period ending 31 January 2013 and considers how any issues raised may affect the end of year result.

## **COMMENT**

### **City of Fremantle Trust Fund**

The estimated closing funds at 30 June 2013 for the trust fund were Nil as the anticipated repeal of the administering legislation will see the net assets of the trust transferred to the city and the budget provides for the net assets to be transferred to the Investment Reserve. Given the repealing legislation could still go to state parliament in the autumn session of 2013, it is still considered appropriate to assume the trust will be wound up by 30 June 2013. As a consequence, the budget deficit of \$133,064 in opening funds will be offset against other assets of the trust and at this stage it is not considered any value is to be gained by amending the budget assumptions for the amount of net assets to be distributed on winding up of the trust.

The trust has given officers authority to negotiate sale of the Tapper Street freehold properties but at this stage no budget allowance has been made in the budget for any sale prior to 30 June 2013.

### **Nature and Type (Organisational)**

*Employee Costs & Materials and Contracts:* Offsetting variations of approximately \$861,000 have been made between employee costs and materials and contracts to reflect the actual year to date and anticipated actual to 30 June 2013 for agency labour that is used to fill establishment positions. The majority of these changes are a result of vacant positions in the outside workforce that have been difficult to fill, so external labour has been used to ensure the works program is maintained. The adjustment reduces the adopted employee cost budget and increases the adopted materials and contracts budget by equivalent amounts.

*Reallocation of line budgets:* Within some business units self balancing budget variations within specific nature or types have been made to better report and manage the actual expenditures or revenues. In all business units this does not vary the budget by nature or type, but in some instance the budgets by program may vary though they will come to a nil net adjustment.

### **City Management**

#### **Chief Executive Officer**

##### CEO's Office

*Materials and Contracts:* The Kings Square Project has incurred additional contracting and consulting costs than originally allowed for and will require a further \$180,000 to cover these costs. This will provide an additional \$50,000 for the remaining balance of the year to complete contractual arrangements.

### Economic Development and Marketing

*Operating Grants plus Materials & Contracts:* The budget allowed for a \$50,000 grant from Tourism WA and associated expenditure for a marketing campaign. As the grant will not be received the budget is being amended to delete this \$50,000 from both revenue and expenditure.

*Fees & Charges:* Revenue for marketing campaigns has returned more than anticipated so is recommended to be increased from \$126,400 to \$140,000. Revenue for the Fremantle Visitor Centre is down and it is recommended that the budget be reduced by \$116,500.

*Materials & Contracts:* Decrease TV campaign by \$50,000 to \$50,000 due to unsuccessful grant application as highlighted above. Functions have incurred additional expenditure on Christmas decorations and entertainment and the Australia Day events and require an additional \$100,000 in their budget to undertake their planned activities.

An additional \$10,000 has also been added to the donations budget for the purpose of supporting the upcoming visit by the Gyuto Monks.

### Corporate Services

#### Finance

*Operating Grants:* Revisions to the final Grants Commission allocations has provided a decrease of \$52,000 less than originally projected.

*Interest Revenue:* The adopted budget incorrectly allowed for \$85,000 of interest revenue from underground power service charges. That program ceased as of 30 June 2012 and therefore will not be collected this year. As a result this budget is recommended to be reduced by \$85,000 to \$178,000.

#### Property Services

Building maintenance costs are reporting over the year to date budget estimate, but organisationally building maintenance cost are running to budget so no variation to budget is proposed.

#### Parking Services

*Fees & Charges:* Additional parking revenue of \$650,000 has been received as at 30 January, 2013. It is anticipated end of year result will see approximately \$930,000 additional parking revenue. Additional operating expenditure, including payments for lease arrangements plus \$12,000 for a new camera in Queensgate need to be adjusted and will offset some of this additional revenue, but it still produces a net positive



contribution of \$768,750. If this estimate is not achieved by year end the City will automatically draw funds from the Parking Equalisation Reserve to cover any shortfall. This is in accordance with the purpose of the reserve.

### Administration Building

The office on level 1 of the administration building will be modified to make way for some staff to be transferred from the Queensgate building and improve air-conditioning airflow, natural lighting and ventilation around the IT, records and corporate services management areas. An allocation of \$40,000 has been added to the budget for the removal of internal walls and associated electrical and computer cabling.

### Community Safety and Integrated Patrols

*Parking Infringements:* Additional net infringement revenue of \$280,000 is anticipated by year end, after legal costs for outstanding infringements forwarded to the Fines Enforcement Registry (FER).

*Capital Grants:* A final grant payment of \$49,345 has been received for the CCTV program from 2011/2012. This final payment was not provided for in the budget and all capital costs were incurred last financial year, therefore is additional revenue for the current year.

*Materials & Contracts:* Additional budget of \$15,000 for handling abandoned vehicles, \$3,500 for hardware licenses \$40,000 for cleaning and maintenance of CCTV cameras.

*Capital:* \$29,000 for replacement of aged CCTV cameras, installation of micro link and a workstation.

### Rangers

A grant of \$3,335 has been received for implementation of the new Cat act and Council is required to provide matching funding of \$3,500. A grant invoice on emergency risk management that was reversed in 2012/013 has created a deficit of \$9,030.

## **Community Development**

### Fremantle Arts Centre

Net revenue has increased by \$55,000 primarily from summer series events and expenditure has increased by a similar amount. Generally the changes to this area focus more around shifting budgets where the bottom line remains the same.

### Fremantle Leisure Centre

*Fees and Charges:* It is now anticipated that the Leisure Centre pools will close from 1<sup>st</sup> June, 2013 to allow them to be emptied for the commencement of renewal works programmed to commence in July. This will result in the June revenue streams not being achieved. This will result in \$208,715 reduction in revenue.

*Salaries and Wages:* The closure of the pools from June will also result in casual labour costs being reduced by \$102,000.

*Utilities:* Gas and electricity consumption for pool heating will be reduced as a result of the closure of the pools in June. This should see a saving of \$38,349. Therefore the net revenue reduction as a result of the closure will be \$68,366.

Operating expenditure needs to be increased by \$12,500 for increased maintenance costs of equipment (\$10,000) and health club minor assets (\$2,500). In capital expenditure, the replacement of the 25 metre inflatable toy (\$10,000) is deferred and those funds plus another \$10,000 be used to replace the pool blankets. In addition \$5,520 is required for gym equipment which is funded by a reduction in rental costs.

### Library

The actual revenue contribution from the Town of East Fremantle is \$27,000 higher than originally estimated and therefore this budget has been adjusted in this review.

## **Planning Services**

### Planning Projects and Policy

*Contracted Services:* An additional \$30,000 grant has been provided to finalise the on-line heritage register. As a result the City will increase the grant revenue and the related expenditure account. A further \$20,000 has been added for implementation of the plastic bag local law, and \$40,000 for legal fees associated with the Lefroy Road landfill site.

An additional \$15,000 has been added to contracted services for the co-sponsorship of a PhD research student.

### Health, Building and Compliance Services

*Fees & Charges:* Collection of the \$241,000 fine from a planning compliance fine is new revenue, but that is partially offset by lower building application fees.

## **Technical Services**

### Infrastructure Services

*Operating grants & contributions:* The level of private works allowed for in the adopted budget has not eventuated therefore it is considered prudent to reduce both budgets by \$350,000.

## **Capital Program**

### **Road Program**

An extra \$1.46 million is being requested to cover project design changes and new projects. This expenditure is partially funded by cost reductions and deferrals of \$265,315, an increase in MRWA grants of \$443,616 for the McCombe/South Street

intersection works and increased contribution from the Parking Reserve of \$128,841. This leaves an additional \$645,500 required from municipal.

Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure/(Revenue)	Variation to Budget Expenditure/(Revenue)	Revised Budget Expenditure/(Revenue)
Task Number	Task Description			
<b>Roads</b>				
RC0000275	William Street contra flow	73,000	33,000	106,000
RC0000273	South Terrace bike lanes	90,200	30,000	120,200
RC0000287	Phillimore St - Parking for bike lanes	45,000	25,000	70,000
RC0000189	Const Phillimore St - Market St to Cliff	109,943	55,000	164,943
RC0000288	Pensioner Guard car bays	62,000	34,000	96,000
RC0000203	Const Port Beach Rd- Walter Pl to Tydema	32,600	110,000	142,600
62.62100.4211.00.93.0000	Grant Capital State	(1,342,059)	(110,000)	(1,452,059)
RC0000204	Const SUP Train Line - Pearse to Congd	33,633	44,367	78,000
62.62100.4211.00.93.0000	Grant Capital State	(1,452,059)	(24,650)	(1,476,709)
PC0000280	Stage 2 Phillimore St Master Plan	100,000	(77,127)	22,873
PC0000281	Stage 2 Phillimore St Master Plan	119,248	(92,928)	26,320
RC0000289	Carparking Guidance system	300,000	117,000	417,000
90.90000.2273.00.00.14002	Restricted Cash	-	(287,695)	(287,695)
62.62100.3111.00.93.0000	Financial Reserve	(538,841)	170,695	(368,146)

	Transfer from_Capital			
RC0000284	Redevelopment of carpark lighting	55,000	21,000	76,000
62.62100.3111.00.93.0000	Financial Reserve Transfer from_Capital	(368,146)	(21,000)	(389,146)
RC0000294	South Tce - High St - Norfolk St	322,146	142,854	465,000
RC0000187	Const High St - Market St to Cliff St	155,861	35,000	190,861
RC0000191	Const Beach St - Parry St - Peter Hughes	137,314	72,686	210,000
RC0000265	Road resurfacing - Queen St	90,000	(50,000)	40,000
RC0000269	Carrington St East (LeachHwy-McGregorRd)	17,775	29,225	47,000
RC0000270	Carrington St (Watkins St to Gallop St)	17,728	23,272	41,000
RC0000271	Ord St (Finnerty St to Ellen St)	48,632	7,368	56,000
RC0000186	Const Parry St - Queen Vic St to Beac	30,905	36,095	67,000
	Extra works Market St	-	143,000	143,000
62.62100.4214.00.93.0000	Grant Capital Non Govt Organisation	-	(17,000)	(17,000)
RC0000306	Street Vision: Market St/South Tce	150,000	45,000	195,000
RC0000300	Forrest Wilkinson Roundabout SBS	179,700	36,300	216,000
RC0000197	Const SBS - High St / East St- Swanb	20,000	(16,000)	4,000
RC0000266	Letchford	52,000	(40,000)	12,000

	St/Winterfold Rd - Roundabout			
RC0000298	Letchford St/Winterfold Rd - Roundabout	25,000	(7,000)	18,000
RC0000259	Letchford St/Winterfold Rd Roundabout	40,000	155,000	195,000
RC0000258	McCombe Ave/South St Signals	95,000	295,000	390,000
62.62100.4211.00.93.0000	Grant Capital State	(1,476,709)	(291,966)	(1,768,675)
PC0000320	Stirling Highway/ Harvest Rd verge landscape upgrade works	-	20,000	20,000

### Drainage

Additional \$38,500 required for Hampton Road project which can be effectively funded by the deferral of Phillimore Street works (\$38,500).

### Parks

The South Beach Universal Access Ramp that was budgeted for \$120,000 subject to receipt of a matching grant. This project is now being submitted for approval as a fully municipal funded project as no funding source has been identified. With Cantonment Hill it is proposed to spend the \$200,000 endorsed by Council and that is to be funded from the Cantonment Hill Reserve. In addition \$533,100 of projects is recommended for deferral. This is made up of the Fremantle Park eco-zoning of \$333,100 and the Mews Road carpark works for \$200,000.

### Buildings - Infrastructure

New projects of \$85,000 are being requested with \$50,000 of that to be funded by a transfer from the Leisure Centre Upgrade Reserve. In addition there is a \$107,029 saving from the Fremantle Markets drainage project and the proposed deferral of works, primarily Leisure Centre and Leighton Kiosk amounting to \$2,918,983. The Leighton Kiosk was to be loan funded but in view of the deferral it is recommended the \$1,100,000 loan not be raised and the expenditure to date of \$12,284 be funded from municipal sources. The Leisure Centre project works were primarily to be funded from the Sustainability reserve therefore there will be a reduction in the transfer from the reserve that matches the expenditure.

BC0000595	Leisure Centre - lights replacement (New Project)		-	50,000
63.66200.3111.00.97.1200 9	Financial Reserve Transfer from_Capital	(50,000)	(200,000)	(250,000)
BC0000442	Leisure Ctr- Replace 25m inflatable	10,000	12,500	22,500
BC0000591	Bruce Lee Clubrms Floor/toilet Replacemt	10,000	8,000	18,000
BC0000596	Fremantle Bowling Club ceiling/gutter replacement (NEW PROJECT)	-	35,000	35,000
BC0000597	Cantonment Hill buildings assessments	-	50,000	50,000
63.66200.3111.00.97.1200 9	Financial Reserve Transfer from_Capital	(250,000)	(50,000)	(300,000)
BC0000594	Civic Admin building - office fitout (NEW PROJECT))	-	20,000	20,000
BC0000303	Civic Admin Roof Repair -	40,000	(20,000)	20,000
BC0000116	Fremantle Markets - Drainage	393,792	(107,029)	286,763
BQO50003	QUARANTINE - Disability/Genrl Access Upgds	35,000	(35,000)	-
BQO50005	QUARANTINE -RCD compliance & upgrades	10,000	(10,000)	-
BQO50006	QUARANTINE -Fire detection & equipmt	25,000	(25,000)	-
BC-0000601	Arthur Head facility disability	-	35,000	35,000

	upgrade			
BC-0000602	Hilton Upper clubroom RCD for power board	-	10,000	10,000
BC-0000603	Warawee fire detection panel	-	25,000	25,000
<b>Infrastructure Buildings</b>				
BC0000467	Landscap Oceansd pkinds UPGD	350,000	(328,122)	21,878
BC0000468	Landscap Oceansd pkinds NEW	270,000	(248,123)	21,877
BC0000466	Leighton Kiosk Redevelopment RENEW	950,000	(937,716)	12,284
62.26100.2517.00.92.11060	Loans NC External Funded New Loans Raised	(1,100,000)	950,000	(150,000)
BC0000450	Arthur Head Infrastructure works	150,000	(112,913)	37,087
63.66200.3111.00.97.12003	Financial Reserve Transfer from Capital	(220,000)	112,913	(107,087)
BC0000465	Leighton Kiosk Redevelopment UPGD	150,000	(150,000)	-
62.26100.2517.00.92.11060	Loans NC External Funded New Loans Raised	(150,000)	150,000	-
BC0000511	Leisure Ctr-Pool Heat-Detailed Design	24,000	(4,520)	19,480
BC0000512	Leisure Ctr-Pool Heat-Main capital items	970,000	(956,896)	13,104
BC0000518	Leisure Ctr-VSDs-VSDs	60,000	(31,409)	28,591
BC0000519	Leisure Ctr-VSDs-Associated flow meters	17,000	(17,000)	-
BC0000520	Leisure Ctr-Monitor-Full	52,000	(52,000)	-

	proj exc mtrs			
BC0000521	Leisure Ctr-Monitor-Install meters	20,000	(20,000)	-
BC0000513	Leisure Ctr-Pool Heat-Control System	48,000	(48,000)	-
62.35100.3111.00.92.1102 4	Financial Reserve Transfer from_Capital	(1,271,000)	1,129,825	(141,175)

### Buildings - Freehold

New projects of \$70,000 are being requested with \$50,000 of that to be funded by a transfer from the Cantonment Hill Reserve and \$20,000 saving from another project. In addition it is recommended the \$150,000 air conditioning project at Victoria Hall which was to be loan funded be deferred pending potential tenant replacement and further consideration of design.

<b>Freehold Buildings</b>				
BC0000480	Victoria Hall-Air handling	150,000	(150,000)	-
62.26100.2517.00.30.110 52	Loans NC External Funded New Loans Raised	(150,000)	150,000	-
<b>Recurrent costs</b>				
BXO20007	CoF Civic Administration BORE	173,871	19,000	192,871
BXO20085	City Works Whole Building BORE	18,689	26,700	45,389
BXO20091	Round House - Arthur Head BORE	741	31,400	32,141
BXO20242	PublicToilets&Chgrms-LeightonBch BORE	9,397	39,100	48,497
62.25410.4186.00.30.110 08	Revenue Insurance Settlement	-	(19,000)	(19,000)
62.63100.4186.00.97.110 12	Revenue Insurance Settlement	-	(26,700)	(26,700)
63.66200.4186.00.97.120 03	Revenue Insurance Settlement	-	(31,400)	(31,400)
62.26100.4186.00.00.120 53	Revenue Insurance Settlement	-	(39,100)	(39,100)

### Loan Borrowings



Item SGS1209-7 of 26 September 2013 approved a \$330,000 self supporting loan to the Fremantle Workers Club. There is no net impact to the budget as the loan liability amount is offset by an equivalent loan advance.

After reviewing the capital works program it has been identified that the following loan funded projects will not be substantially completed in the financial year therefore it is recommended that the loans not be raised and any minor expenditure incurred or likely to be incurred on the projects is provided from the municipal budget:-

- |                                  |             |
|----------------------------------|-------------|
| • Loan 285 Victoria Hall Upgrade | \$ 150,000  |
| • Loan 287 Leighton Beach Kiosk  | \$1,100,000 |

In addition it is recommended that the below loan also not be raised. If this recommendation is accepted the deferred loan borrowing program could be added back in 2013/2014 without any impact on the long term financial position of the Council.

:-

- |   |           |
|---|-----------|
| • Loan 286 Administration Building HVAC | \$150,000 |
|---|-----------|

### **Transfers to Reserves**

The budget includes a \$2.2 million transfer for the City of Fremantle Trust Fund was previously comment on under the trust heading and it is not intended to vary the estimated amount of the transfer at this review.

The \$3.9 million of sale proceeds from Bannister and Quarry Street properties has also been left unchanged as it is assumed they will be finalised prior to 30 June 2013. No allowance has been included for sale of Point Street or properties from the Kings Square Redevelopment as no sale proceeds are anticipated prior to 30 June 2013.

A \$34,961 transfer to the Leighton Beach Reserve is required after reconciling the specified area rate for 2011/2012, as required by the Local Government Act 1995.

### **Transfers from Reserves**

After review of the works program \$228,841 of new transfers are requested, but project deferrals mean \$1,656,125 of estimated budgeted transfers from reserve are no longer required.

### **Cash-in-Lieu**

The parking guidance system has been implemented and will commence providing live-feed data in the near future. It is recommended the City make use of the cash-in-lieu parking funds to support the implementation of this system. Currently an allocation of \$287,695 can be used for this purpose.

### **Profit/Loss on Sale of Assets**

Allowance has been made for the proposed transfer of the Fred Wright Centre and that is anticipated to produce a \$1,090,000 loss on disposal which represents the current estimated value of the building.

The Leighton Beach kiosk and toilets project has been deferred in the budget review; therefore the budgeted loss on disposal of \$351,978 of the existing facility is being removed as demolition will not occur prior to 30 June 2013.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

The adjustments recommended within this budget review will ensure that the City maintains an operating budget that can be achieved. The estimated cash starting position has been adjusted by the finalisation of the audit and the closing position has changed as a result of this review and still remains as a surplus.

### **Legal**

Section 33A of the Local Government (Financial Management) Regulations 1996 require the following;

*“33A. Review of budget*

*(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*

*(2A) The review of an annual budget for a financial year must —*

*(a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*

*(b) consider the local government’s financial position as at the date of the review; and*

*(c) review the outcomes for the end of that financial year that are forecast in the budget.*

*(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*

*(3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

*(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

### **Operational**

This review has been comprehensive as it was necessary to undertake the review to ensure that we have a realistic prospect to successfully complete the identified projects and works within the revised budgets. In addition attention has been given to try and improve the accuracy of monthly variance reporting by adjusting compensating items like agency labour (charged to materials and contracts) where the budget was in another nature and type.

The net position after this review provides a municipal cash deficit of \$14,430.

### **Organisational**

The review has been completed with recommendation to defer several main projects from the adopted budget to be progressed in the 2013/2014 financial year. In addition a

number of operational and capital projects are recommended to be adjusted to aid better financial management within this year.

## **CONCLUSION**

The budget review for 2012/13 has been a comprehensive review, as can be seen through the number of budget amendments being proposed. The net result of these amendments provide for a consolidated surplus of \$69,975. This takes into account the municipal deficit carry forward balance from 2011/12 audit of \$145,388.

The bottom line for this review has been that parking revenue is above budget estimates by \$930,000. The Visitor Centre budget is in deficit by approximately \$100,000, events will require an additional \$100,000, the Kings Square project will require an additional \$180,000 and capital works projects will require a further \$550,000. Several key projects are deferred until 2012/13 as they will not commence until late June or early July and therefore will not require significant financial support this year. The projects themselves are well advanced in planning so will need to be reconsidered in the next budget.

The key deferrals include;

- Leisure Centre works,
- Esplanade Park Skate Plaza,
- Leighton Beach Kiosk, and
- Ocean Parklands Gardens.

The projects listed above are funded through various reserve accounts or grant funds and will therefore not impact on municipal funding in next year's budget.

## **STRATEGIC AND POLICY IMPLICATIONS**

The budget supports the delivery of strategic outcomes for the City of Fremantle.

## **COMMUNITY ENGAGEMENT**

Nil

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required

## **COMMITTEE AND OFFICER'S RECOMMENDATION**

**MOVED: Cr J Strachan**

**The City of Fremantle budget review for 2012/13, for the period ending 31 January 2013, be received with the following changes being made to the adopted budget of 25 July, 2012;**

**Schedule of Variations for City Management Directorate**

Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
<b>Revenue</b>				
13.13120.4541.00.00.00000	Fee Other	(126,400)	(13,600)	(140,000)
13.13120.4387.00.00.00000	Contrib Oper Donations Sponsorship	(50,000)	50,000	-
13.13150.4521.00.00.00000	Fee Merchandise Sold	(60,000)	20,000	(40,000)
13.13150.4431.00.00.00000	Fee Commission Earned	(270,000)	70,000	(200,000)
13.13150.4411.00.00.00000	Fee Admission or Membership	(30,000)	26,500	(3,500)
13.13100.4541.00.00.00000	Fee Other	-	(14,700)	(14,700)
13.23110.4461.01.30.11050	Fee Hire Rent	(32,000)	(2,500)	(34,500)
<b>Expenditure</b>				
11.11100.6821.00.00.00000	Advertising Promotions	-	5,000	5,000
11.11100.6823.00.00.00000	Contracted Services	12,000	60,000	72,000
11.11100.6824.00.00.00000	Consulting Services	132,000	70,000	202,000
11.11100.6866.00.00.00000	Sundry Services Expenses	26,400	(14,000)	12,400
11.11800.6311.00.00.00000	Printing External	1,460	11,000	12,460
11.11800.6846.00.00.00000	Subscriptions	960	26,335	27,295
25.11800.6846.00.00.00000	Subscriptions	26,335	(26,335)	-
13.13100.6824.00.00.00000	Consulting Services	430,235	50,000	480,235
13.13100.7812.00.00.00000	Entertain Functions Non FBT	4,000	(4,000)	-
13.13100.6881.00.00.00000	Catering Non Employee	16,000	4,000	20,000
13.13120.6821.00.00.00000	Advertising Promotions	407,900	(50,000)	357,900
13.13150.6865.00.00.00000	Sundry Material Expenses	30,000	(30,000)	-
13.13150.6856.00.00.00000	Purchase of Trading Stock	-	30,000	30,000
13.13410.6823.00.00.00000	Contracted Services	228,500	100,000	328,500
13.13410.5961.00.00.00000	Donations and Subsidies	20,000	10,000	30,000
<b>Totals:</b>		<b>767,390</b>	<b>377,700</b>	<b>1,145,090</b>
<b>Net Variation to Budget – Deficit/(Surplus)</b>			<b>377,700</b>	

**Schedule of Variations for Corporate Services Directorate**

Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
<b>Revenue</b>				
25.25110.4311.00.00.18034	Grant Operating State	(1,022,432)	52,000	(970,432)
25.25200.4161.00.00.00000	Interest Earnings Rates Instalment	(263,000)	85,000	(178,000)
25.25200.4581.00.00.00000	Fee Prop Rating	(245,000)	(35,000)	(280,000)
90.90000.2517.00.00.30510	Loan Non Current Liability	-	(330,000)	(330,000)
27.27210.4188.00.00.00000	Revenue Sundry	(2,360)	(32,640)	(35,000)
27.27210.4441.00.00.00000	Fee Fine Penalty	(2,250,000)	(500,000)	(2,750,000)
27.27210.4541.00.00.00000	Fee Other	(3,000)	(15,000)	(18,000)
27.27200.4211.00.00.00000	Grant Capital State	-	(49,435)	(49,435)
27.27100.4561.00.89.10006	Fee Parking	(80,000)	(12,000)	(92,000)
27.27100.4561.00.89.10008	Fee Parking	(160,000)	2,000	(158,000)
27.27100.4561.00.89.10014	Fee Parking	(185,000)	(25,000)	(210,000)
27.27100.4561.00.89.10021	Fee Parking	(95,000)	(27,000)	(122,000)
27.27100.4561.00.89.10023	Fee Parking	(986,000)	(75,000)	(1,061,000)

27.27100.4561.00.89.10025	Fee Parking	(972,000)	(30,000)	(1,002,000)
27.27100.4561.00.89.10026	Fee Parking	(39,000)	(4,000)	(43,000)
27.27100.4561.00.89.10027	Fee Parking	(47,000)	(17,000)	(64,000)
27.27100.4561.01.10.10009	Fee Parking	(367,000)	(77,000)	(444,000)
27.27100.4561.01.20.10005	Fee Parking	(125,000)	(15,000)	(140,000)
27.27100.4561.01.20.10010	Fee Parking	(71,000)	(4,000)	(75,000)
27.27100.4561.01.40.10030	Fee Parking	(250,000)	(114,000)	(364,000)
27.27100.4561.01.40.10031	Fee Parking	(1,720,000)	48,000	(1,672,000)
27.27100.4561.01.91.10001	Fee Parking	(368,000)	8,000	(360,000)
27.27100.4561.01.91.10002	Fee Parking	(175,000)	(52,000)	(227,000)
27.27100.4561.01.91.10003	Fee Parking	(100,000)	(24,000)	(124,000)
27.27100.4561.01.91.10004	Fee Parking	(70,000)	(16,000)	(86,000)
27.27100.4561.01.91.10007	Fee Parking	(606,000)	(69,000)	(675,000)
27.27100.4561.01.91.10011	Fee Parking	(33,000)	2,000	(31,000)
27.27100.4561.01.91.10013	Fee Parking	(33,000)	(3,000)	(36,000)
27.27100.4561.01.91.10015	Fee Parking	(105,000)	(12,000)	(117,000)
27.27100.4561.01.91.10016	Fee Parking	(142,000)	(8,000)	(150,000)
27.27100.4561.01.91.10017	Fee Parking	(31,000)	(6,000)	(37,000)
27.27100.4561.01.91.10018	Fee Parking	(60,000)	(4,000)	(64,000)
27.27100.4561.01.91.10019	Fee Parking	(77,000)	(5,000)	(82,000)
27.27100.4561.01.91.10024	Fee Parking	(80,000)	(19,000)	(99,000)
27.27100.4561.01.91.10029	Fee Parking	(25,000)	(5,000)	(30,000)
27.27100.4561.01.93.00000	Fee Parking	(3,127,000)	(367,000)	(3,494,000)
27.27200.4311.00.00.00000	Grant Operating State	-	(3,335)	(3,335)
27.27200.4214.00.00.00000	Grant Capital Non Govt Organisation	-	9,030	9,030
<b>Expenditure</b>				
25.25200.6823.00.00.00000	Contracted Services	80,000	35,000	115,000
90.90000.1314.00.00.30510	Loan Advance Non Current	-	330,000	330,000
90.90000.3121.00.00.21402	Transfer to Reserve - SAR Leighton Beach	37,237	34,961	72,198
22.22100.6825.00.00.00000	Agency Labour Hire	-	37,000	37,000
24.24100.6825.00.00.00000	Agency Labour Hire	30,000	37,000	67,000
25.25100.6825.00.00.00000	Agency Labour Hire	-	60,000	60,000
25.25200.6825.00.00.00000	Agency Labour Hire	-	18,000	18,000
27.27100.6825.00.00.00000	Agency Labour Hire	30,000	39,000	69,000
22.22100.7111.00.00.00000	Labour Costs Ordinary	639,382	(37,000)	602,382
24.24100.7111.00.00.00000	Labour Costs Ordinary	819,506	(37,000)	782,506
25.25100.7111.00.00.00000	Labour Costs Ordinary	769,044	(60,000)	709,044
25.25200.7111.00.00.00000	Labour Costs Ordinary	216,502	(18,000)	198,502
27.27100.7111.00.00.00000	Labour Costs Ordinary	1,025,616	(39,000)	986,616
27.27210.6311.00.00.00000	Printing External	13,000	7,000	20,000
27.27210.6816.00.00.00000	Legal Expenses	400,000	200,000	600,000
27.27210.6823.00.00.00000	Contracted Services	2,500	58,500	61,000
27.27210.1566.03.62.00000	FurnEquip Capital Expenditure	-	29,000	29,000
27.27100.6161.05.61.00000	FurnEquip Maintenance	-	12,000	12,000
27.27100.6311.00.00.00000	Printing External	50,500	40,000	90,500
27.27100.6818.00.00.00000	Bank Fees	145,000	88,000	233,000
27.27100.6823.00.00.00000	Contracted Services	331,000	(50,000)	281,000
27.27100.6823.00.00.10030	Contracted Services	15,000	(15,000)	-
62.27100.6871.00.89.10006	Lease Rent Land or Building	60,000	9,000	69,000
62.27100.6871.00.89.10021	Lease Rent Land or Building	61,750	17,250	79,000
62.27100.6871.00.89.10023	Lease Rent Land or Building	444,000	33,000	477,000

62.27100.6871.00.89.10025	Lease Rent Land or Building	545,000	17,000	562,000
62.27100.6871.00.89.10026	Lease Rent Land or Building	15,500	1,500	17,000
62.27100.6871.00.89.10027	Lease Rent Land or Building	21,500	8,500	30,000
27.27200.6865.00.00.00000	Sundry Material Expenses	3,500	6,835	10,335
<b>Totals:</b>		<b>(8,159,255)</b>	<b>(886,834)</b>	<b>(9,046,089)</b>
<b>Net Variation to Budget – Deficit/(Surplus)</b>			<b>(886,834)</b>	

**Schedule of Variations for Community Development Directorate**

Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
<b>Revenue</b>				
31.33100.4313.00.00.18022	Grant Operating Other Gov Agency	(55,000)	46,000	(9,000)
36.36100.4382.00.00.00000	Contrib Oper Expense Reimburse	(210,000)	(27,094)	(237,094)
32.32500.4311.00.00.18005	Grant Operating State	(62,400)	26,000	(36,400)
34.34500.4387.00.00.18028	Contrib Oper Donations Sponsorship	-	(15,238)	(15,238)
34.34600.4411.00.00.18054	Fee Admission or Membership	(97,800)	(10,000)	(107,800)
34.34700.4431.00.00.18061	Fee Commission Earned	(75,000)	(10,000)	(85,000)
34.34700.4521.00.00.18081	Fee Merchandise Sold	(75,000)	15,000	(60,000)
34.34700.4461.01.92.18080	Fee Hire Rent	(99,360)	(25,000)	(124,360)
34.34700.4387.00.00.18057	Contrib Oper Donations Sponsorship	-	(10,000)	(10,000)
34.34300.4461.01.92.18028	Fee Hire Rent	(99,360)	99,360	-
34.34300.4521.00.00.18028	Fee Merchandise Sold	(350,000)	350,000	-
34.34300.4541.00.00.18028	Fee Other	(5,000)	5,000	-
34.34700.4461.01.92.18080	Fee Hire Rent	-	(99,360)	(99,360)
34.34700.4521.00.00.18080	Fee Merchandise Sold	-	(350,000)	(350,000)
34.34700.4541.00.00.18080	Fee Other	-	(5,000)	(5,000)
34.34700.4411.00.00.18028	Fee Admission or Membership	(5,000)	5,000	-
34.34700.4461.01.92.11021	Fee Hire Rent	(15,000)	15,000	-
34.34700.4521.00.00.18028	Fee Merchandise Sold	(75,000)	75,000	-
34.34700.4411.00.00.18081	Fee Admission or Membership	-	(5,000)	(5,000)
34.34700.4461.01.92.18081	Fee Hire Rent	-	(15,000)	(15,000)
34.34700.4521.00.00.18081	Fee Merchandise Sold	-	(75,000)	(75,000)
35.35100.4521.00.00.00000	Fee Merchandise Sold	(258,000)	10,000	(248,000)
35.35300.4411.00.00.11024	Fee Admission or Membership	(775,000)	173,715	(601,285)
35.35500.4411.00.00.11024	Fee Admission or Membership	(725,000)	25,000	(700,000)
31.33100.4387.00.00.18022	Contrib Oper Donations Sponsorship	(25,000)	(7,500)	(32,500)
31.33100.4411.00.00.18047	Fee Admission or Membership	(1,000)	(5,200)	(6,200)
32.32400.4461.01.92.11030	Fee Hire Rent	(8,000)	(6,500)	(14,500)

34.34100.4311.00.00.18028	Grant Operating State	(671,244)	(8,300)	(679,544)
34.34500.4521.00.00.18028	Fee Merchandise Sold	(7,000)	(7,900)	(14,900)
34.34600.4411.00.00.18051	Fee Admission or Membership	(115,700)	(9,400)	(125,100)
34.34700.4411.00.00.18061	Fee Admission or Membership	(22,000)	(5,500)	(27,500)
<b>Expenditure</b>				
31.31100.6823.00.00.00000	Contracted Services	20,000	50,000	70,000
32.32100.1566.04.61.18039	FurnEquip Capital Expenditure	25,000	35,000	60,000
32.32100.6823.00.00.18039	Contracted Services	48,000	(35,000)	13,000
31.33100.6823.00.00.18022	Contracted Services	198,000	(30,572)	167,386
31.33100.6821.00.00.18022	Advertising Promotions	33,000	(15,428)	17,572
32.32500.@@@@.00.00.18005	Labour costs and materials budgets	48,048	(26,000)	22,048
22.32500.9121.00.00.00000	Information Technolgy	10,678	10,408	21,086
22.32500.9121.00.00.18003	Information Technolgy	10,678	-	10,678
22.32500.9121.00.00.18005	Information Technolgy	9,167	(2,475)	6,692
22.32500.9121.00.00.18006	Information Technolgy	10,678	(581)	10,097
22.32500.9121.00.00.18007	Information Technolgy	10,678	(383)	10,295
22.32500.9121.00.00.18018	Information Technolgy	11,446	(1,403)	10,043
22.32500.9121.00.00.18048	Information Technolgy	8,399	(5,200)	3,199
22.32500.9121.00.00.18049	Information Technolgy	10,678	1,204	11,882
22.32500.9121.00.00.18071	Information Technolgy	3,222	(1,570)	1,652
22.32500.9122.00.00.00000	Corporate Information Serv	561	815	1,376
22.32500.9122.00.00.18005	Corporate Information Serv	561	(151)	410
22.32500.9122.00.00.18006	Corporate Information Serv	561	(31)	530
22.32500.9122.00.00.18007	Corporate Information Serv	550	(20)	530
22.32500.9122.00.00.18018	Corporate Information Serv	550	(67)	483
22.32500.9122.00.00.18048	Corporate Information Serv	550	(341)	209
22.32500.9122.00.00.18049	Corporate Information Serv	561	63	624
22.32500.9122.00.00.18071	Corporate Information Serv	550	(268)	282
24.32500.9131.00.00.00000	Human Resources	6,343	5,263	11,606
24.32500.9131.00.00.18003	Human Resources	6,343	(1)	6,342
24.32500.9131.00.00.18005	Human Resources	4,273	(1,154)	3,119
24.32500.9131.00.00.18006	Human Resources	6,343	(345)	5,998
24.32500.9131.00.00.18007	Human Resources	6,343	(227)	6,116
24.32500.9131.00.00.18018	Human Resources	7,388	(906)	6,482
24.32500.9131.00.00.18048	Human Resources	3,238	(2,005)	1,233
24.32500.9131.00.00.18049	Human Resources	6,343	715	7,058
24.32500.9131.00.00.18071	Human Resources	2,750	(1,340)	1,410
21.32500.9141.00.00.00000	Service and Information	977	1,443	2,420
21.32500.9141.00.00.18005	Service and Information	977	(264)	713
21.32500.9141.00.00.18006	Service and Information	977	(53)	924
21.32500.9141.00.00.18007	Service and Information	977	(35)	942
21.32500.9141.00.00.18018	Service and Information	977	(120)	857
21.32500.9141.00.00.18048	Service and Information	977	(605)	372
21.32500.9141.00.00.18049	Service and Information	977	110	1,087
21.32500.9141.00.00.18071	Service and Information	977	(476)	501
25.32500.9151.00.00.00000	Finance and Administration	2,512	2,116	4,628
25.32500.9151.00.00.18005	Finance and Administration	1,622	(438)	1,184
25.32500.9151.00.00.18006	Finance and Administration	2,374	(129)	2,245
25.32500.9151.00.00.18007	Finance and Administration	3,277	(117)	3,160
25.32500.9151.00.00.18018	Finance and Administration	3,126	(383)	2,743
25.32500.9151.00.00.18048	Finance and Administration	1,216	(753)	463
25.32500.9151.00.00.18049	Finance and Administration	2,374	268	2,642

25.32500.9151.00.00.18071	Finance and Administration	1,158	(564)	594
34.34500.6311.00.00.18028	Printing External	11,500	(5,000)	6,500
34.34500.6877.00.00.18028	Hire Rent Equip Veh Ext	20,000	(5,000)	15,000
34.34500.6865.00.00.18028	Sundry Material Expenses	23,000	(4,000)	19,000
34.34500.6822.00.00.18028	Contracted Services - Artist	24,800	15,000	39,800
34.34500.6823.00.00.18028	Contracted Services	20,000	14,238	34,238
34.34500.6821.00.00.18073	Advertising Promotions	73,000	(8,000)	65,000
34.34500.6865.00.00.18073	Sundry Material Expenses	21,785	(16,000)	5,785
34.34500.6823.00.00.18073	Contracted Services	122,000	16,000	138,000
34.34500.6881.00.00.18073	Catering Non Employee	2,000	8,000	10,000
34.34600.6823.00.00.18028	Contracted Services	23,000	5,000	28,000
34.34600.6865.00.00.18028	Sundry Material Expenses	17,100	5,000	22,100
34.34700.6856.00.00.18028	Purchase of Trading Stock	145,000	10,000	155,000
34.34700.6823.00.00.18057	Contracted Services	1,500	5,000	6,500
34.34700.6865.00.00.18080	Sundry Material Expenses	5,000	5,000	10,000
34.34700.6822.00.00.18057	Contracted Services - Artist	12,000	10,000	22,000
34.34300.6823.00.00.18028	Contracted Services	85,000	(85,000)	-
22.34300.6835.00.00.00000	Internet Charged to BUs	200	(200)	-
34.34300.6865.00.00.18028	Sundry Material Expenses	5,000	(5,000)	-
34.34300.6877.00.00.18028	Hire Rent Equip Veh Ext	53,000	(53,000)	-
34.34300.6881.00.00.18028	Catering Non Employee	5,000	(5,000)	-
34.34700.6823.00.00.18080	Contracted Services	-	85,000	85,000
22.34700.6835.00.00.00000	Internet Charged to BUs	-	200	200
34.34700.6865.00.00.18080	Sundry Material Expenses	-	5,000	5,000
34.34700.6877.00.00.18080	Hire Rent Equip Veh Ext	-	53,000	53,000
34.34700.6881.00.00.18080	Catering Non Employee	-	5,000	5,000
34.34300.6856.00.00.18028	Purchase of Trading Stock	145,000	(145,000)	-
34.34700.6856.00.00.18028	Purchase of Trading Stock	-	145,000	145,000
22.34300.9121.00.00.00000	Information Technolgy	16,797	(16,797)	-
24.34300.9131.00.00.00000	Human Resources	9,751	(9,751)	-
25.34300.9151.00.00.00000	Finance and Administration	10,008	(10,008)	-
22.34700.9121.00.00.00000	Information Technolgy	-	16,797	16,797
24.34700.9131.00.00.00000	Human Resources	-	9,751	9,751
25.34700.9151.00.00.00000	Finance and Administration	4,611	10,008	14,619
34.34700.6822.00.00.18028	Contracted Services - Artist	5,000	(5,000)	-
34.34700.6823.00.00.18028	Contracted Services	7,500	(7,500)	-
34.34700.6865.00.00.18028	Sundry Material Expenses	2,500	(2,500)	-
34.34700.6877.00.00.18028	Hire Rent Equip Veh Ext	20,000	(20,000)	-
34.34700.6822.00.00.18081	Contracted Services - Artist	-	5,000	5,000
34.34700.6823.00.00.18081	Contracted Services	-	7,500	7,500
34.34700.6865.00.00.18081	Sundry Material Expenses	-	2,500	2,500
34.34700.6877.00.00.18081	Hire Rent Equip Veh Ext	-	20,000	20,000
35.35200.6855.00.00.00000	Minor Assets under \$1,000	7,500	2,500	10,000
35.35500.6161.02.61.00000	FurnEquip Maintenance	80,000	10,000	90,000
35..35____.7111.00.00.00000	Labour costs	-	6,105	6,105
35.35200.6823.03.62.00000	Contracted Services - Capital Works - New Computer Hardware	-	2,723	2,723
35.35200.1566.04.61.00000	FurnEquip Capital Expenditure - Re-New Re- Furbishment	-	5,520	5,520
35.35100.7111.00.00.00000	Labour Costs Ordinary	447,031	(32,000)	415,031
35.35300.7111.00.00.00000	Labour Costs Ordinary	427,029	(35,000)	392,029
35.35500.7111.00.00.00000	Labour Costs Ordinary	558,037	(35,000)	523,037
35.35200.6874.00.00.00000	Lease Operating	45,000	(8,000)	37,000
62.35100.5821.01.92.11024	Electricity Consumption	118,349	(18,349)	100,000
62.35100.5822.01.92.11024	Gas Consumption	170,000	(20,000)	150,000



<b>Totals:</b>		(550,911)	59,820	(491,133)
<b>Net Variation to Budget – Deficit/(Surplus)</b>			59,820	
<b>Schedule of Variations for Planning Services Directorate</b>				
Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
<b>Revenue</b>				
54.52110.4441.00.00.00000	Fee Fine Penalty	(25,500)	(241,000)	(265,500)
54.52200.4481.00.00.00000	Fee License or Permit	(270,000)	60,000	(210,000)
54.52310.4481.00.00.00000	Fee License or Permit	(290,000)	(20,000)	(310,000)
54.52310.4541.00.00.00000	Fee Other	(10,000)	(5,000)	(15,000)
54.52310.4581.00.00.00000	Fee Prop Rating	(65,000)	(10,000)	(75,000)
53.53130.4313.00.00.00000	Grant Operating Other Gov Agency	-	(30,000)	(30,000)
<b>Expenditure</b>				
54.52110.6816.00.00.00000	Legal Expenses	115,000	25,000	140,000
52.52100.7111.00.00.00000	Labour Costs Ordinary	914,040	(104,421)	809,619
52.52100.7141.00.00.00000	Leave Accrual Annual Leave	90,010	(11,042)	78,968
52.52100.7143.00.00.00000	Superannuation COF	110,040	(9,992)	100,048
52.52100.7144.00.00.00000	WorkersComp Prem Recovery	17,996	(2,039)	15,957
54.52200.7111.00.00.00000	Labour Costs Ordinary	229,046	104,421	333,467
54.52200.7141.00.00.00000	Leave Accrual Annual Leave	31,020	11,042	42,062
54.52200.7143.00.00.00000	Superannuation COF	26,768	9,992	36,760
54.52200.7144.00.00.00000	WorkersComp Prem Recovery	4,628	2,039	6,667
53.53110.6816.00.00.00000	Legal Expenses	25,000	40,000	65,000
53.53110.6823.00.00.00000	Contracted Services	267,960	(70,000)	197,960
53.53130.4212.00.00.00000	Grant Capital Federal	-	30,000	30,000
53.53130.6824.00.00.00000	Consulting Services	40,000	30,000	70,000
53.53100.6823.00.00.00000	Contracted Services	100,000	20,000	120,000
51.51100.6823.00.00.00000	Contracted Services	-	15,000	15,000
<b>Totals:</b>		1,311,008	(156,000)	1,156,008
<b>Net Variation to Budget – Deficit/(Surplus)</b>			(156,000)	
<b>Schedule of Variations for Technical Services Directorate</b>				
Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
<b>Revenue</b>				
62.25410.2517.00.30.11008	Loans NC External Funded New Loans Raised	(150,000)	150,000	-
63.67120.4188.00.52.18031	Revenue Sundry	(5,000)	(5,700)	(10,700)
<b>Expenditure</b>				
62.62100.6825.00.00.00000	Agency Labour Hire	-	90,000	90,000
63.66200.6825.00.00.00000	Agency Labour Hire	-	70,000	70,000

62.62100.7111.00.00.00000	Labour Costs Ordinary	1,301,362	(90,000)	1,211,362
63.66200.7111.00.00.00000	Labour Costs Ordinary	403,350	(70,000)	333,350
62.62100.7111.00.00.18082	Labour Costs Ordinary	-	7,400	7,400
62.62100.7143.00.00.18082	Superannuation COF	-	600	600
61.61100.6823.00.00.00000	Contracted Services	40,000	10,500	50,500
<b>Totals:</b>		<b>1,589,712</b>	<b>162,800</b>	<b>1,752,512</b>
<b>Net Variation to Budget - Deficit/(Surplus)</b>			<b>162,800</b>	

**Schedule of Variations for Works and Assets Projects with related Funding Activities**

Account String (Budget amount refers to this account)	Budget Category/Sub Category	Existing Budget Expenditure /(Revenue)	Variation to Budget Expenditure /(Revenue)	Revised Budget Expenditure /(Revenue)
Task Number	Task Description			
<b>Roads</b>				
RC0000275	William Street contra flow	73,000	33,000	106,000
RC0000273	South Terrace bike lanes	90,200	30,000	120,200
RC0000287	Phillimore St - Parking for bike lanes	45,000	25,000	70,000
RC0000189	Const Phillimore St - Market St to Cliff	109,943	55,000	164,943
RC0000288	Pensioner Guard car bays	62,000	34,000	96,000
RC0000203	Const Port Beach Rd- Walter Pl to Tydema	32,600	110,000	142,600
62.62100.4211.00.93.00000	Grant Capital State	(1,342,059)	(110,000)	(1,452,059)
RC0000204	Const SUP Train Line - Pearse to Congd	33,633	44,367	78,000
62.62100.4211.00.93.00000	Grant Capital State	(1,452,059)	(24,650)	(1,476,709)
PC0000280	Stage 2 Phillimore St Master Plan	100,000	(77,127)	22,873
PC0000281	Stage 2 Phillimore St Master Plan	119,248	(92,928)	26,320
RC0000289	Carparking Guidance system	300,000	117,000	417,000
90.90000.2273.00.00.14002	Restricted Cash	-	(287,695)	(287,695)
62.62100.3111.00.93.00000	Financial Reserve Transfer from Capital	(538,841)	170,695	(368,146)
RC0000284	Redevelopment of carpark lighting	55,000	21,000	76,000
62.62100.3111.00.93.00000	Financial Reserve Transfer from Capital	(368,146)	(21,000)	(389,146)
RC0000294	South Tce - High St - Norfolk St	322,146	142,854	465,000
RC0000187	Const High St - Market St to Cliff St	155,861	35,000	190,861
RC0000191	Const Beach St - Parry St - Peter Hughes	137,314	72,686	210,000
RC0000265	Road resurfacing - Queen St	90,000	(50,000)	40,000
RC0000269	Carrington St East (LeachHwy-McGregorRd)	17,775	29,225	47,000
RC0000270	Carrington St (Watkins St to Gallop St)	17,728	23,272	41,000

RC0000271	Ord St (Finnerty St to Ellen St)	48,632	7,368	56,000
RC0000186	Const Parry St - Queen Vic St to Beac	30,905	36,095	67,000
	Extra works Market St	-	143,000	143,000
62.62100.4214.00.93.00000	Grant Capital Non Govt Organisation	-	(17,000)	(17,000)
RC0000306	Street Vision: Market St/South Tce	150,000	45,000	195,000
RC0000300	Forrest Wilkinson Roundabout SBS	179,700	36,300	216,000
RC0000197	Const SBS - High St / East St- Swanb	20,000	(16,000)	4,000
RC0000266	Letchford St/Winterfold Rd - Roundabout	52,000	(40,000)	12,000
RC0000298	Letchford St/Winterfold Rd - Roundabout	25,000	(7,000)	18,000
RC0000259	Letchford St/Winterfold Rd Roundabout	40,000	155,000	195,000
RC0000258	McCombe Ave/South St Signals	95,000	295,000	390,000
62.62100.4211.00.93.00000	Grant Capital State	(1,476,709)	(291,966)	(1,768,675)
PC0000320	Stirling Highway/ Harvest Rd verge landscape upgrade works	-	20,000	20,000
	Drains			
DC0000108	73 Hampton Rd (Renew)	40,000	38,500	78,500
DC0000112	Phillimore St Main Drain and CBD Disc	50,000	(38,500)	11,500
	Parks			
PC0000301	EcoZone Projects Frem Stage 1 (Renew)	175,000	(174,100)	900
PC0000279	Stg 2 Mews Rd, Esp Pk & Marine Tce extn	250,000	(200,000)	50,000
PC0000292	South Beach Universal Access Ramp, progr	120,000	(100,000)	20,000
63.66200.4211.00.97.12061	Grant Capital State	(120,000)	120,000	-
PC0000270	Harvey Beach river wall reconstruction	175,000	(155,000)	20,000
63.66200.4211.00.97.12047	Grant Capital State	(175,000)	175,000	-
PC0000266	Cantonment Hill - Masterplan Stg 1	50,000	200,000	250,000
63.66200.3111.00.97.12009	Financial Reserve Transfer from Capital	(50,000)	(200,000)	(250,000)
PC0000321	South Beach basketball court works	-	55,000	55,000
PC0000296	Playground Renewal - general	75,000	(20,000)	55,000
	Buildings			
BC0000595	Leisure Centre - lights replacement (New Project)	-	50,000	50,000
62.35100.3111.00.92.11024	Financial Reserve Transfer from Capital	(1,271,000)	(50,000)	(1,321,000)
BC0000442	Leisure Ctr-Replace 25m inflatable	10,000	12,500	22,500
BC0000591	Bruce Lee Clubrms Floor/toilet Replacemt	10,000	8,000	18,000

BC0000596	Fremantle Bowling Club ceiling/gutter replacement (NEW PROJECT)	-	35,000	35,000
BC0000597	Cantonment Hill buildings assessments	-	50,000	50,000
63.66200.3111.00.97.12009	Financial Reserve Transfer from Capital	(250,000)	(50,000)	(300,000)
BC0000594	Civic Admin building - office fitout (NEW PROJECT)	-	40,000	40,000
BC0000594	Civic Admin building - office fitout (NEW PROJECT)	-	20,000	20,000
BC0000303	Civic Admin Roof Repair -	40,000	(20,000)	20,000
BC0000116	Fremantle Markets - Drainage	393,792	(107,029)	286,763
BQO50003	QUARANTINE-Disability/Genrl Access Upgds	35,000	(35,000)	-
BQO50005	QUARANTINE-RCD compliance & upgrades	10,000	(10,000)	-
BQO50006	QUARANTINE-Fire detection & equipmt	25,000	(25,000)	-
BC-0000601	Arthur Head facility disability upgrade	-	35,000	35,000
BC-0000602	Hilton Upper clubroom RCD for power board	-	10,000	10,000
BC-0000603	Warawee fire detection panel	-	25,000	25,000
<b>Parks</b>				
PC0000181	Esplanade Park Development	600,000	(526,300)	73,700
63.66200.3111.00.97.12018	Financial Reserve Transfer from Capital	(600,000)	526,300	(73,700)
PC0000276	Redevelop Bathers Bch & Arthur Head	75,000	(70,000)	5,000
<b>Infrastructure Buildings</b>				
BC0000467	Landscp Oceansd pklnds UPGD	350,000	(328,122)	21,878
BC0000468	Landscp Oceansd pklnds New	270,000	(248,123)	21,877
90.90000.3121.00.00.219XX	Financial Reserve Transfer To	-	576,245	576,245
BC0000466	Leighton Kiosk Redevpmt RENEW	950,000	(937,716)	12,284
62.26100.2517.00.92.11060	Loans NC External Funded New Loans Raised	(1,100,000)	950,000	(150,000)
BC0000450	Arthur Head Infrastructure works	150,000	(50,000)	100,000
BC0000465	Leighton Kiosk Redevpmt UPGD	150,000	(150,000)	-
62.26100.2517.00.92.11060	Loans NC External Funded New Loans Raised	(150,000)	150,000	-
BC0000511	Leisure Ctr-Pool Heat-Detailed Design	24,000	(4,520)	19,480
BC0000512	Leisure Ctr-Pool Heat-Main capital items	970,000	(956,896)	13,104
BC0000518	Leisure Ctr-VSDs-VSDs	60,000	(31,409)	28,591

BC0000519	Leisure Ctr-VSDs-Associated flow meters	17,000	(17,000)	-
BC0000520	Leisure Ctr-Monitor-Full proj exc mtrs	52,000	(52,000)	-
BC0000521	Leisure Ctr-Monitor-Install meters	20,000	(20,000)	-
BC0000513	Leisure Ctr-Pool Heat-Control System	48,000	(48,000)	-
62.35100.3111.00.92.11024	Financial Reserve Transfer from Capital	(1,271,000)	1,129,825	(141,175)
<b>Freehold Buildings</b>				
BC0000480	Victoria Hall-Air handling	150,000	(150,000)	-
62.26100.2517.00.30.11052	Loans NC External Funded New Loans Raised	(150,000)	150,000	-
<b>Recurrent costs</b>				
BXO20007	CoF Civic Administration	173,871	19,000	192,871
BXO20085	City Works Whole Building	18,689	26,700	45,389
BXO20091	Round House - Arthur Head	741	31,400	32,141
BXO20242	PublicToilets&Chgrms-LeightonBch	9,397	39,100	48,497
62.25410.4186.00.30.11008	Rev Insurance Settlement	-	(19,000)	(19,000)
62.63100.4186.00.97.11012	Rev Insurance Settlement	-	(26,700)	(26,700)
63.66200.4186.00.97.12003	Rev Insurance Settlement	-	(31,400)	(31,400)
62.26100.4186.00.00.12053	Rev Insurance Settlement	-	(39,100)	(39,100)
<b>Private Works</b>				
IXG60004	NonCOF-64210IOPW	269,040	(230,000)	39,040
63.64210.4388.06.89.00000	Contrib Oper Reinstate Private Works	(50,000)	230,000	180,000
<b>Totals:</b>				
		(2,145,599)	227,151	(1,918,448)
<b>Net Variation to Budget – Deficit/(Surplus)</b>				
			227,151	
<b>Net Variation to Budget Review – Deficit/(Surplus)</b>				
			(215,363)	
<b>Add Budget Deficit/(Surplus) after Audit</b>				
			145,338	
<b>CURRENT BUDGET DEFICIT/(SURPLUS)</b>				
			(69,975)	

**CARRIED: 5/0**

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

**COUNCIL DECISION**

**MOVED: Cr J Strachan**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 13/0**

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

The following item number **SGS1303-6** was **MOVED** and carried en bloc earlier in the meeting.

**SGS1303-6** Interim Change to Fees and Charges during Swimming Pool Construction Period - Leisure Centre

**DataWorks Reference:** 156/005; Fremantle Leisure Centre  
**Disclosure of Interest:** Nil  
**Meeting Date:** 13 March 2013  
**Previous Item:** Nil  
**Responsible Officer:** Marisa Spaziani, Director Community Development  
**Actioning Officer:** John East, Leisure Centre Manager  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

### EXECUTIVE SUMMARY

In January 2013 the City was successful in obtaining a grant from the Department of Sport and Recreation for one million dollars for an upgrade to the existing swimming pools and surrounds. The City's contribution to the project is two million dollars. The preparation of the swimming pools and construction period is estimated to take 6 months. During this period the gym and some group fitness classes will remain operating, while the rest of the services will not be available. The current membership fee entitles members to use the following services – gym/swimming pool /group fitness classes and crèche. It is recommended that a new fee be established during the construction period and an amendment to the current fees and charges offering a one month membership at the direct debit fee up to 31 May 2013.

### BACKGROUND

The 2012/13 leisure centre health and fitness membership fees and charges as adopted by Council in July 2012:

Table 1

Health and fitness memberships				
Types of memberships	Cost – Full membership	Concession	Off peak	Youth (14 – 17 years)
Establishment fee	\$39.00	\$39.00	\$39.00	\$39.00
Direct debit (minimum 3 month term)	\$60.00	\$52.00	\$45.00	\$45.00
1 month (paid in full)	\$119.00	N/A	N/A	N/A
6 month (paid in full)	\$390.00	\$338.00	\$292.50	\$292.50
12 month (paid in full)	\$660.00	\$572.00	\$495.00	\$495.00

**Full membership** – Full access to all facilities and programs (excluding swim school).

**Concession** – Full access to all facilities and programs (excluding swim school) must be eligible concession card holder

**Of peak** – Access restricted to 11am to 4pm Monday to Friday.

## COMMENT

With the closure of the swimming pools and the gym remaining open, the current membership fees need to reflect the reduction in services that are offered. It is recommended that new fees be adopted to allow memberships to be renewed and purchased pre-construction and during construction.

Membership renewal for up front members that expire before 31May 2013:

Table 2

Health and fitness memberships					
Types of memberships	Cost – Full membership	Concession	Off peak	Youth (14 – 17 years)	
Establishment fee	N/A	N/A	N/A	N/A	Not applicable as there is no administrative task required
1 month (paid in full)	\$60.00	\$52.00	\$45.00	\$45.00	Same as current direct debit fee

New membership fee during construction – Gym Only discounted by 50% from direct debit fee:

Table 3

Health and fitness memberships					
Types of memberships	Cost – Full membership	Concession	Off peak	Youth (14 – 17 years)	
Establishment fee	N/A	N/A	N/A	N/A	Not applicable as there is no administrative task required
Gym only (includes access to group fitness) Term 1 month	\$30.00	\$26.00	N/A	N/A	

Members on direct debit option that don't expiry before May 31, last payment will be set in April, therefore expiring in May then if they choose to continue their membership they would purchase a Gym only membership (term 1 month).

Memberships also to be calculated on pro-rata basis if a member is expiring less than 1 month before 31 May 2013.

## RISK AND OTHER IMPLICATIONS

### Financial

Reduction in revenue (estimate \$300,000).



**Legal**

Nil

**Operational**

Savings in operational budgets labour/utilities (estimate \$300,000).

**Organisational**

Nil

**CONCLUSION**

It is important that members feel that they are being fairly treated and getting value for money. Management believes that many members will go elsewhere during this period. Offering a fair competitive fee will help retain some of our members.

**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**

**New fees for memberships that expire before 31 May 2013 as outlined in Table 2 and new gym only fee schedule as per Table 3 are adopted in accordance to the Local Government Act 1995:**

**Table 2**

<b>Health and fitness memberships</b>					
<b>Types of memberships</b>	<b>Cost – Full membership</b>	<b>Concession</b>	<b>Off peak</b>	<b>Youth (14 – 17 years)</b>	
<b>Establishment fee</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>Not applicable as there is no administrative task required</b>
<b>1 month (paid in full)</b>	<b>\$60.00</b>	<b>\$52.00</b>	<b>\$45.00</b>	<b>\$45.00</b>	<b>Same as current direct debit fee</b>

**Table 3**

<b>Health and fitness memberships</b>					
---------------------------------------	--	--	--	--	--

Types of memberships	Cost – Full membership	Concession	Off peak	Youth (14 – 17 years)	
<b>Establishment fee</b>	N/A	N/A	N/A	N/A	Not applicable as there is no administrative task required
<b>Gym only</b> (includes access to group fitness) <b>Term 1 month</b>	<b>\$30.00</b>	<b>\$26.00</b>	N/A	N/A	

**SECONDED: Cr D Hume**

**CARRIED: 12/0**

For	Against
Mayor, Brad Pettitt Cr Jon Strachan Cr David Hume Cr Rachel Pemberton Cr Robert Fittock Cr Tim Grey-Smith Cr Ingrid Waltham Cr Sam Wainwright Cr Bill Massie 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

**C1303-01** Monthly Financial Report - February 2013

<b>DataWorks Reference:</b>	087/002
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	Council 27 March 2013
<b>Previous Item:</b>	C1302-2 of 27 February 2013
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Alan Carmichael, Manager Finance and 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 28 February 2013</li><li>2. Statement of Financial Position to 28 February 2013</li><li>3. Determination of Closing Funds (Net Current Assets) to 28 February 2013</li><li>4. Schedule of Accounts Paid February 2013</li><li>5. Investment Report to 28 February 2013</li><li>6. Debtors Outstanding as at 28 February 2013</li><li>7. Payment Report for February 2013 (<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. Item SGS1212-10 on 19 December 2012 for the Local Government Reform Survey resulted in the surplus being reduced to \$65,000 and item PSC1302-27 on 27 February 2013 for the Kings Square project design competition then reduced the surplus to \$5,000.

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**

As the mid-year budget review item is included with this agenda this monthly report is only provided to reference the monthly attachments.

## **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 28 February 2013, be received.**

**SECONDED: Cr B Massie**

**CARRIED: 13/0**

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

ATTACHMENT 1 - Statement of Financial Activity by Nature to 28 February 2013



Statement of Financial Activity  
by Nature & Type  
for the period ended 28th February 2013

Description	2012/2013 YTD Actual \$	2012/2013 YTD Budget \$	2012/2013 Revised Budget \$	2012/2013 Adopted Budget \$	Variance Budget to Actual YTD
<b>REVENUE</b>					
Rates (excluding Annual Levy)	-	-	-	-	
Service Charges (Underground Power)	-	-	-	-	
Operating Grants, Subsidies and Contributions	(3,094,118)	(3,356,839)	(4,812,974)	(4,682,289)	(7.83%)
Capital Grants and Subsidies/Contributions for the development of Assets	(1,496,527)	(985,819)	(2,165,122)	(2,141,351)	51.81%
Fees and Charges	(18,089,560)	(17,083,726)	(24,563,187)	(24,563,187)	5.89%
Interest Earnings	(1,296,379)	(1,470,868)	(2,140,134)	(2,140,134)	(11.86%)
Profit on Sale of Assets	-	-	(100,000)	(100,000)	
Other Revenue	(230,145)	(93,062)	(183,182)	(183,182)	147.30%
	<u>(24,205,730)</u>	<u>(22,990,314)</u>	<u>(33,964,599)</u>	<u>(33,810,143)</u>	5.29%
<b>EXPENSES</b>					
Employee Costs	20,044,468	21,161,692	31,690,561	31,690,561	(5.28%)
Materials and Contracts	14,399,172	14,982,195	21,232,469	21,051,784	(3.89%)
Depreciation on Non Current Assets	6,101,125	5,987,816	8,978,014	8,978,014	1.89%
Interest Expenses	275,631	275,969	528,113	528,113	(0.12%)
Utility Charges (gas, electricity, water)	1,041,018	1,291,777	2,110,975	2,110,975	(19.41%)
Loss on Sale of Assets	5,096	39,764	471,952	471,952	(87.18%)
Insurance Expenses	761,027	495,816	716,554	716,554	53.49%
Other Expenditure	1,067,314	1,146,332	1,531,803	1,506,803	(8.89%)
	<u>43,694,852</u>	<u>45,381,361</u>	<u>67,260,441</u>	<u>67,054,756</u>	(3.72%)
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
Profit/(Loss) on Asset Disposals	(5,096)	(39,764)	(371,952)	(371,952)	(87.18%)
Depreciation on Assets	(6,101,125)	(5,987,816)	(8,978,014)	(8,978,014)	1.89%
Acquisition of Assets					
Impairment of Assets					
<b>Capital Expenditure and Revenue</b>					
Purchase Land and Buildings - Freehold	419,228	867,048	1,072,790	1,072,790	(51.85%)
Purchase Land and Buildings - Investment	19,746	87,300	123,300	123,300	(77.38%)
Purchase Infrastructure Assets - Roads	2,903,715	2,486,500	3,471,581	3,471,581	16.78%
Purchase Infrastructure Assets - Footpaths	178,262	206,439	298,322	298,322	(13.65%)
Purchase Infrastructure Assets - Parks	474,322	1,911,982	2,853,771	2,840,000	(75.19%)
Purchase Infrastructure Assets - Drains	171,727	280,000	409,980	409,980	(38.67%)
Purchase Infrastructure Assets - Land & Buildings	829,025	3,641,809	5,386,022	5,386,022	(77.24%)
Purchase Vehicles & Heavy Plant	59,964	639,680	1,059,680	1,059,680	(90.63%)
Purchase Furniture and Plant & Equipment	204,743	185,032	175,032	185,032	24.06%
Purchase Art Collection	9,455	9,500	18,000	18,000	(0.48%)
Purchase Intangible Assets	24,919	15,087	15,087	15,087	85.17%
Proceeds from Disposal of Assets	(25,453)	(112,450)	(4,697,450)	(4,697,450)	(77.36%)
Repayment of Debentures	1,214,421	1,214,421	1,596,419	1,596,419	0.00%
Investment in Managed Funds	170,541	210,000	(7,100,000)	(7,100,000)	(18.79%)
Proceeds from New Debentures	(330,000)	-	(2,050,000)	(2,050,000)	
Self-Supporting Loan Principal Income	(184,227)	(166,031)	(179,447)	(179,447)	(1.09%)
New Loan Advances	330,000	-	-	-	
Transfers to Reserves (Restricted Assets)	2,132,142	8,204,207	27,704,207	27,704,207	(74.01%)
Transfers from Reserves (Restricted Assets)	(55,622)	(55,622)	(15,664,991)	(15,664,991)	0.00%
	<u>8,566,909</u>	<u>19,604,902</u>	<u>14,492,303</u>	<u>14,468,532</u>	(56.30%)
ADD Estimated (Surplus)/Deficit July 1 B/Fwd	(4,063,973)	(4,352,375)	(4,352,375)	(4,352,375)	(8.63%)
LESS Estimated (Surplus)/Deficit June 30 C/Fwd	(16,078,380)	(2,363,438)	(5,000)	(80,000)	580.30%
<b>Amount Raised from Rates</b>	<u>33,963,216</u>	<u>33,979,432</u>	<u>34,090,804</u>	<u>34,090,804</u>	(0.05%)
<b>System Rates</b>	<u>(33,963,216)</u>	<u>(33,979,432)</u>	<u>(34,090,804)</u>	<u>(34,090,804)</u>	

**ATTACHMENT 2 - Statement of Financial Position to 28 February 2013**



**City of Fremantle**  
**Statement of Financial Position - Consolidated**  
**as at 28th February 2013**

<i>Description</i>	<i>Note</i>	<i>Current Month</i>	<i>Actual YTD</i>	<i>Audited 2011/2012</i>
<b>CURRENT ASSETS</b>				
Cash and Cash Equivalents		305,017	31,505,623	18,691,792
Investments		4,513	1,089,678	3,487,881
Trade and Other Receivables		(2,394,662)	6,428,849	2,527,933
Inventories		2,582	193,030	185,961
<b>TOTAL CURRENT ASSETS</b>		<b>(2,082,550)</b>	<b>39,217,180</b>	<b>24,893,567</b>
<b>NON-CURRENT ASSETS</b>				
Other Receivables		(14,224)	1,275,728	1,003,700
Investments		-	9,543,978	9,373,437
Property, Plant and Equipment		(39,966)	134,850,615	135,158,869
Investment Property		(2,782)	56,036,535	56,125,000
Intangibles		(8,629)	521,367	734,842
Infrastructure		209,160	198,538,710	198,765,083
<b>TOTAL NON-CURRENT ASSETS</b>		<b>143,560</b>	<b>400,766,933</b>	<b>401,160,931</b>
<b>TOTAL ASSETS</b>		<b>(1,938,990)</b>	<b>439,984,112</b>	<b>426,054,498</b>
<b>CURRENT LIABILITIES</b>				
Trade and Other Payables		(735,317)	(7,700,260)	(7,211,003)
Long Term Borrowings		-	(381,998)	(1,596,419)
Provisions		(10,608)	(5,035,706)	(5,174,232)
<b>TOTAL CURRENT LIABILITIES</b>		<b>(745,924)</b>	<b>(13,117,964)</b>	<b>(13,981,653)</b>
<b>NON-CURRENT LIABILITIES</b>				
Long Term Borrowings		-	(8,650,744)	(8,320,744)
Provisions		-	(757,338)	(757,338)
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>-</b>	<b>(9,408,082)</b>	<b>(9,078,082)</b>
<b>TOTAL LIABILITIES</b>		<b>(745,924)</b>	<b>(22,526,046)</b>	<b>(23,059,735)</b>
<b>NET ASSETS</b>		<b>(2,684,914)</b>	<b>417,458,067</b>	<b>402,994,763</b>
<b>EQUITY</b>				
Retained Surplus		-	(150,039,326)	(150,382,847)
Reserves - Cash/Investment Backed		-	(10,102,727)	(8,026,208)
Reserves - Asset Revaluation		-	(242,840,920)	(242,840,920)
Net Result (YTD Current Year)		2,684,914	(14,475,094)	(1,744,789)
<b>TOTAL EQUITY</b>		<b>2,684,914</b>	<b>(417,458,067)</b>	<b>(402,994,763)</b>

This statement is to be read in conjunction with the accompanying notes

**ATTACHMENT 3 - Determination of Closing Funds Net Current Assets as at 28<sup>th</sup> February 2013**



**City of Fremantle**  
Determination of Closing Funds  
Net Current Assets  
as at 28th February 2013

<i>Description</i>	<i>Current Month</i>	<i>Actual YTD</i>
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	288,831	20,578,864
Cash - Restricted	20,699	12,016,437
Trade and Other Receivables	(2,394,662)	6,428,849
Inventories	2,582	193,030
<b>TOTAL CURRENT ASSETS</b>	<b>(2,082,550)</b>	<b>39,217,180</b>
<b>CURRENT LIABILITIES</b>		
Trade and Other Payables	(735,317)	(7,700,260)
Long Term Borrowings	-	(381,998)
Provisions	(10,608)	(5,035,706)
<b>TOTAL CURRENT LIABILITIES</b>	<b>(745,924)</b>	<b>(13,117,964)</b>
<b>NET CURRENT ASSETS</b>	<b>(2,828,474)</b>	<b>26,099,216</b>
<b>ADD</b>		
Loan Repayments (Current)	-	381,998
Non Current Rates Debtors	(14,224)	290,582
Lease Amortisation - Freo Markets	-	12,964
<b>LESS</b>		
Cash - Reserves - Restricted	-	(10,102,727)
Non Current Leave Provisions	-	(585,238)
Loan Advances	-	(18,415)
<b>CLOSING FUNDS POSITION</b>	<b>(2,842,698)</b>	<b>16,078,380</b>



**ATTACHMENT 4 - Schedule of Accounts Submitted to Ordinary Council Meeting  
February 2013 Payments**

SCHEDULE OF ACCOUNTS SUBMITTED TO ORDINARY COUNCIL MEETING			
FEBRUARY 2013 PAYMENTS			
MUNICIPAL FUND			
Identifier	In Favour of	Comments-Details	Amount
EF036267-EF037137	Various Creditors	As Per Attached List	\$ 3,934,849.21
DD000274-DD000279			\$ 5,181.86
DD000710-DD000723			\$ 23,167.41
Chq 026891-207060			\$ 238,552.98
34188164	Wages 07/02/2013	Employee Payroll	\$ 144,096.07
3433692	Salaries 13/02/2013	Employee Payroll	\$ 617,880.77
34569010	Wages 21/02/2013	Employee Payroll	\$ 125,358.66
34730967	Salaries 27/02/2013	Employee Payroll	\$ 613,046.05
			\$ 5,702,133.01
TRUST FUND			
Identifier	In Favour Of	Comments	Amount
Nil	N/A	N/A	\$ -
			\$ -
RESERVE FUND			
Identifier	In Favour Of	Comments	Amount
Nil	N/A	N/A	\$ -
			\$ -
INVESTMENT TRUST			
Identifier	In Favour Of	Comments	Amount
Nil	N/A	N/A	\$ -
			\$ -
PROFESSIONAL FUNDS ACCOUNT			
Identifier	In Favour Of	Comments	Amount
			\$ -
			\$ -
<b>GRAND TOTAL</b>			<b>\$ 5,702,133.01</b>

ATTACHMENT 5 - Cash & Investments Summary February 2013

ATTACHMENT 6 CASH & INVESTMENTS SUMMARY FOR THE MONTH TO 28 FEBRUARY 2013									
<b>CASH &amp; SHORT TO MEDIUM TERM INVESTMENTS</b>									
<b>CASH/AT BANK</b>									
	Opening Balance 01 July 2012	Closing Balance 28 February 2013	Cash Investment Portfolio	Interest Received for Month	Actual Return YTD				
	\$	\$	%	\$	\$				
Municipal Bank Account	741,618.53	0.00	0.00%	0.04	6,546.61				
Investment Trust Account	392,212.84	283,200.57	0.88%	600.38	6,502.73				
Reserve Fund	0.00	0.00	0.00%	0.00	N/A				
Mastercard Purchasing Cards	(22,617.23)	(285.92)	0.00%	0.00	N/A				
<b>Total Short Term Cash Deposits</b>	<b>1,111,214.14</b>	<b>284,904.65</b>	<b>0.88%</b>	<b>600.42</b>	<b>13,049.34</b>				
<b>TERM DEPOSITS</b>									
	Opening Balance	Market Value at Reporting Date	Cash Investment Portfolio	Interest Accrued for the Month	Actual Return YTD	Term Deposit Interest Rate			
	\$	\$	%	\$	\$	%			
Matured Term Deposits	8,234,897.81			(1,188.00)	236,536.12				
WBC Term Deposit 53-5662 - 3mth 30/1/2013 - 30/04/2013	2,573,952.05	2,651,411.61	8.18%	8,827.38	65,459.87	4.34%			
WBC Term Deposit 36-1752 - 5mth 26/10/2012 - 26/03/2013		5,290,689.84	16.32%	18,344.92	81,896.98	4.52%			
WBC Term Deposit 41-7006 - 5mth 19/10/2012 - 19/03/2013		3,000,000.00	9.26%	10,632.33	50,123.84	4.62%			
WBC Term Deposit 43-4935-3mth 03/12/2012-04/03/2013		3,000,000.00	9.26%	11,023.50	54,251.78	4.79%			
NAB Term Deposit 12-232-3051 - 12mth 29/10/2012 - 29/10/2013		3,172,687.46	9.79%	11,000.97	47,932.78	4.52%			
NAB Term Deposit 14-618-5111 - 6mth 22/10/2012 - 22/04/2013		3,000,000.00	9.26%	10,287.12	47,304.26	4.43%			
NAB Term Deposit 14-884-3415 - 3mth 08/12/2012 - 05/08/2013		2,000,000.00	6.17%	7,042.19	21,881.09	4.59%			
Bendigo Term Deposit 818892-6mth 03/12/2012-04/06/2013		2,000,000.00	6.17%	7,057.53	21,928.76	4.60%			
<b>Total Term Deposits</b>	<b>10,808,849.86</b>	<b>24,114,788.91</b>	<b>74%</b>	<b>83,029.07</b>	<b>687,485.48</b>				
<b>CASH INVESTMENTS</b>									
	Opening Balance 01 July 2012	Closing Balance 28 February 2013	Cash Investment Portfolio	Interest Received for Month	Actual Return YTD	Interest Rate			
	\$	\$	%	\$	\$				
Maximiser Account	2,443,095.16	0.00	0.00%	0.00	69,633.78				
Professional Funds Account		1,850,895.71	5.71%	5,932.56	26,147.10	3.05%			
ANZ Negotiator Investor Account		5,042,022.49	15.56%	14,579.33	79,565.77	4.00%			
<b>Total Cash Investments</b>	<b>2,443,095.16</b>	<b>6,892,918.20</b>	<b>21%</b>	<b>20,511.89</b>	<b>175,346.65</b>				
<b>CASH MANAGED INVESTMENTS</b>									
	Opening Balance 01 July 2012	Market Value at Reporting Date	Cash Investment Portfolio	Interest/Rebate Received for Month	Interest/ Rebate Received YTD	Market Value Change for Month	Market Value Change YTD	Actual Return for Month	Actual Return YTD
	\$	\$	%	\$	\$	\$	\$	\$	\$
<b>Working Capital</b>									
UBS CMT - 332682	86,750.98	27,163.01	0.08%	0.00	751.63	0.00	0.00	0.00	751.63
<b>Short Term</b>									
#27 Perennial Cash Enhanced Fund	3,223,730.21	1,085,186.97	3.33%	135.75	72,738.46	4,344.81	(11,281.70)	4,500.56	61,456.76
#31 QIC Cash Enhanced Fund	264,150.82	4,490.84	0.01%	0.00	4,202.10	12.76	(3,468.73)	12.76	823.37
<b>Total Managed Cash Investments</b>	<b>3,487,881.99</b>	<b>1,116,840.82</b>	<b>3.45%</b>	<b>135.75</b>	<b>77,940.56</b>	<b>4,357.57</b>	<b>(14,750.43)</b>	<b>4,513.32</b>	<b>63,031.76</b>
<b>CASH &amp; SHORT TO MEDIUM TERM INVESTMENTS SUMMARY</b>									
	Opening Balance 01 July 2012	Market Value at Reporting Date	Interest Received for Month	Interest Received YTD	Market Value Change for Month	Market Value Change YTD	Actual Return YTD		
	\$	\$	\$	\$	\$	\$	\$		
<b>TOTAL CASH INVESTMENTS</b>	<b>17,919,791.15</b>	<b>32,409,462.58</b>	<b>104,297.13</b>	<b>873,583.66</b>	<b>4,357.57</b>	<b>(14,750.43)</b>	<b>858,833.23</b>		

ATTACHMENT 6 - Returns on Investments Summary Budget vs Actual as at February 2013

<u>RETURN ON INVESTMENTS SUMMARY BUDGET VS. ACTUAL AS AT 28 FEBRUARY 2013</u>									
	2012-2013 Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$					
Investment Interest	(1,340,804.00)	(893,808.00)	(873,583.66)	20,284.34					
Cash Management Investment (Increase / Decrease on Valuation)	0.00	0.00	14,750.43	14,750.43					
<b>Sub Total of Short Term Cash Investment Interest</b>			<b>(858,833.23)</b>						
Long Term Investment Interest	(480,000.00)	(210,000.00)	(179,541.52)	30,458.08					
<b>Total Investment Interest</b>	<b>(1,748,804.00)</b>	<b>(1,103,808.00)</b>	<b>(1,025,274.55)</b>	<b>74,493.45</b>					
<b>TRUST FUND</b>									
	Opening Balance 01 July 2012 \$	Closing Balance 28 February 2013 \$	Interest Received for Month \$	Actual Return YTD \$					
<b>CASH/AT BANK</b>									
Trust Fund	4,450.46	1.61	0.00	20.85					
<b>Total Trust Fund</b>	<b>4,450.46</b>	<b>1.61</b>	<b>0.00</b>	<b>20.85</b>					
	Opening Balance \$	Market Value at Reporting Date \$	Cash Investment Portfolio \$	Interest Accrued for the Month \$	Actual Return YTD \$	Term Deposit Interest Rate			
<b>TERM DEPOSITS</b>									
Maturity Term Deposits	539,000.00	550,933.77	100.00%	0.00	11,409.82	4.63%			
<b>Total Trust Term Deposit</b>	<b>539,000.00</b>	<b>550,933.77</b>	<b>100%</b>	<b>0.00</b>	<b>11,409.82</b>				
	Opening Balance 01 July 12 \$	New Investment \$	YTD Dividend Received & Reinvested \$	Market Value at 31 January 2012 \$	Market Value at Reporting Date \$	Investment Portfolio %	Market Value Change \$	Variance for Month \$	Variance YTD Excluding New Investment & Reinvestment \$
<b>LONG TERM INVESTMENTS</b>									
BlackRock Scientific Wholesale Diversified Growth Fund	2,106,451.67	0.00	65,528.33	2,417,350.00	2,487,852.99	30.47%	4,974.06	70,502.39	315,892.99
BlackRock Scientific Wholesale Diversified Stable Fund	2,890,875.94	0.00	81,282.99	3,119,239.59	3,171,887.02	38.84%	(28,655.56)	52,627.43	199,708.09
Schroder Balanced Fund	2,164,623.32	0.00	23,730.00	2,450,916.90	2,505,828.05	30.69%	54,911.25	54,911.25	341,204.73
<b>Total Long Term Investments</b>	<b>7,161,950.93</b>	<b>0.00</b>	<b>170,541.32</b>	<b>7,987,506.49</b>	<b>8,165,568.06</b>	<b>100.00%</b>	<b>31,229.75</b>	<b>178,041.07</b>	<b>856,805.81</b>

**C1303-02** Annual compliance audit return 2013

<b>DataWorks Reference:</b>	102/004
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	11 March, 2013
<b>Previous Item:</b>	AC1103-2-1 of 30 March 2011
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Melody Foster, Governance Officer
<b>Decision Making Authority:</b>	Council
<b>Attachments:</b>	Compliance Audit Return for 2012 Notes to the Compliance Audit Review 2012

**EXECUTIVE SUMMARY**

**Under section 14 (3A) of the *Local Government (Audit) Regulations 1996*, the audit committee is now required to "review the compliance audit return and is to report to the council the results of that review". Only after the audit committee has reported to council can the compliance audit return be adopted by council.**

**BACKGROUND**

In accordance with the *Local Government Act 1995*, each local government authority is required to carry out a compliance audit for the period 1 January to 31 December in each year as instructed by the Department of Local Government. This year's review included 78 questions in relation to compliance of various parts of the Act.

This process was first introduced in the 1990's and was a voluntary process, since 2000 it has become mandatory. Questions are generally asked in a positive phrase where a 'yes' response indicates compliance and a 'no' response indicates non-compliance in the majority of cases.

**COMMENT**

The City of Fremantle engaged the services of an external consultant to conduct an independent review of the Statutory Compliance Return (CAR) for 2012. Using an independent consultant ensures the process is transparent and that issues of non-compliance are identified for correction rather than leaving the organisation to always self assess, which may not be as rigorous.

The consultant found that the City's compliance was slightly higher than last year with an achievement of 97.4% with only 2 questions out of the 78 were marked for non-compliance. These are listed below along with notes of interest and notes of an advisory nature prepared by the independent consultant;

## **2012 Compliance Notes**

### **A) Delegation**

*The Delegation register and associated record keeping was of a high standard. The most recent review was conducted in May 2012.*

*It is noteworthy that the City has tightened up its management systems to match its delegations to employees with its control over the lodgement of primary and annual financial returns by the relevant employees. This requires on-going and consistent diligence due to the number of employees involved.*

*Q6. Delegation 3.38 relating to the Use of the Common Seal does not comply with the requirements of LGA s9.49A*

*This matter had been identified by the City and an amended delegation is being prepared.*

### **B) Disclosure of Interest**

*The management of the Primary and Annual returns and the disclosure of interests at meetings were of a high standard. No examples were noted of the CEO or other officer making a disclosure at a meeting.*

*No example was noted in the minutes of any decision under s5.68(1).*

*Q5. Three employees had not submitted a Primary Return within three months of their start date.*

*Q7. One employee on extended sick leave had not lodged an annual return. It is not considered that this represents non-compliance and is noted for information only.*

*The management system and increased awareness of the need for constant monitoring of this requirement is working well.*

### **C) Tenders**

*The tender process is thorough and supported by comprehensive documentation. The City is also using the WALGA Purchasing Service and its Tender bureau service.*

*The "Tender Register" is a public document that may be inspected during office hours, and therefore caution is required to ensure that only the necessary statutory information is recorded in the record available to the public and that any confidential or sensitive information is not included in the register.*

### **D) General**

*The City has well documented policies and procedures. It is to be expected that there will be some human error and inconsistency particularly due to the sheer volume of information and activity taking place. The standard of compliance has improved*

*consistently in recent years and indicates that the CEO has placed a greater emphasis on achieving a high level of compliance.*

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil.

### **Legal**

In accordance with section 7.13 (i) of the Local Government Act 1995 and regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996, local governments are required to carry out an audit of compliance for the period 1 January to 31 December in each year. After carrying out the compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

After the audit committee has reported to council the compliance audit return is to be;

- (a) presented to the council at a meeting of the council;
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting of which it is adopted.

The return is to be signed by the Mayor and Chief Executive Officer and is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March following the period to which the return relates.

### **Operational**

Nil.

### **Organisational**

Nil.

## **CONCLUSION**

Of the 78 questions contained in the 2012 Compliance Audit Return, 2 questions have been answered in the negative. This represents 97.4% compliance. Of the 2 questions answered in the negative, they were generally answered with substantial compliance but with small components not completed strictly in accordance with the Act. Over the previous 5 year period, the City has achieved ratings of 96%, 99%, 97.5%, 96% and 96%.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil.

## **COMMUNITY ENGAGEMENT**

Nil.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**MOVED: Mayor, Brad Pettitt**

- 1. Council adopt the completed Compliance Audit Return of the City of Fremantle for the period 1 January 2012 to 31 December 2012 as attached to this Council agenda and accept the actions for correction as contained within this report, and**
- 2. Council approve the Mayor and Chief Executive Officer signing the joint certification of the City of Fremantle 2012 Compliance Audit Return and forward of the completed document to the Executive Director of the Department of Local Government and Regional Development.**

**SECONDED: Cr T Grey-Smith**

**CARRIED: 13/0**

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

## **COUNCIL ITEMS**

**C1303-03** Strategic Plan Progress Report - February 2013

**DataWorks Reference:** 030/017  
**Disclosure of Interest:** Nil  
**Meeting Date:** 27 March 2013  
**Previous Item:** C1302-4  
**Responsible Officer:** Graeme Mackenzie, Chief Executive Officer  
**Actioning Officer:** Glen Dougall, Director Corporate Services  
**Decision Making Authority:** Council  
**Agenda Attachments:** Strategic Plan Progress Report - February 2013 (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**

**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.



### **2.1.3.37 - Prepare Streetscape Enhancement Plan for revitalisation of Hilton Village**

Not yet commenced.

### **7.3.1.30 - Performance review of council decision making processes and structures**

This process is still to be undertaken.

## **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 February 2013 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 receives the Strategic Plan Progress Report for February 2013.**

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**SECONDED: Cr R Fittock**

**CARRIED: 13/0**

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

**Cr J Wilson arrived at 6.55pm prior to consideration of the following item.**

**C1303-04** Special Meeting of Council to consider outcomes of the Local Government Reform survey

**DataWorks Reference:** 098/004  
**Disclosure of Interest:** Nil  
**Meeting Date:** 27 March 2013  
**Previous Item:** Nil  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Melody Foster, Governance Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

## **EXECUTIVE SUMMARY**

**In response to the current round of reform consultations, it is recommended that Council call a Special Meeting of Council to consider the outcome of the survey conducted by the City of Fremantle on Local Government Reform and prepare a response on behalf of the City to the Minister for Local Government.**

## **BACKGROUND**

A motion was passed by Council in December 2012 to conduct a postal survey of the ratepayers and residents on the issue of Local Government Reform to be conducted in late January to early February 2013. The Notice of Motion was put to Council by Cr Josh Wilson in response to recommendations by the Metropolitan Local Government Review Panel (MLGRP) on the Local Government Reform.

## **COMMENT**

As requested by Council, a postal survey was conducted by the City and is now ready to be brought to Council for consideration. The closing date for public comment on the reform agenda is Friday, 5 April 2013. Therefore it is recommended that a Special Meeting of Council be held to discuss the results from this survey and the City's response to the Minister for Local Government prior to then, on Wednesday 3<sup>rd</sup> April, 2013, prior to the Planning Committee meeting.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

### **Operational**

Nil

### **Organisational**

Nil

## CONCLUSION

The Special Meeting will be used to consider the outcome from the survey conducted by the City, and the response prepared by the Chief Executive Officer to be sent to the Minister for Local Government on behalf of the City.

## STRATEGIC AND POLICY IMPLICATIONS

Nil

## COMMUNITY ENGAGEMENT

A community survey was undertaken in relation to the Local Government Reform and the outcome from this survey is to be considered by Council.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## OFFICER'S RECOMMENDATION/COUNCIL DECISION

**MOVED: Mayor, Brad Pettitt**

**In accordance with Section 5.4 (b) of the Local Government Act 1995, Council approves the calling of a Special Meeting of Council to be held Wednesday, 3 April 2013 at 5.30pm to consider the outcomes of the survey conducted by the City on the Local Government Reform and response to the Minister for Local Government.**

**SECONDED: Cr J Wilson**

**CARRIED: 13/0**

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

**CONFIDENTIAL MATTERS**

Nil.

**CLOSURE OF MEETING**

**THE MAYOR, B PETTITT DECLARED THE MEETING CLOSED AT 6.55 PM.**

Summary Guide to Citizen Participation and Consultation

**SUMMARY GUIDE TO CITIZEN PARTICIPATION & CONSULTATION**

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

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

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

<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

<b>How consultative processes work at the City of Fremantle</b>	
	any statute that applies or within the parameters of budgetary considerations. All consultations will 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**

<p><b>Community engagement processes have cut-off dates that will be adhered to.</b></p>	<p>1 As City officers have the responsibility to provide 2 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.</p>
<p><b>Citizens need to check for any changes to decision making arrangements made</b></p>	<p>1 The City will take initial responsibility for making 3 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.</p>
<p><b>Citizens are entitled to know how their input has been assessed</b></p>	<p>1 In reporting to decision-makers, City officers will in 4 all cases produce a community engagement . outcomes report that summarises comment and recommends whether it should be taken on board, with reasons.</p>
<p><b>Reasons for decisions must be transparent</b></p>	<p>1 Decision-makers must provide the reasons for 5 their decisions. .</p>
<p><b>Decisions posted on the City's website</b></p>	<p>1 Decisions of the City need to be transparent and 6 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.</p>



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### **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, 27 March 2013, 6.00 pm

## ATTACHMENT 1

### **PSC1303-45 MINOR AMENDMENT - PROPOSED SUBMISSION ON THE DRAFT STATE PLANNING STRATEGY - SUBMITTED MAYOR, BRAD PETTITT**

It is proposed that a minor amendment be made to the item under the heading of 'Further comments' to add a further point 4., and a point 8.as follows (in bold):

#### **Further comments**

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

4. *Environment* - Increased levels of sustainable building design.

#### **4. Environment – Climate Change Mitigation**

**While the Strategy does make some mention of climate change mitigation this is very limited in scope and not well integrated into the document not set out as a priority. Climate change is mostly dealt with as a factor WA needs adapt to. However, as the World Bank clearly states its recent report on climate change: "there is also no certainty that adaptation to a 4°C world is possible."**

**Whilst it is good that the SPS acknowledges that “Minimising Western Australia’s ecological footprint will assist in reducing pressures such as patterns of consumption, loss of biodiversity, air pollution, and impacts upon water and generation of waste.” The Strategy fails to map out a roadmap that minimises Western Australia’s ecological and carbon footprints**

**Given Western Australia has one of the highest per capital levels of carbon emission in the developed world then central to the strategy should be a clear intent and plan to reduce these emissions to a far more sustainable level.**

**The section on Environment appears to incorrectly understand the State’s environment in isolation from global environment changes and concerns. The Goal to “conserve the State’s natural assets through sustainable development, clean air, water, light and open spaces” is supportable but must be in addition to enhancing global environmental outcomes where Western Australia’s environment and conservation outcomes are impacted.**

**The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:**

4. *Environment* - Recognition of the State's built heritage and the importance to conserve and maintain places of cultural heritage significance.

6.1 *Movement of people, resources* - well connected and enhanced rail network in the state, including light rail in urban areas.

**8. Land Availability** - A stronger focus on identifying land which is required for agricultural and food production needs to be embedded in the document. As the Strategy acknowledges agricultural land is "under constant threat from urban expansion and the fragmentation of rural land into smaller lifestyle holdings" and

"The continued loss of agricultural land close to the cities and towns requires that measures are put in place to secure land for future agricultural and food industry production."

The Strategy would benefit from a clearer articulation of the process for identifying the buffers required to protect agricultural land as well as bio-diverse and intact bush land from urban encroachment. This needs to be linked into other parts of the document of land-use planning including a potential urban growth boundary. These need to be integrated into the document more fully so there is a more integrated view of strategic planning in Western Australia.

#### **ALTERNATIVE RECOMMENDATION**

That Council authorise the Chief Executive Officer to submit the following comments to the Minister of Planning as the City of Fremantle's submission on the Draft State Planning Strategy:

The City of Fremantle is generally supportive of the strategy as a high level state wide document, to guide development and economic growth in Western Australia to 2050 and beyond. The holistic approach to the State Planning Strategy is commended as it is a marked improvement on the previous State Planning Strategy (1997). The comprehensive background material and analysis of issues gives the draft document a good foundation on which to base strategic decisions and direction for the State.

The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:

#### **Implementation**

There is no implementation section in the strategy to provide the framework to guide the future growth and development of the state. The strategy also does not allocate resources, timeframes or responsible authorities to each goal or strategic

direction. This gives key stakeholders little guidance on how implementation will be achieved in practice and what their role is in implementation of the strategy.

The vision and strategic goals for Western Australia expressed in the strategy are supported by the City of Fremantle as they focus on a strong and connected economy, sustainable urban and regional communities, coordinated and planned hard (e.g. road and rail) and social (e.g. education and health) infrastructure and the efficient use of resources to enhance environmental conservation. However there is no clear sense of how these goals link to the strategic directions of the document and no overall summary of how they will be achieved. Additionally there is no discussion or direction on how the vision and goals should be reflected in other State, regional or local strategies and policies, whether already adopted or under preparation. The City considers other strategies and policies are the key implementation mechanisms for the goals in the strategy however the linkage between the State Planning Strategy and such other documents is not clear.

The strategy lacks any indication of the relative priority of different Strategic Directions to one another, or how potential conflicts between different Strategic Directions will be resolved. For example, land availability for industrial uses (especially in the mining and energy sectors) to meet the objective of the Economic Development strategic direction may be in conflict with objectives linked to retention of good quality agricultural land (Agriculture and Food) and/or nature conservation (Environment), but the strategy gives no indication of how such conflicts might be resolved or managed. Instead, the strategy tends to treat each of the 10 'Strategic Directions' in a standalone manner with little integration between them.

The Implementation of actions to deliver this strategy would clearly require a 'whole of Government' approach as many of the issues are the responsibility of Government agencies other than Western Australian Planning Commission or Department of Planning. Although the preface to the strategy makes reference to a collaborative approach to planning for infrastructure and economic development, there is no clear sense from the document that there is commitment across all State agencies to supporting implementation of the state wide strategy, or how it will be used to guide decision-making about investment or policy direction by other State agencies.

### Monitoring and review

The draft strategy lacks a programme for periodic monitoring and review of the strategic goals and directions to measure the State's social, environmental and economic performance up to 2050 and beyond. This omission should be addressed in the final version of the document.

### Further comments

It is also considered that the strategy should include the following additional outcomes under the relevant strategic directions headings:

- 4. Environment – Increased levels of sustainable building design

- **4. Environment – Climate Change Mitigation**  
 While the Strategy does make some mention of climate change mitigation this is very limited in scope and not well integrated into the document not set out as a priority. Climate change is mostly dealt with as a factor WA needs adapt to. However, as the World Bank clearly states its recent report on climate change: "there is also no certainty that adaptation to a 4°C world is possible."  
 Whilst it is good that the SPS acknowledges that “Minimising Western Australia’s ecological footprint will assist in reducing pressures such as patterns of consumption, loss of biodiversity, air pollution, and impacts upon water and generation of waste.” The Strategy fails to map out a roadmap that minimises Western Australia’s ecological and carbon footprints  
 Given Western Australia has one of the highest per capital levels of carbon emission in the developed world then central to the strategy should be a clear intent and plan to reduce these emissions to a far more sustainable level.  
 The section on Environment appears to incorrectly understand the State’s environment in isolation from global environment changes and concerns. The Goal to “conserve the State’s natural assets through sustainable development, clean air, water, light and open spaces” is supportable but must be in addition to enhancing global environmental outcomes where Western Australia’s environment and conservation outcomes are impacted.  
 The key to the success of any strategy of this nature, however, is to have a strong core of implementation, monitoring and review. While the strategy is comprehensive in its survey and analysis it is vague on the details of implementation and monitoring and review. Specific comments are provided below:
- **4. Environment – Recognition of the State’s built heritage and the importance to conserve and maintain places of cultural heritage significance.**
- **6.1 Movement of people, resources – A well connected and enhanced rail network in the state, including light rail in urban areas**
- **8. Land Availability - A stronger focus on identifying land which is required for agricultural and food production needs to be embedded in the document. As the Strategy acknowledges agricultural land is “under constant threat from urban expansion and the fragmentation of rural land into smaller lifestyle holdings” and “The continued loss of agricultural land close to the cities and towns requires that measures are put in place to secure land for future agricultural and food industry production.”**

The Strategy would benefit from a clearer articulation of the process for identifying the buffers required to protect agricultural land as well as bio-diverse and intact bush land from urban encroachment. This needs be linked into other parts of the document of land-use planning including a

**potential urban growth boundary. These need to be integrated into the document more fully so there is a more integrated view of strategic planning in Western Australia.**

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

The original submission fails to take into consideration climate change mitigation as a key part of future state planning.

## **ATTACHMENT 2**

### **SGS1303-3 ALTERNATIVE RECOMMENDATION - PLAY SPACES PLAN AND FORWARD WORKS PROGRAM - SUBMITTED BY MAYOR, BRAD PETTITT**

It is proposed the item be deferred until comment from Precinct Groups have been sought.

#### **ALTERNATIVE RECOMMENDATION**

- 1. Defer adoption and seek comment from Precinct Groups before being brought back to Council for final adoption**

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

There is likely to be high community interest in these proposed changes. There is benefit in getting community understanding and support before signing off on this direction.



## **ATTACHMENT 3**

### **SGS1303-3 AMENDED DOCUMENTS - Play Spaces Plan and Forward Works Program - SUBMITTED BY MARISA SPAZIANI, DIRECTOR COMMUNITY DEVELOPMENT**

The Capital Works program and the Play Spaces Plan have been amended following the March 2013 Strategic and General Services Committee meeting. The documents are found in the Appendix of this document.

### **REASON/S FOR AMENDMENT**

As a result of a meeting with the North Ward Councillors who recommended the amendments.

## **ATTACHMENT 4**

### **SGS1303-3 MINOR AMENDMENT - PLAY SPACES PLAN AND FORWARD WORKS PROGRAM - SUBMITTED BY CR J STRACHAN**

At the last Strategic and General Services committee meeting adding a point 4. to the Committee and Officer's recommendation was discussed, as follows:

- 4. Officers develop a community engagement strategy to aid community consultation on modifications to play spaces*

#### **ALTERNATIVE RECOMMENDATION**

- 1. The play spaces plan (attachment 1) is endorsed for adoption.**
- 2. The remaining play spaces reserve of \$400,000 is utilised for play space upgrades identified in 2013/14 capital works program.**
- 3. The capital works program (attachment 2) is adopted and \$790,000 additional funding be allocated in the draft 2014/15 and draft 2015/16 financial year budgets for consideration.**
- 4. Officers develop a community engagement strategy to aid community consultation on modifications to play spaces**

#### **REASON/S FOR CHANGE TO COMMITTEE AND OFFICER'S RECOMMENDATION**

The need for a community engagement strategy is well highlighted with the community work being undertaken at the pocket park on Gold Street.

**APPENDIX 1 - SGS1303-3 AMENDED PLAY SPACES PLAN 2013-2016 - MARCH  
2013 AND CAPITAL WORKS PROGRAM**



**Contents**

1.0 DEFINITIONS .....3  
2.0 GOALS.....3  
3.0 STRATEGIES AND ACTIONS .....3

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### 1.0 Definitions

A **play ground** is "an outdoor area where children can play that usually includes outdoor play equipment (such as swings and slides)"

A **play space** is a space that includes a range of features (natural and built) and recreational opportunities for all age groups and abilities e.g. run-about areas, natural play elements, play equipment, fitness trails, and interpretive trails.

**Major Play Spaces:** Located in larger parcels of open space and will service the immediate and adjacent suburbs.

**Local Play Spaces:** Located in smaller parcels of open spaces and will cater for a highly localised catchment, servicing a catchment of up to 1 km radius

### 2.0 Goals

The play spaces plan aims to:

- Improve facilities at identified major and local play spaces sites by:
  - adding new innovative equipment
  - improving access and amenity.
- Use resources more efficiently by:
  - engaging local communities on play space priorities
  - reducing maintenance costs
  - relocating equipment to identified local or major play space sites
  - removing play equipment that is no longer safe or compliant.

### 3.0 Strategies and Actions

1. Prioritise the upgrade of major and local play spaces and where possible relocate play equipment from parks not designated as major or local play spaces.
2. Prioritise the development of local play spaces in suburbs with the highest disadvantage and with the greatest number of young families.
3. Deliver one local play space every year and one major play space every three years.

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4. Actively pursue external funding opportunities for the first three years of the forward works program.
5. Prioritise the use of cash in lieu funds from developer's contributions where appropriate to fund local and major play spaces.
6. Engage local communities on decision making in relation to the consolidation of local play grounds and development of local play spaces sites.
7. Engage the broader Fremantle community on the development of major play space sites including special needs groups including people with disabilities, people from non-english speaking backgrounds and Aboriginal people.
8. Ensure children and families have opportunities to provide input into the design of local and major play spaces.
9. Utilise the healthy by design principles to guide the design for all local and major play spaces sites.
10. Explore opportunities to increase the amount of public open space in Hilton, O'Connor and eastern end of White Gum Valley.  
Conduct environmental impact assessments to mitigate climate change issues

BEACONSFIELD	ACTIONS	TIMEFRAME FOR WORKS
Beacy Park	Consider rationalisation of play ground equipment at end of life.	2013/14
Bruce Lee *(LP)	Develop as a local play space. Take into account the facilities Davis Park and consider rationalising.	2013/14
Davis Park	Consider removal of unsafe and old play equipment.	2013/14
Dick Lawrence *(MP)	Dick Lawrence is part of Hilton Reserve which is a major play space. Continue to maintain swings and combination unit and then dispose of these when new project commences.	2015/16
Salentina Ridge POS	Continue to maintain.	*NA
SOUTH FREMANTLE	ACTIONS	TIMEFRAME FOR WORKS
Coral Park	Remove at end of life.	2013/14
Florence Community Park	Homemade play equipment presents several safety issues. Remove unsafe items and continue to maintain as local playground.	2014/15
Gold Street Park	\$50,000 allocated in 12/13 financial year. Do not continue to upgrade this park at end of life.	NA

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Holis Park	Do not replace equipment at end of life.	2015/16
Llydale Park	Maintain at current level of provision.	NA
Parmela Park(LP)	Continue to maintain and develop as a local play space. Consider rationalizing fitness equipment.	NA
South Beach (MP)	Continue to maintain and develop as a major play space.	2013/14
<b>WHITE GUM VALLEY</b>	<b>ACTIONS</b>	<b>TIMEFRAME FOR WORKS</b>
Davies Reserve	Maintain at current level of provision.	2014/15
Hazel Orm Park	Where possible relocate equipment to valley park. Investigate options to sell Hazel Orm land and invest funds into Booyeembarra Park.	2014/15
Valley Park	Renew valley park to meet service levels for local park.	2013/14
<b>FREMANTLE</b>	<b>ACTIONS</b>	<b>TIMEFRAME FOR WORKS</b>
Beach Street Skate Park	Remove at end of life (subject to final construction of the Esplanade Youth Plaza).	NA
Booyeembarra Park	Continue to maintain and develop as a major play space.	NA

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Esplanade Park (MP)	Continue to maintain and further develop as a major play space.	NA
Frank Gibson Park	Consider rationalisation of the fitness equipment. Continue to maintain as a local park.	2015/16
Fremantle Leisure Centre	Continue to maintain at current level of provision.	2014/15
Fremantle Park	Consider rationalisation when plans for new sports facilities are approved.	NA
Fremantle Primary School	Continue to maintain at current level of provision.	NA
Holland Park	Continue to maintain at current level of provision.	NA
Horrie Long Reserve (LP)	Continue to maintain and develop as a local play space within next five years.	NA
King Sq (Jean Hobson)	Continue to maintain at current level of provision.	NA
Knutsford Reserve	Consider rationalisation at end of life.	2016/17
Queens Square	Consider rationalisation at end or life.	2013/14
Stevens Reserve (LP)	Continue to develop as a local play space.	2015/16

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Virginal Ryan Park	Maintain at current level of provision.	NA
Warrawee Centre	Recently upgraded. Maintain at current level of provision.	NA
HILTON / OCONNOR	ACTIONS	TIMEFRAME FOR WORKS
Collick Reserve	Continue to maintain at current level of provision. Consider rationalising small combination unit at end of life.	2014/15
Griffiths Park (LP)	Develop Griffiths park as the main local play space for the Hilton suburb.	2014/15
Grigg Park	Continue to maintain at current level of provision. Consider rationalising basketball court at end of life and reinstall at Grigg Park.	2014/15
Moorni Boorne	\$75,000 allocated in 2012/13 to upgrade playground. Continue to maintain but do not add equipment. The main local play space for Hilton is Griffiths.	NA
Plane Tree Grove Res.(LP)	Develop as a local play space within five years.	NA
Lookout Park	Continue to maintain current level of provision. Consider rationalisation of small combination unit at end of life.	2015/16

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SAMSON	ACTIONS	TIMEFRAME FOR WORKS
Sir Frederick Samson Park (LP)	Continue to maintain and develop as a local play space.	
NORTH FREMANTLE	ACTIONS	TIMEFRAME FOR WORKS
Alfred Road	Continue to maintain	2015/16
Burford Place West	Consider rationalizing at end of life.	2015/16
Burford Place East	Consider rationalizing equipment at end of life	2014/15
Gordon Dedman Park (LP)	Develop into a local play space including adjacent McCabe public open space within next five years.	NA
Gilbert Fraser Reserve (LP)	Continue to maintain current level of provision.	NA
Leighton Beach (MP)	Develop new major play space facilities.	NA
McCabe Park	Develop into a local play space to complement Gordon Dedman park.	NA
State Engineering Works	Continue to maintain current level of provision.	NA
Everybody's Park	Consider rationalizing at end of	2013/14

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	life. Investigate land use issues.	
Sorrel Park	Consider removal of some play equipment at end of life.	2014/15

\*Local Play Space

\*Major Play Space

\*NA – Not Applicable within the life of this plan



Draft Capital Works Program – Play Spaces Plan 2013 - 2016

## Play Spaces Plan Capital Works Program 2013 – 2016

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### Beaconsfield

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Beacy Park	Local Reserve				Consider rationalisation of play ground equipment at end of life.
	Bruce Lee *(LP)	District Reserve	\$200,000			Develop as a local play space. Take into account the facilities at Davis Park and consider rationalising.
	Davis Park	Local Reserve				Consider removal of unsafe and old play equipment.
	Dick Lawrence *(MP)	District Reserve			\$500,000	Dick Lawrence is part of Hilton Reserve which is a major play space. Continue to maintain swings and combination unit and then dispose of these when new project commences.
	Salentina Ridge POS	Local Reserve		\$15,000		Continue to maintain.

Prepared by Play Spaces Project Team March 2013

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Draft Capital Works Program – Play Spaces Plan 2013 - 2016

North Fremantle

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Alfred Road	Local Reserve			\$50,000	Continue to maintain current level of provision.
	Burford Place West	Pocket Park				Consider rationalising play equipment or relocate equipment to Gordon Dedman or McCabe Park. Ensure the removal of play equipment is staged over two years.
	Burford Place East					
	Gordon Dedman Park (LP)	District Reserve				Develop into a local play space including adjacent McCabe public open space within next five years.
	Gilbert Fraser Reserve (LP)	District Reserve				Continue to maintain current level of provision.
	Leighton Beach Foreshore (MP)	Regional Reserve				Develop into a major play space.
	McCabe Park	Local Reserve				Develop connections with Gordon Dedman Park and develop as a local play space within five years.
	State Engineering Works	Local Reserve				Continue to maintain current level of provision.
	Everybody's Park	Pocket Park				Consider rationalisation at end of life. Investigate land use issues.
	Sorrel Park	Local Reserve				Consider rationalisation of some equipment at end of life.

Draft Capital Works Program – Play Spaces Plan 2013 - 2016

Hilton and O'Connor

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Collick Reserve	Local Reserve				Continue to maintain basic playground in line with local park level of service.
	Griffiths Park (LP)	Local Reserve		\$100,000		Develop Griffiths park as the main local play space for the Hilton suburb.
	Grigg Park	Local Reserve	\$20,000			Continue to maintain at current level of provision. When basketball court reaches end of life relocate to Griffith Park.
	Moorni Boorne	Local Reserve				\$75,000 allocated in 2012/13 to upgrade playground. Continue to maintain but do not add equipment. The main local play space for Hilton is Griffiths.
	Plane Tree Grove Res.(LP)	Local Reserve				Develop as a local play space within five years.
	Lookout Park	Local Reserve				Continue to maintain current level of provision. Consider rationalisation of small combination unit at end of life.



Draft Capital Works Program – Play Spaces Plan 2013 - 2016

Samson Ward

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Sir Frederick Samson Park (LP)	Regional Reserve	\$10,000			Continue to maintain and develop as a local play space.

South Fremantle

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Coral Park	Pocket Park				Remove at end of life.
	Florence Community Park.	Pocket Park		\$15,000		Homemade play equipment presents several safety issues. Remove unsafe items and continue to maintain as local playground.
	Gold Street Park	Pocket Park				\$50,000 allocated in 12/13 financial year. Do not continue to upgrade this park at end of life.
	Hollis Park	Pocket Park				Do not replace equipment at end of life.
	Lilydale Park	Local Reserve				Maintain at current level of provision.
	Parmelia Park (LP)	Local Reserve				Continue to maintain and develop as a local play space.
	South Beach (MP)	Regional Reserve	\$100,000			Continue to develop as a major play space. Demand for outdoor exercise is sufficient to include a fitness trail as part of South Beach.

Draft Capital Works Program – Play Spaces Plan 2013 - 2016

**White Gum Valley**

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Davies Reserve	Local Reserve				Maintain at current level of provision.
	Hazel Orm Park	Pocket Park				Where possible relocate equipment to valley park. Investigate options to sell Hazel Orm land and invest funds into Booyeembarra Park.
	Valley Park	Local Reserve	\$50,000			Renew valley park to meet service levels for local park.

**Fremantle**

Asset No.	Play space	Classification	2013/14	2014/15	2015/16	Comment
	Beach Street Skate Park	Local Reserve				Remove at end of life (subject to final construction of the Esplanade Youth Plaza).
	Boyeembarra Park (MP)	Regional Reserve				Continue to maintain and develop as a major play space.
	Esplanade Park (MP)	Regional Reserve				Continue to maintain and further develop as a major play space.
	Frank Gibson Park	District Reserve				Consider rationalisation of the fitness equipment. Continue to maintain as a local park.
	Fremantle Leisure Centre	District Reserve		\$35,000		Continue to maintain at current level of provision.
	Fremantle Park	District Reserve				Consider rationalisation when plans for new sports facilities are approved.
	Fremantle Primary School	Local Reserve				Continue to maintain at current level of provision.
	Holland Park	Local Reserve				Continue to maintain at current level of provision.

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Prepared by Play Spaces Project Team March 2013

Draft Capital Works Program – Play Spaces Plan 2013 - 2016

	Horrie Long Reserve (LP)	Local Reserve				Continue to maintain and develop as a local play space within next five years.
	King Sq (Jean Hobson)	Regional				Continue to maintain at current level of provision.
	Knutsford Reserve	Pocket Park				Consider rationalisation at end of life.
	Queens Square	Pocket Park				Consider rationalisation at end of life.
	Stevens Reserve (LP)	District Reserve			\$75,000	Continue to develop as a local play space.
	Virginia Ryan Park	Local Reserve				Maintain at current level of provision.
	Warrawee Centre	Local Reserve				Recently upgraded. Maintain at current level of provision.



# **MINUTES**

## **AUDIT COMMITTEE**

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Friday, 22 March 2013 at 5.00 pm

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# AUDIT COMMITTEE

Minutes of the Audit Committee  
held in the Council Chambers, Fremantle City Council  
on **Friday, 22 March 2013** at 5.00 pm

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## DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Dr Brad Pettitt declared the meeting open at 4.37pm 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

Dr Brad Pettitt	Mayor
Cr Doug Thompson	North Ward
Mr Phillip Draber	External Committee Member

Mr Glen Dougall                      Director Corporate Services

*There were 0 members of the public and 0 members of the press in attendance.*

## APOLOGIES

Cr Josh Wilson	Deputy Mayor/Beaconsfield Ward
Cr Bill Massie	Hilton Ward

## LEAVE OF ABSENCE

Nil

## DISCLOSURES OF INTEREST BY MEMBERS

Nil

## CONFIRMATION OF MINUTES

**MOVED: Mayor, Brad Pettitt**

That the Minutes of the Audit Committee dated 14 November 2012 be confirmed as a true and accurate record.

**SECONDED: <Right Click> Councillor Name**

**CARRIED: 3/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Doug Thompson Mr Phillip Draber	

**ANNOUNCEMENTS BY THE DEPUTY MAYOR**

Nil

**QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS**

Nil

**TABLED DOCUMENTS**

Nil

**LATE ITEM NOTED**

Nil

## REPORTS BY OFFICERS

### AC1303-1 ANNUAL COMPLIANCE AUDIT RETURN 2012

<b>DataWorks Reference:</b>	102/004
<b>Disclosure of Interest:</b>	Nil
<b>Meeting Date:</b>	11 March, 2013
<b>Previous Item:</b>	AC1103-2-1 of 30 March 2011
<b>Responsible Officer:</b>	Glen Dougall, Director Corporate Services
<b>Actioning Officer:</b>	Melody Foster, Governance Officer
<b>Decision Making Authority:</b>	Council
<b>Attachments:</b>	Compliance Audit Return for 2012 Notes to the Compliance Audit Review 2012

### EXECUTIVE SUMMARY

**Under section 14 (3A) of the *Local Government (Audit) Regulations 1996*, the audit committee is now required to "review the compliance audit return and is to report to the council the results of that review". Only after the audit committee has reported to council can the compliance audit return be adopted by council.**

### BACKGROUND

In accordance with the *Local Government Act 1995*, each local government authority is required to carry out a compliance audit for the period 1 January to 31 December in each year as instructed by the Department of Local Government. This year's review included 78 questions in relation to compliance of various parts of the Act.

This process was first introduced in the 1990's and was a voluntary process, since 2000 it has become mandatory. Questions are generally asked in a positive phrase where a 'yes' response indicates compliance and a 'no' response indicates non-compliance in the majority of cases.

### COMMENT

The City of Fremantle engaged the services of an external consultant to conduct an independent review of the Statutory Compliance Return (CAR) for 2012. Using an independent consultant ensures the process is transparent and that issues of non-compliance are identified for correction rather than leaving the organisation to always self assess, which may not be as rigorous.

The consultant found that the City's compliance was slightly higher than last year with an achievement of 97.4% with only 2 questions out of the 78 were marked for non-compliance. These are listed below along with notes of interest and notes of an advisory nature prepared by the independent consultant;



## **2012 COMPLIANCE NOTES**

### **A) DELEGATION**

*The Delegation register and associated record keeping was of a high standard. The most recent review was conducted in May 2012.*

*It is noteworthy that the City has tightened up its management systems to match its delegations to employees with its control over the lodgement of primary and annual financial returns by the relevant employees. This requires on-going and consistent diligence due to the number of employees involved.*

*Q6. Delegation 3.38 relating to the Use of the Common Seal does not comply with the requirements of LGA s9.49A*

*This matter had been identified by the City and an amended delegation is being prepared.*

### **B) DISCLOSURE OF INTEREST**

*The management of the Primary and Annual returns and the disclosure of interests at meetings were of a high standard. No examples were noted of the CEO or other officer making a disclosure at a meeting.*

*No example was noted in the minutes of any decision under s5.68(1).*

*Q5. Three employees had not submitted a Primary Return within three months of their start date.*

*Q7. One employee on extended sick leave had not lodged an annual return. It is not considered that this represents non-compliance and is noted for information only.*

*The management system and increased awareness of the need for constant monitoring of this requirement is working well.*

### **C) TENDERS**

*The tender process is thorough and supported by comprehensive documentation. The City is also using the WALGA Purchasing Service and its Tender bureau service.*

*The "Tender Register" is a public document that may be inspected during office hours, and therefore caution is required to ensure that only the necessary statutory information is recorded in the record available to the public and that any confidential or sensitive information is not included in the register.*

### **D) GENERAL**

*The City has well documented policies and procedures. It is to be expected that there will be some human error and inconsistency particularly due to the sheer volume of*

*information and activity taking place. The standard of compliance has improved consistently in recent years and indicates that the CEO has placed a greater emphasis on achieving a high level of compliance.*

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil.

### **Legal**

In accordance with section 7.13 (i) of the Local Government Act 1995 and regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996, local governments are required to carry out an audit of compliance for the period 1 January to 31 December in each year. After carrying out the compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

After the audit committee has reported to council the compliance audit return is to be;

- (a) presented to the council at a meeting of the council;
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting of which it is adopted.

The return is to be signed by the Mayor and Chief Executive Officer and is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March following the period to which the return relates.

### **Operational**

Nil.

### **Organisational**

Nil.

## **CONCLUSION**

Of the 78 questions contained in the 2012 Compliance Audit Return, 2 questions have been answered in the negative. This represents 97.4% compliance. Of the 2 questions answered in the negative, they were generally answered with substantial compliance but with small components not completed strictly in accordance with the Act. Over the previous 5 year period, the City has achieved ratings of 96%, 99%, 97.5%, 96% and 96%.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil.

## **COMMUNITY ENGAGEMENT**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That after review of the 2012 Compliance Audit Return the Audit Committee provides the following information and observations to Council:-

## **COMMITTEE RECOMMENDATION**

**MOVED: Mayor, Brad Pettitt**

- 1. Council adopt the completed Compliance Audit Return of the City of Fremantle for the period 1 January 2012 to 31 December 2012 as attached to this Council Agenda and accept the actions for correction as contained within this report, and**
- 2. Council approve the Mayor and Chief Executive Officer signing the joint certification of the City of Fremantle 2012 Compliance Audit Return and forward**

**CARRIED: 3/0**

<b>For</b>	<b>Against</b>
Mayor, Brad Pettitt Cr Doug Thompson Mr Phillip Draber	

## **CONFIDENTIAL MATTERS**

Nil

## **CLOSURE OF MEETING**

**THE MAYOR, B PETTITT DECLARED THE MEETING CLOSED AT 4.50PM.**

# AGENDA ATTACHMENTS

## AUDIT COMMITTEE

Monday, 11 March 2013 at 5.00 pm



# AC1303-1 ATTACHMENT 1 - COMPLIANCE AUDIT RETURN FOR 2012

Department of Local Government - Compliance Audit Return



Government of Western Australia  
Department of Local Government

## Fremantle - Compliance Audit Return 2012

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2){a}{b}{c} FB&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2012.	N/A		Gary Martin
2	s3.59(2){a}{b}{c} FB&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2012.	Yes		Gary Martin
3	s3.59(2){a}{b}{c} FB&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2012.	N/A		Gary Martin
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2012.	N/A		Gary Martin
5	s3.59(5)	Did the Council, during 2012, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Gary Martin

COPY ONLY



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Gary Martin
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Gary Martin
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Gary Martin
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Gary Martin
5	s5.18	Has Council reviewed delegations to its committees in the 2011/2012 financial year.	Yes		Gary Martin
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	No	Delegation 3.38 Use of Common Seal does not comply with LGA s9.49A.	Gary Martin
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Gary Martin
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Gary Martin
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Gary Martin
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A	No example sighted	Gary Martin
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Gary Martin
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2011/2012 financial year.	Yes		Gary Martin
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Gary Martin

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Gary Martin
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Gary Martin



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Gary Martin
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Gary Martin
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	Three employees with limited delegation did not lodge a return within the 3 month statutory period	Gary Martin
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2012.	Yes		Gary Martin
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2012.	Yes	One employee is on extended sick leave and has not been able to lodge a return.	Gary Martin
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Gary Martin
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Gary Martin
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Gary Martin
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Gary Martin
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Gary Martin
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Gary Martin
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A	No example sighted	Gary Martin





No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A	No example sighted	Gary Martin
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Gary Martin

#### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).			
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.			

#### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes	2011 Election	Gary Martin

#### Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Gary Martin
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Gary Martin
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	Appointed prior to 2012.	Gary Martin
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	N/A		Gary Martin
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A		Gary Martin



No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2012 received by the local government within 30 days of completion of the audit.	Yes		Gary Martin
7	s7.9(1)	Was the Auditor's report for 2011/2012 received by the local government by 31 December 2012.	Yes		Gary Martin
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Gary Martin
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Gary Martin
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Gary Martin
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	N/A	Pre 2012	Gary Martin
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	N/A		Gary Martin
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	N/A		Gary Martin
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	N/A		Gary Martin
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	N/A		Gary Martin



Local Government Employees						
No	Reference	Question	Response	Comments	Respondent	
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Gary Martin	
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	No Senior Employee movement 2012	Gary Martin	
3	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Gary Martin	
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Gary Martin	
5	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Gary Martin	

Official Conduct						
No	Reference	Question	Response	Comments	Respondent	
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes		Gary Martin	
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Gary Martin	
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Gary Martin	
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Gary Martin	
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Gary Martin	
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Gary Martin	



Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Gary Martin
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A		Gary Martin
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Gary Martin
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Gary Martin
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Gary Martin
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Gary Martin
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Gary Martin
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Gary Martin
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Gary Martin
10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Gary Martin
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Gary Martin



No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Gary Martin
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Gary Martin
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Gary Martin
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes		Gary Martin

## Notes to the Compliance Audit Review 2012

Tuesday, 19 February 2013  
10:58 AM

**These notes are relevant to the Local Government Compliance Audit Return for the period 1 January 2012 to 31 December 2012. The notes include reference to specific items of non-compliance and matters of an advisory nature for the CEO's consideration.**

### 1. DISCLOSURE.

*For the purposes of s5.70 I disclose that I am a Local Government Consultant involved with a wide range of local governments in the State and with associated industry issues. I am not aware of any specific matter that may create an interest that would require a financial or impartiality interest disclosure to the Council.*

*The Compliance Audit review was conducted independent of the City's management.*

### 2. STATUTORY COMPLIANCE AUDIT 2012 REVIEW PROCESS

The CEO engaged me to conduct an independent review of the Statutory Compliance Return (CAR) for 2012. The review took place on-site on 18 and 19 February 2013.

An important objective of the Compliance Return process is to assist local governments to enhance or develop their internal control processes to ensure compliance with statutory requirements and improve operational management control by using "best practice" procedures. Importantly, the compliance review provides the CEO with an independent overview of the status of his internal management processes, and the Council with an overview of the state of the City's administration.

The review involved the CAR, records of the City and information and advice from relevant City employees and consisted of an examination, on a test basis, of evidence supporting the status of compliance. The process included a comprehensive audit test check of significant items such as the primary and annual return registers, financial interest disclosures, and other registers. Other items in the Return were the subject of examination based upon a sample check of relevant records and/or discussion with relevant officers to ascertain compliance.

The CAR is an electronic document on the Department of Local Government (DLG) website. The extent of the CAR has been reduced considerably from 283 items in 2010 to just 78 for 2011 and 2012. The City is responsible for the completion and submission of the final statutory Compliance Return for 2012 to the Council and the DLG.

The review procedures undertaken enabled the determination of a reasonable opinion, whether in all material respects, compliance, or partial compliance was achieved and consistent based upon the records and information presented.

It is also relevant that the CEO is responsible for the final preparation and submission of the CAR, and the Council itself is required to provide additional scrutiny, including the essential element of local first hand knowledge of some matters, prior to its adoption as the accepted Return.

The compliance review process provides both the CEO and the Council with an additional element of accountability through an independent check on internal management systems, procedures and record keeping and this demonstrates the City's emphasis on improving its good governance, compliance, and best practice through voluntary exposure to external scrutiny.

The CEO and City staff provided all necessary assistance and explanations required during the review.

### 3. REVIEW OUTCOME

The standard of compliance remains consistently high.

It is apparent that the City has a strong culture of awareness of compliance requirements. For context purposes, non-compliance or partial non-compliance related to only 2 of the total 78 items included in the Compliance Return, or an achievement of 97.4%, slightly higher than last year.

The City has sound management systems and procedures. The two examples of non-compliance noted reflected inconsistent or incomplete compliance and human error, and not any systemic failure.

It is important to note that the actual compliance audit process is a detached, retrospective examination of minute, multifaceted, and ambiguous statutory detail specified by the *Local Government Act 1995* and associated regulations. Significantly, the CAR excludes the actual working environment and pressures of the day-by-day operational circumstances, and other community priorities that exist in the pragmatic management of the wide range of functions and issues experienced in a vibrant and growing local government such as the City. The overall compliance requirement to observe "all written law" places an onerous responsibility on the CEO of a growing local government.

The level of compliance achieved is a significant indicator in respect of the high standard of management of the City.

The notes and advisory recommendations in the attachment are for the CEO's management consideration, and provided with the objective of further improving compliance and best practice.

Gary Martin  
Local Government Consultant  
19 February 2013

## 2012 COMPLIANCE NOTES

### A) DELEGATION

The Delegation register and associated record keeping was of a high standard. The most recent review was conducted in May 2012.

It is noteworthy that the City has tightened up its management systems to match its delegations to employees with its control over the lodgment of primary and annual financial returns by the relevant employees. This requires on-going and consistent diligence due to the number of employees involved.

Q6. Delegation 3.38 relating to the Use of the Common Seal does not comply with the requirements of LGA s9.49A

This matter had been identified by the City and an amended delegation is being prepared.

### B) DISCLOSURE OF INTEREST

The management of the Primary and Annual returns and the disclosure of interests at meetings were of a high standard.

No examples were noted of the CEO or other officer making a disclosure at a meeting.

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Q5. Three employees had not submitted a Primary Return within three months of their start date.

Q7. One employee on extended sick leave had not lodged an annual return. It is not considered that this represents non-compliance and is noted for information only.

The management system and increased awareness of the need for constant monitoring of this requirement is working well.

### C) TENDERS

The tender process is thorough and supported by comprehensive documentation. The City is also using the WALGA Purchasing Service and its Tender bureau service.

The "Tender Register" is a public document that may be inspected during office hours, and therefore caution is required to ensure that only the necessary statutory information is recorded in the record available to the public and that any confidential or sensitive information is not included in the register.

### D) General.

The City has well documented policies and procedures. It is to be expected that there will be some human error and inconsistency particularly due to the sheer volume of information and activity taking place. The standard of compliance has improved consistently in recent years and indicates that the CEO has placed a greater emphasis on achieving a high level of compliance.





ATTACHMENT 6



# LATE ITEM

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## Ordinary Meeting of Council

Wednesday, 27 March 2013, 6.00pm



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## **COUNCIL ITEMS**

### **C1303-04 SPECIAL MEETING OF COUNCIL TO CONSIDER OUTCOMES OF THE LOCAL GOVERNMENT REFORM SURVEY**

**DataWorks Reference:** 098/004  
**Disclosure of Interest:** Nil  
**Meeting Date:** 27 March 2013  
**Previous Item:** Nil  
**Responsible Officer:** Glen Dougall, Director Corporate Services  
**Actioning Officer:** Melody Foster, Governance Officer  
**Decision Making Authority:** Council  
**Agenda Attachments:** Nil

## **EXECUTIVE SUMMARY**

**In response to the current round of reform consultations, it is recommended that Council call a Special Meeting of Council to consider the outcome of the survey conducted by the City of Fremantle on Local Government Reform and prepare a response on behalf of the City to the Minister for Local Government.**

## **BACKGROUND**

A motion was passed by Council in December 2012 to conduct a postal survey of the ratepayers and residents on the issue of Local Government Reform to be conducted in late January to early February 2013. The Notice of Motion was put to Council by Cr Josh Wilson in response to recommendations by the Metropolitan Local Government Review Panel (MLGRP) on the Local Government Reform.

## **COMMENT**

As requested by Council, a postal survey was conducted by the City and is now ready to be brought to Council for consideration. The closing date for public comment on the reform agenda is Friday, 5 April 2013. Therefore it is recommended that a Special Meeting of Council be held to discuss the results from this survey and the City's response to the Minister for Local Government prior to then, on Wednesday 3<sup>rd</sup> April, 2013, prior to the Planning Committee meeting.

## **RISK AND OTHER IMPLICATIONS**

### **Financial**

Nil

### **Legal**

Nil

## **Operational**

Nil

## **Organisational**

Nil

## **CONCLUSION**

The Special Meeting will be used to consider the outcome from the survey conducted by the City, and the response prepared by the Chief Executive Officer to be sent to the Minister for Local Government on behalf of the City.

## **STRATEGIC AND POLICY IMPLICATIONS**

Nil

## **COMMUNITY ENGAGEMENT**

A community survey was undertaken in relation to the Local Government Reform and the outcome from this survey is to be considered by Council.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**In accordance with Section 5.4 (b) of the Local Government Act 1995, Council approves the calling of a Special Meeting of Council to be held Wednesday, 3 April 2013 at 5.30pm to consider the outcomes of the survey conducted by the City on the Local Government Reform and response to the Minister for Local Government.**



## ATTACHMENT 7 - Public Question Time submitted by Mr Patrick Howard

Councillors of the City of Fremantle

Re : Application No DAO179/12

I appreciate the consideration given by the Planning Services Committee on 6 March to my concerns about overlooking issues inherent in the proposed and already built elements of the development at 63 Tuckfield Street. However I am concerned about one feature of the development which I believe has not been thoroughly addressed. I refer to the section of the Planning Department report headed South-western setback to proposed deck.

It is recommended that Council should not impose any screening condition to protect the privacy of the occupant of 61 Tuckfield Street from overlooking, despite the fact that the proposed deck infringes the Acceptable Development Requirement by 1.3 m. The report states that the area of the adjoining property that is potentially affected by the loss of privacy is considered not to be a private outdoor living area, and that the view from the proposed deck is not onto any sensitive area.

I addressed this overlooking issue in my submission of 15 August 2012 and drew attention to this "area used for outdoor meals and entertainment" and submitted that visual privacy screening at the southern end of the proposed deck should be required. The statement in the report that the "active habitable space of No 61 Tuckfield Street" is screened by the now-demolished outbuilding, suggests to me that the report is referring to a different area from that which I referred to in my written submission, possibly because I did not describe the area in sufficient detail at the time. I cannot avoid stating that this is a paved area shaded by an olive tree, with outdoor furniture, which is the only outdoor dining and entertaining area on the property and has been used extensively in this capacity during my decades of occupancy. The fact that it is rarely used by the present temporary occupants and not kept clean or tidy would have created a different impression.

In any case, the photographs I have circulated show the outdoor living area quite clearly and illustrate the very significant loss of privacy which will occur in the absence of appropriate screening. The large steel beam visible just above the sheets of asbestos fencing propped against the boundary fence does not represent the southernmost part of the deck. This is much closer to the dividing fence and any person near the southern end of the deck will be able to see clearly into the outdoor living area.

The officer has put forward a suggested condition which Council could consider imposing to address what is described as the potential future loss of landscaping/out building and the resulting loss of privacy. It is clear that the circumstance foreseen in that suggestion actually exists now.

I therefore ask Councillors to adopt the condition put forward at (i) or (ii) on page 11 or 12 of the officer's report. This would require less than three metres of screening on the southern elevation of the proposed deck. I believe this is a reasonable condition which involves a minimal addition to the building. If installed the applicants may find it a welcome shield from a strong sea breeze. It will have little if any impact on the amenity of the applicants and will enable both parties to enjoy their outdoor areas without the discomfort of being readily observed by their neighbours.

Patrick Howard

27 March 2013









## ATTACHMENT 8 - Public Question Time submitted by Mr Kel Smith

Wed 27-3-2013

### FREMANTLE CITY COUNCIL ORDINARY MEETING

#### QUESTION TIME

Good evening, my name is Kel Smith

I refer to Councils Proposed Skate Plaza Draft Design Plans OPTIONS 1 & 2 for the Esplanade Reserve Fremantle.

I understand that it is not on the Agenda tonight but serious questions need to be raised before it is too late.

I wish to obtain answers (yes or No) from the Mayor Brad Pettit the CEO Graham McKenzie to the questions I am about to put forward regarding the "Major changes" proposed by the City to the "Approved" Esplanade Reserve Master Plan of 22nd April 2009 namely:

#### Item1

- THE MOUND

Proposed demolition of the Mound which was saved by public submissions and Full Council Resolution at that time.

- A) Did the Skate Plaza Workshops on the 18<sup>th</sup> & 19<sup>th</sup> January allow the public participants to be hoodwinked by Convic, Council Staff, the Mayor and Councillors present, into believing their specified statement that the mound would be safe and must stay in its present location as it was a highly sensitive issue with park users. Then, allow Skate Park models to be produced knowing full well that the mound was not safe and would be demolished in other plans not shown at the workshop.???
- B) Was this misleading information allowed to happen, knowing full well, that the Fremantle Councils "original brief" to Convic ,(in which Councillor Sullivan was heavily involved hence his walkout of the Oct 2012 Council meeting which saved the mound.),

recommended removal of the mound and that a Skate Plaza Design Plan should be produced showing its intended demolition??

Item 2

• SKATE PLAZA AREA OPTIONS 1&2

The Proposed new Skate Park/Plaza OPTION 2 is now "10" times the area agreed by the public approved Master Plan

- A) Will the original Skate Park on the Master Plan be offered as a third option to the public?
- B) Is the Council aware that Design Proposals Option1 and Option 2 allowing a permanent structure of a minimum of 500 tonnes of grey concrete in approx. 3400 square meters of the green lungs of Fremantle may contravene its own policies and the Burra Charter regarding Permanent Structures on the Reserve?
- C) Does Council conveniently consider that this mass concrete jungle up to 1.5 metres in depth in places is a Temporary or Permanent Structure???

Item 3

• HISTORIC NORFOLK PINES

- A) Is the Council aware that these proposed Convic Design Plans OPTION 1 and Option 2 in Particular ,showing 500 tonne of concrete mass over 3,400 square metres will be detrimental to the health of the Historic Norfolk Pines?
- B) Is the City ignoring its own policy regarding the Health of these Historic Norfolk Pines, given that their own Arboriculturists Reports state that the Shallow root feeder system is only 30 millimetres below the surface and within 30 metre radius of the trunk of the pines and is critical to their survival.

- C) Is the City aware that The Design Plans Option 2 show a 80 metre long concrete Slab close up to the trunk of the 7 pines in a line from near the Childrens Playground to the pumping station and Installation of this Slab will starve the feeder system of water, stress the Pines to the point they will probably die, or they will become so unstable on the South side the prevailing winds of winter could topple them??

#### Item 4

- SKYWHEEL

Has has the CEO Graham Mc Kenzie authorised the new Sky Wheel to be erected in the same place as the old one Knowing full well that that area is allocated for the Skate Plaza ??

- a) Is it already part of the Citys Plan to build the Skate Plaza as per Plan Option 2 which demolishes the mound and then leave the Skywheel as erected??
- b) Will the City use the huge costs up to \$80,000C involved to relocate it later as a reason by the City to support Design Plan Option 2??
- c) Has the CEO authorised the huge Power costs associated with the running of the Skywheel over the past 20 months be subsidised by the ratepayers of Fremantle??
- d) Does the city have details of the metred power of the SkyWheel over the past 20 months?? It must be substantial

#### Item 5

##### Public Comment and Submissions

- A) DOES THE CITY FEEL IT FAIR AND REASONABLE FOR ALL OF THE COMMUNITY TO BE GIVEN THEIR SAY ON THESE MAJOR CHANGES TO THE GREEN LUNGS OF FREMANTLE ,

BY WAY OF COMMUNITY CONSULTATION AND NOT  
MERELY ONE WORKSHOP FOR SKATEBOARDERS  
PRODUCING A DESIGN THAT DOES NOT TAKE INTO  
ACCOUNT THE OTHER 99% OF THE PARK USERS WHO  
VALUE THE PASSIVE RECREATION AVAILABLE ON THE  
MOUND AND SURROUNDING GREEN SPACES ??

- B) Will the final design Plans be advertised in the media for public comment and submissions and a notice board placed in the council foyer and on the Esplanade Reserve for ~~40~~ days as per City of Fremantle Policies to keep the whole Community informed??
- C) When will these final Design Drawings be available for public comment??