



# Additional documents

## Ordinary Meeting of Council

Wednesday 24 April 2024 6pm



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## **C2404-7      TRANSFERRING TREES FROM HERITAGE LIST ONTO THE SIGNIFICANT TREE REGISTER**

### **Additional officer's comment**

Although the trees are all included on the Register of Significant Trees there is some doubt about whether the original registration process was correct in all respects. Repeating the registration process will remove any doubt about the correctness of the process and will also mean that the Council is required to reconsider whether all of the trees are worthy of conservation.

Subject to any submissions that may be received during the process, the administration's view is that the trees that were formerly included on the Heritage List and which the Council resolved to transfer to the Register of Significant Trees are worthy of conservation.

Once the process is completed, a report will be brought back to Council to consider any feedback received during the process and determine whether the trees should remain on Register.

In light of further legal advice, the following alternative officer's recommendation is provided for Council consideration.

### **Officer's Proposed Alternative Recommendation**

#### **Council:**

- 1. Notes that the following trees that were formerly included in the Heritage List are considered to have significance as contained in the Register of Significant Trees and Vegetation Areas provided in Appendix B of LPP2.23:**
  - a. Tree, 11 Harvest Road, North Fremantle**
  - b. Trees, 15 Harvest Road, North Fremantle**
  - c. Tree Grove, 21 Harvest Road, North Fremantle**
  - d. Trees, 45 Henderson Street, Fremantle**
  - e. Moreton Bay Fig, 195 High Street, Fremantle**
  
- 2. Agrees to undertake the process under Local Planning Scheme No.4 with respect to including the trees listed in Part 1 on the Register of Significant Trees, to allow consideration to be given to whether the trees should remain on the Register.**



## **C2404-7 TRANSFERRING TREES FROM HERITAGE LIST ONTO THE SIGNIFICANT TREE REGISTER**

### **Proposed amendment by Cr Andrew Sullivan**

To amend Part 2 of the Alternative Officer's Recommendation, to read as follows:

- 2. Council acknowledges the requirements of Local Planning Policy 'LPP 2.23 Register of Significant Trees and Vegetation Areas' that normally require nominations for trees and vegetation areas to be included on the register to be authorised by the owner(s) of the land, but determines that this requirement does not apply to trees or vegetation areas identified to be of cultural heritage significance in their own right or as an integral part of a culturally significant place.***

### **Reasons for amendment:**

Trees and landscapes assessed as having some or more cultural heritage significance need protection in the planning system consistent with how built structures of cultural heritage significance are protected. There is some legal doubt that the legislative powers contained in Western Australia's planning and heritage acts provide the same powers for the protection of trees and landscapes in local planning schemes as they do for built works. Council has previously determined that trees and landscapes of cultural heritage significance should be included in the 'Register of Significant Trees and Vegetation Areas' to ensure they are provided the same level of protection in the planning system as built works of cultural heritage significance. It is fundamental in the process for including places of cultural significance on the City's heritage lists that the Council registers such places based on their significance and without requiring authorisation from owner(s) of the relevant place to be listed. As such, in instances where a tree or vegetation area is assessed as being of cultural heritage significance in accordance with 'LPP 1.6 Heritage Assessment and Protection' and other provisions, the requirements of LPP 2.23 Clause 1.1 should not be applied. Clarification of this position should be included in LPP2.23 when it is next reviewed.



**C2404-7 TRANSFERRING TREES FROM HERITAGE LIST ONTO THE SIGNIFICANT TREE REGISTER**

**Proposed amendment by Cr Fedele Camarda**

To amend Part 2 of the Alternative Officer's Recommendation, to read as follows:

- 2. Agrees to undertake the process under Local Planning Scheme No.4 with respect to including the trees listed in Part 1 on the Register of Significant Trees *and give due regard to LPP2.23*, to allow consideration to be given to whether the trees should remain on the Register.**

**Reasons for amendment:**

To make it clear that due regard is given to the policy.



**C2404-8 SOUTH BEACH - LANDSCAPE & CIVIL INTERGRATION WORKS**

**Proposed amendment by Cr Andrew Sullivan**

To amend the Officer's Recommendation to include an additional part 3, 4 and 5, as follows:

- 3. *Request that officers consider inclusion of the following items through the design development phase of the Landscape Package works:***
  - a. *Adjusted footpath routes to ensure they suitably align with pedestrian desire lines, especially in respect to North - South movements and potential conflict points connecting higher flow / activity areas.***
  - b. *An increased alfresco dining area for the café.***
  - c. *Improved infrastructure alignment and design levels to accommodate effective shower drainage and avoid sand accretion.***
  
- 4. *Request that the following items be included as part of a capital works (South Beach Parking improvement works) proposal, for consideration as part of the 2024/25 budget process:***
  - a. *Cycling and pedestrian safety through improved alternative cycling routes.***
  - b. *Provision for improved bike parking.***
  - c. *Car parking provision, including short stay and drop off facilities.***
  
- 5. *Engage with the Passenger Transport Authority (PTA) to discuss improved rail crossing points to better connect Wilson Park to the foreshore reserve.***

**Reasons for amendment:**

The matters listed seek to improve the functionality around the built-up area of the beach reserve.



**C2404-10      DISPOSAL OF DEMOUNTABLE BUILDING AT 8 FORREST  
STREET, FREMANTLE**

**Proposed amendment by Cr Andrew Sullivan**

To amend the Officer's Recommendation to include a part 3, as follows:

***3. Approve the net proceeds from the sale, be placed in the Parks  
Recreation and Facilities Reserve, for use towards future community  
based outcomes.***

**Reasons for amendment:**

To acknowledge that the financial benefit gained from the original Lotteries funding should ideally be redirected into similar community-based outcomes.