



Additional documents Ordinary Meeting of Council

Wednesday 23 March 2022 6pm



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PC2203-11 REVIEW OF HERITAGE AREAS, DRAFT LOCAL PLANNING POLICY 3.6 'DEVELOPMENT IN HERITAGE AREAS' & REVISIONS LOCAL PLANNING POLICY 1.6 'HERITAGE ASSESMENT' – OUTCOMES OF CONSULTATION

Proposed amendment submitted by Cr Andrew Sullivan

Council:

- 1. Note submissions received on the review of heritage areas and polices as outlined in Attachment 1.**
- 2. Revoke the following heritage areas, noting the existence of other statutory controls and protections in place for each:**
 - a) Convict Establishment Heritage Area (Prison Tunnels);**
 - b) Indian Ocean Precinct;**
 - c) John Curtin College of the Arts;**
 - d) Law & Order Precinct;**
 - e) Lilly Street Precinct;**
 - f) Monument Hill and War Memorials, Fremantle;**
 - g) Princess May Reserve;**
 - h) Swan River Precinct; and,**
 - i) Victoria Pavilion, Fremantle Oval.****and publish notice of the revoked heritage areas on the City's website, in accordance with Schedule 2, Clause 9 of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 3. Update the Local Heritage Survey and Heritage List to explicitly include the Prison Tunnels in the Fremantle Prison listing.**
- 4. Adopt Local Planning Policy 3.6 – Heritage Areas provided in Attachment 2 with the following amendments:**
 - a) Add a fifth dot point to the "objectives of the policy" to state that: *Existing places and fabric located in Heritage Areas which are, or may become, of cultural heritage significance are protected until such time as mapping of Contributory Places has been completed and any significant fabric added to the Heritage Area mapping***



and/or the Local Heritage Survey, or as otherwise determined by Council upon planning application;

- b) "Clause 2. Contributory places" be amended by changing:
- i) the first part of the third sentence as follows:
"Contributory places are determined through by Council having had due regard to an assessment...";
 - ii) the second paragraph to read: *"Where mapping of contributory places has not been undertaken for a Heritage Area, or has not been completed due to the inaccessibility of the site or the inability to fully reveal the existence of potentially fabric of cultural significance, this will be assessed upon planning application."*
- c) *In "3.4 DEMOLITION", add a new sentence in "3.4.1 Intent" (to follow the existing first sentence) that states:*

3.4.1 Intent

Demolition is a permanent change that cannot be reversed: even removal of placed with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area.

Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme.

In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.

- d) *In "3.6.3 Building Form" subclause "i", the word "falsely" shall be deleted;*
5. **Amend Local Planning Policy 2.8 –Fences to replace the permissible fencing within the front setback area within**



heritage areas with that specified in clause 3.9.2 ii of the Heritage Areas policy.

- 6. Adopt revised Local Planning Policy 1.6 – Heritage Assessment & Protection as provided in Attachment 3 with the following amendment:**
 - a) The third sentence in the second paragraph of the third dot point of Part 3 entitled “Heritage Areas” be amended to commence as follows:**
“Where mapping of Contributory Places has not been undertaken for a Heritage Area, or is incomplete, this will be assessed upon application.”
- 7. Revoke Local Planning Policy 2.6 – Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List in light of the amalgamation of its key content into the revised Local Planning Policy 1.6.**

Reason for change:

In light of several recent heritage matters involving proposed demolitions in designated Heritage Areas, I'm concerned about some of the wording in the proposed new and amended policies. In particular, I want to ensure we make it clear that, in a city with as much heritage as Fremantle, is not reasonable to expect that all places of potential cultural significance will have been included in the Local Heritage Survey (LHS) and/or mapped as Contributory Places within a Heritage Area. I'm not sure I can make the necessary adjustments to the policies through amendments at the eleventh hour but I will do my best. Staff, or the Council, may choose to defer the item to deal with the matters below.

The Heritage Act 2018 makes it clear that we, the Council, are obliged to maintain a LHS of places and areas that IN OUR OPINION, i.e. Council's opinion **are, or may become**, of cultural significance. Put bluntly, while we will obviously have regard to professional inputs including heritage assessments, we the Council are obliged to determine what needs to be included in the LHS and the Heritage Area Mapping. It is also clear from the Act that this process is not static or finalised, but rather it is ongoing and always requiring review. The policy needs strengthening in this aspect and it needs to be made clear that this is the Council's job, not the City's unless that decision making has been delegated.



FPOL2203-7 DRAFT PARKING PLAN PRINCIPLES

Proposed amendment submitted by Cr Andrew Sullivan

Amend part 1 (1.8) of the Committee recommendation to read as follows:

- 1.8 In residential-zoned areas where competing commercial/non-residential and residential demand for public parking is creating significant conflict, target a house-to-vacant-public-bay distance of up to 200m at most times (ideally 100m, ~~with a maximum tolerance of 400m~~) through application of time limits and parking fees (variable for residential parking permit holders).**

Reason for change:

I consider Parking Principle 1.8 unreasonably suggests that residents in areas like South Fremantle should be expected to tolerate having to park their car up to 400m from their house. If this principle was to apply, there would be many places in South Fremantle where residents might live near South Terrace but be expected to park as far away as Beaconsfield on the other side of Hampton Road. Most residents do not want to park their car in another street where it is beyond their ear-shot and visual surveillance, or at least being watched over by their neighbours in the street.



FPOL2203-8 CAT BUS REVIEW – ADDITIONAL FINDINGS

Proposed alternative recommendation submitted by Cr Rachel Pemberton

Council:

- 1. Notes the findings of the research conducted in June 2021, recognising that the passenger data was collected at a time service frequency was reduced and tourism was impacted by the WA borders being closed.**
- 2. Support the retention of a CAT bus service for reasons including that it:**
 - a. reduces traffic congestion and parking pressure in central Fremantle;**
 - b. provides alternative transport options for high density residential areas to access the CBD and key destinations; and**
 - c. transports visitors around the city and between key destinations.**
- 3. Support continuation of the current level of CAT service (the Blue CAT only, at a 20-minute frequency) until the time of award of the new PTA contract for CAT services in October 2022.**
- 4. Agrees to consider budget allocation to fund one third of the total estimated cost of the pre-COVID CAT Bus service as part of the 2022/23 budget process (based on current PTA contract costings) in recognition that no other CAT Bus service in WA relies on more than one-third local government funding.**
- 5. Request the CEO and Mayor seek to secure additional funding sources for the service to be maintained, with options to be explored including:**
 - a. Contribution from Fremantle Ports / State Government as part of activation of Victoria Quay;**
 - b. Paid parking to be introduced on Ord St and Marine Tce;**
 - c. A Special Area Rate to be paid by those properties within walking distance (400m) to the CAT bus service;**



- d. **Advertising on board the CAT buses;**
 - e. **Charging a small fee to ride the CAT bus using a 'tap and go' EFTPOS facility or similar.**
- 6. Authorise the CEO to provide input into the PTA request for tender, based on the following:**
- a. **Service parameters – the CAT service, irrespective of exact route configurations, is to serve a similar catchment to the area previously served by the Blue and Red CAT routes. The service is to operate 7 days per week all year round with similar operating hours to the current service.**
 - b. **The extent of PTA funding remains no less than their current funding proportion of the total service cost.**
 - c. **A new tendered contract should include a 'New Stakeholders' clause which makes provision for another party or parties to become an additional contributor to the funding of the service (either from the commencement of the contract or at a later date), if agreed to by the City of Fremantle and the PTA.**
- 7. Request that a report be brought back to Council to finalise the preferred CAT Bus routes and frequencies once the cost of the service under the new PTA contract is known, and other funding sources have been identified in late 2022, based on agreed, prioritised principles.**

Reason for alternative:

The rationale is to agree in principle to the objectives of the CAT and indicate where we want negotiations to start, with options to derive revenue that will offset the cost.



FPOL2203-8 CAT BUS REVIEW – ADDITIONAL FINDINGS

Proposed alternative recommendation submitted by Cr Ben Lawver

Council considers options to ensure any CAT Bus service funded (in whole or part) by Fremantle ratepayers provides an equitable service for all residents.

Reason for alternative:

I think from here we would be able to consider options of what the service actually is achieving without holding up the process and are not limited to only considering legacy routes and/or service levels.



FPOL2203-10 DEDICATION OF SETBACK AREAS – 14 PARRY STREET, FREMANTLE (PART LOT 1508) AND THE WHOLE OF LOT 50 PARRY STREET, FREMANTLE

Proposed amendment submitted by Cr Andrew Sullivan

To add a part 4, to read as follows:

- 4. The Chief Executive Officer investigate the legal status of the remaining portions of the Parry Street carriageway and footpath in front of Nos 10 and 12 Parry Street and provide a briefing to a future Informal Elected Members meeting that looks to safeguard those areas as part of the public realm of Parry Street.**



**C2203-1 ACCEPTANCE OF MINUTES AND CONSIDERATION OF
MOTIONS FROM THE SPECIAL MEETING OF ELECTORS
HELD MONDAY 14 MARCH 2022**

Proposed amendment submitted by Cr Andrew Sullivan

To add a part 4, to read as follows:

- 4. Request the State Government and Chief Medical Officer review the mandatory vaccination qualifications required to gain an exemption from vaccination for individuals with physical and mental health conditions that would reasonably preclude them from being vaccinated, and to optimise the capacity of exempt people to constructively participate in both the workplace and the community.**



C2203-2 ELECTRONIC MEETINGS AND ATTENDANCE AT COUNCIL MEETINGS

Additional Officer Comment

Meetings are livestreamed through YouTube and not actually through the City's Website so to avoid confusion it is recommended that the words "on the City's Website" be removed from proposed meeting guide.

Amended Officer's Recommendation

To amend part 3 of the officer's recommendation, to read as follows:

- 3. Adopt the attached 'electronic meeting guide' for temporary implementation, with the following amendment:**
 - a. Under "1. Format for electronic meetings", delete "on the City's website" from point c.**