



# **Additional information**

## **Ordinary Meeting of Council**

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Wednesday, 26 May 2021, 6.00pm

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## 5. RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

### Fremantle Society question 1 response attachment.

Buildings Asset Balance and Revaluation Movements as at 30 June 2020

Address, Suburb & Description	Revaluation Movement	Closing Valuation (Asset Balance)
Weybridge Day Care Centre 4 Forrest St Fremantle	(23,028)	160,800
Town Hall 8 William Street Fremantle	2,198,492	11,604,700
Fremantle Oval Entrance Gate Fothergill St Gate	(13,030)	21,700
Fremantle Oval Press Box Stand Parry Street	(41,611)	73,600
Oval Victoria Pavilion 62-64 Parry Street Fremantle	278,199	2,806,500
Fremantle Oval Office 70 Parry St Fremantle	4,201,042	6,732,000
Oval Clubhouse and Grandstand 16/70 Parry Street Fremantle	15,911	1,336,000
Oval Toilets (Hospital End) 13/70 Parry Street Fremantle	(15,420)	272,700
Oval Toilets (Goal End) 8/70 Parry Street Fremantle	(135,798)	0
Oval Kiosk (Goal Side) 7/70 Parry Street Fremantle	(4,169)	12,000
Northern Pavilion 4/70 Parry Street Fremantle	(15,733)	50,600
Adjacent Toilet Block, 12/70 Parry Street, Fremantle	93,309	111,600
William Street Entry Gate 58 Parry Street Fremantle	(4,855)	67,000
Changerooms Fremantle Park 12 Ellen Street Fremantle	(50,834)	426,200
Changerooms Frank Gibson Park 338 Holland Street	(276,673)	0
Storeroom Frank Gibson Park 6/338 Holland Street	8,135	170,200
Clubrooms Frank Gibson Park 2/338 Holland Street	2,082,283	2,892,800
Female Toilet Frank Gibson Park 2/338 Holland Street	7,902	54,400
Male Toilet Frank Gibson Park 3/338 Holland Street	(46,498)	0
Kiosk Frank Gibson Park 4/338 Holland Street	13,529	40,400
Shed Frank Gibson Park Holland St Fremantle	(4,459)	24,100
Ferry Terminal Public Toilet 123 Beach Street Fremantle	30,471	129,200
Kiosk 123 Beach Street Fremantle	32,657	274,100
Ferry Ticket Office & Storeroom 124 Beach Street Fremantle	(29,370)	22,400
Essex Street Public Toilets Esplanade Reserve 45 Marine Terrace Fremantle	4,866	81,100
Public Toilet Horrie Long Reserve 21 Forrest Street Fremantle	(2,830)	58,200
Building @ 2 Phillimore Street Fremantle	(19,703)	32,000

Fremantle Markets 74 South Terrace Fremantle	1,261,278	4,246,000
Film & TV Institute Princess May Park 92 Adelaide Street Fremantle	3,306,944	6,357,100
Fremantle Education Centre Princess May Park 1 Parry Street Fremantle	4,607,453	8,786,600
Clancy's Fish Pub 51 Cantonment Street Fremantle	(577,642)	610,100
Kidogo Arthouse Arthur Head Reserve 49 Mews Road Fremantle	(30,983)	324,200
Roundhouse Arthur Head Reserve	3,305,568	4,465,200
Public Toilets Arthur Head Reserve	48,827	153,500
9 Captains Lane Arthur Head Reserve	62,519	373,400
10 Captains Lane Arthur Head Reserve	(53,637)	229,900
11 Captains Lane Arthur Head Reserve	69,103	370,500
12 Mrs Trivett Place Arthur Head Reserve	98,937	395,500
Ammunition Shed 13 Mrs Trivett Place Arthur Head Reserve	(47,951)	32,900
14 Mrs Trivett Place Arthur Head Reserve	(60,080)	94,800
Workshop Store 15 Mrs Trivett Place Arthur Head Reserve Fremantle	30,544	70,600
Arthur Head J Shed Studios 1-4, 3 Fleet St Fremantle -	122,943	670,800
Hilton Park Kindergarten 85 Rennie Crescent South Hilton	17,843	235,400
Community Day Centre 12 Laidlaw Street Hilton	(72,400)	231,100
Clubrooms Bruce Lee Reserve Caesar Street Beaconsfield	(91,278)	182,900
Public Toilets Bruce Lee Reserve South Street Beaconsfield	(24,375)	55,300
Changerooms Dick Lawrence Oval 138 Lefroy Road Beaconsfield	444,960	1,427,000
Public Toilets Dick Lawrence Oval Walton Way Beaconsfield	10,042	126,900
Middle Oval Clubhouse Hilton Park Carrington Street Beaconsfield	(131,572)	126,400
Grandstand Gilbert Fraser Reserve 21 John Street North Fremantle	221,858	829,500
Clubrooms & Grandstand Gilbert Fraser Reserve 21 John Street North Fremantle	80,527	680,100
Garage/Gym Gilbert Fraser Reserve 21 Johannah St North Fremantle	(19,439)	66,200
Public Toilets Gilbert Fraser Reserve 21 John Street North Fremantle	26,419	128,000
Residence Gilbert Fraser Reserve 21 Johannah St North Fremantle	(50,659)	58,000
Shed - Gilbert Fraser Reserve 21 Johannah St North Fremantle	0	41,652
Port Beach Changerooms 40 Port Beach Road North Fremantle	(40,797)	371,000
Surf Club Lookout 38 Port Beach Road North Fremantle	(4,822)	59,200
Public Toilets Sir Frederick Samson Park 39 McCombe Avenue Samson	(17,686)	21,200
The Meeting Place 245 South Terrace South Fremantle	(9,958)	336,900
Public Toilets Parmelia Park Chester Street South Fremantle	1,697	61,000



South Beach Public Toilets 7 Ocean Drive South Fremantle	(290,751)	0
South Beach Kiosk 9 Ocean Drive South Fremantle	308,229	493,400
Hazel Orme Kindergarten 96 Samson Street White Gum Valley	109,395	354,000
Stevens Reserve Curators Residence;;Swanbourne Street, Fremantle ;;	(3,807)	112,100
Hilton Park Bowling Club 64 Shepherd Street Beaconsfield	(467,452)	1,280,800
St John Ambulance Depot 14 Parry Street Fremantle	(208,160)	366,800
Signal Station Cantonment Hill Reserve 4 Burt Street Fremantle	322,454	695,000
Fmr Naval Store Cantonment Hill Reserve 141 Canning Hwy Fremantle	(876,849)	732,500
Cliff Street Public Toilets Esplanade Reserve 45 Marine Terrace Fremantle	(7,769)	207,900
Moore's Building 42 Henry Street Fremantle	1,045,010	1,756,300
Leighton Bch Kiosk	(6,478)	179,200
Leighton Bch Tanks/Toilets	(94,979)	696,500
Changerooms & Shed Stevens Reserve Swanbourne Street	(289,204)	844,500
Depot Mechanics Workshop 81 Knutsford Street Fremantle	(171,480)	289,300
Depot Amenities Bldg & Parks Office 81 Knutsford St Fremantle	62,497	195,600
Depot Paint Store 81 Knutsford St Fremantle	(31,004)	53,300
Depot Carpenters Workshop 81 Knutsford St Fremantle	12,896	175,000
Depot Slab Office 81 Knutsford St Fremantle	(110,133)	5,600
Depot Vehicle Garage 81 Knutsford St Fremantle	(67,363)	80,400
Depot Store 81 Knutsford St Fremantle	76,572	77,600
Depot Sign Store 81 Knutsford St Fremantle	(111,003)	0
Depot Bin Storage 81 Knutsford St Fremantle	(14,063)	0
Depot Admin 81 Knutsford St Fremantle	186,267	614,900
Dog Pound Kennels	36,912	67,200
Dog Pound Office	(17,155)	8,800
Dog Pound Storage	(5,304)	28,300
Arts Centre & Museum (FAC) 1-21 Finnerty St Fremantle	7,163,484	20,641,000
FAC Studio Sheds 1-21 Finnerty St Fremantle	(61,350)	14,600
FAC Ceramics Workshop 1-21 Finnerty St Fremantle	(66,750)	124,900
FAC Studio (Sml Shed) 1-21 Finnerty St Fremantle	12,897	22,500
FLC Admin Bldg & Kiosk 10 Shuffrey St Fremantle	(225,330)	80,800
FLC Chlorine Bldg 21 Shuffrey St Fremantle	(2,940)	12,900
FLC Ablution Block 21 Shuffrey St Fremantle	178,920	532,000

FLC Gym & Creche 21 Shuffrey St Fremantle	273,238	1,180,300
FLC Pool & Enclosure 21 Shuffrey St Fremantle	(273,974)	2,905,500
FLC Hydrotherapy Pool & Bldg 21 Shuffrey St Fremantle Security Services	(23,361)	320,300
FLC Plant Room 1 21 Shuffrey St Fremantle	50,596	155,700
FLC Plant Room 2 21 Shuffrey St Fremantle	443,753	459,000
FLC Plant Room 3 21 Shuffrey St Fremantle	(254,993)	14,400
Leased - Art On The Move 117 Beach St Fremantle	3,016	358,100
Leased - Art On The Move 117A Beach St Fremantle	(6,739)	6,300
Moore's Cafe & Gallery 46A Henry St Fremantle	(1,660,054)	0
Moore's Artists' Cottage 46 Henry St Fremantle	(287,570)	0
Moore's Artists' Studio 46B Henry St Fremantle	(146,259)	0
Old Fire Station Backpackers 16 Phillimore St Fremantle	1,093,996	2,873,200
Old Fire Station Rooms & Toilets 18 Phillimore St Fremantle	(6,551)	101,800
Victoria Hall 179 High St Fremantle	(125,678)	1,679,100
Victoria Hall Toilet 1 179 High St Fremantle	28,494	84,900
Victoria Hall Toilet 2 179 High St Fremantle	11,652	40,100
Hilton Park Com Cntr Workshop 1-2, 34 Paget St Hilton	181,687	406,600
Hilton Park Community Centre 1-2, 34 Paget St Hilton	3,385,128	6,119,000
Hilton Park Clubhouse Walton Way Hilton	(72,723)	828,000
Hilton Bowling Club Shed Walton Way Hilton	41,559	52,200
Community Hall 6 Thompson Road North Fremantle	300,606	872,600
Community Hall Store Shed 6 Thompson Road North Fremantle	(7,421)	2,100
Apac Community Revegetation Nursery Main Building (Winters' House) 1 Johannah Street	36,332	200,000
Winters' House Nursery Shed 1 Johannah St North Fremantle	7,997	44,400
Winters' House Rammed Earth Bldg 1 Johannah St North Fremantle	(1,747)	124,900
Winters' House Nursery Shed 1 1 Johannah St North Fremantle	9,624	54,300
Winters' House Nursery Shed 2 1 Johannah St North Fremantle	(22,536)	96,600
Winters' House Nursery Shed 3 1 Johannah St North Fremantle	58,768	129,000
Recreation Centre 44 McCombe Ave Samson	1,191,014	2,330,100
Rec Centre Creche 44 McCombe Ave Samson	(25,595)	113,500
Bowling Club 8 Thompson Rd North Fremantle	(127,071)	327,300
Green Keepers Shed 8 Thompson Rd North Fremantle	2,810	19,500
Store Shed Montreal St Fremantle	(2,605)	15,200

Public Toilet Montreal St Fremantle	(14,007)	33,500
Public Golf Course Clubhouse 20 Montreal Street	11,265	365,100
Montreal Street	(64,559)	38,200
Sullivan Hall 2-4 Nannine Ave White Gum Valley	(34,771)	199,500
Sullivan Hall Toilet Block 2-4 Nannine Ave White Gum Valley	(99)	47,700
Sullivan Hall Fire Pump Shed 2-4 Nannine Ave White Gum Valley	(8,235)	10,800
Mens Shed Toilet Block 2-4 Nannine Ave White Gum Valley	(32,945)	0
Mens Shed 2-4 Nannine Ave White Gum Valley	289,427	695,500
Transportable Depot Knutsford Street Fremantle	28,000	28,000
Shed Depot Knutsford Street Fremantle	11,200	11,200
Ticket Office Depot Knutsford Street Fremantle	6,800	6,800
Shed #1 Gilbert Fraser Reserve 30 John Street North Fremantle	4,100	4,100
Shed #2 Gilbert Fraser Reserve 30 John Street North Fremantle	5,000	5,000
Shed (House #9) Arthur Head 9 Fleet St Fremantle	600	600
Toilet Block (House #9) Arthur Head 9 Fleet St Fremantle	10,800	10,800
Garage (House #12) Arthur Head 12 Fleet St Fremantle	9,600	9,600
Office & Changeroom Fremantle Leisure Centre Shuffrey Street Fremantle	29,500	29,500
Lookout Fremantle Leisure Centre Shuffrey Street Fremantle	8,100	8,100
Swimming Pool Fremantle Leisure Centre Shuffrey Street Fremantle	2,980,000	2,980,000
Store (Rugby Club) Hilton Park Reserve Carrington Street Hilton	10,200	10,200
Toilets (Bowling Club) Hilton Park Reserve Carrington Street Hilton	28,600	28,600
Winters House Nursery Shed 4 Winters House Johannah Street North Fremantle	129,600	129,600
Warehouse Townsite 2 Jones Street O'Connor	(704,800)	695,200
Store Shed Fremantle Oval Parry Street Fremantle	13,800	13,800
Shed Hilton Park Pre Primary Rennie Crescent South Hilton	8,000	8,000
Greenkeepers Shed Bowling & Tennis Clubhouse Ellen Street Fremantle	77,400	77,400
Shed Hilton Park Reserve (Bowling Club) Carrington Street Hilton	3,200	3,200
Shed Hilton Park Reserve (Alistair Mackay) Carrington Street Hilton	10,700	10,700
Changerooms (Rugby Club) Hilton Park Reserve Carrington Street Hilton	826,700	826,700
Shed (Studio 9) Fremantle Arts Centre Ord Street Fremantle	48,600	48,600
Car Port (Caretaker's Residence) Stevens Reserve Stevens Street Fremantle	1,900	1,900
Administration Building Fremantle Leisure Centre Shuffrey Street Fremantle	202,700	202,700
Buildings WIP at end of financial year	0	38,380,135

Kings Square Temporary Toilets  
Solar Panels various buildings

0 26,337  
0 38,342

**35,124,945 157,316,266**

**PC2105-2      MCLAREN STREET, NO. 15 (LOT 25), SOUTH FREMANTLE  
DEMOLITION OF EXISTING SINGLE HOUSE AND CONSTRUCTION  
OF A SINGLE STOREY SINGLE HOUSE WITH AN ANCILLARY  
DWELLING – (NB DA0508/20)**

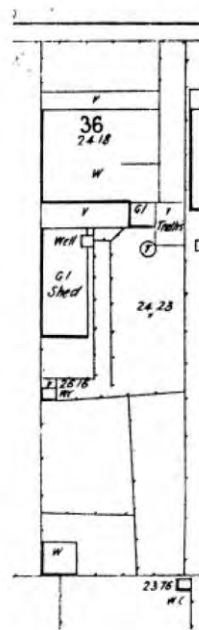
**Additional Information 1 – City's Heritage Assessment**

**Heritage Comment - Internal**

**Address:** 15 McLaren Street  
**Application number:** DA0508/20  
**Proposal:** Demolition and New Dwelling  
**Requesting officer:** Nathan Blumenthal  
**Date:** 27/11/2020



15 McLaren Street, Aerial photograph, ESRI, 27/11/2020



1908 Sewerage Diagram

## INTRODUCTION

The purpose of this heritage comment is to assess the changes to the place that are proposed in DA0508/20 and the affect that they will have upon the heritage values of 15 McLaren Street, South Fremantle. The proposed changes include:

- Demolition and New Dwelling

## HERITAGE LISTINGS

### State Register of Heritage Places

The place is not included in the State Register of Heritage Places – a referral to DPLH Heritage is not required.

### Inherit

Inherit Database number – 22386

### Heritage List and LHS

15 McLaren Street is not included on the City of Fremantle's Heritage List.

### Heritage Area

The place is included in the South Fremantle Heritage Area.

The "South Fremantle Heritage Area." is designated as a Heritage Area in accordance with clauses 7.2.1 and 7.2.9 of Local Planning Scheme No. 4.

## RELEVANT PREVIOUS DEALINGS

Recent meetings or discussions:

- Site Visit – 9 December 2020

Previous relevant DAs:

- N/A

Previous relevant legal dealings: N/A

## BACKGROUND

### Historical Information

McLaren Street was originally called Edward Street. The name was changed to Silas Street in 1906 in honour of William Silas Pearce, a local business identity. The street was renamed McLaren Street in 1923, this time in honour of F J McLaren, who was Mayor of Fremantle from 1912 to 1914.

House, 15 McLaren Street was constructed in 1899 for Thomas Henry Hopkins who occupied the house until his passing in 1938. Thomas Henry Hopkins was born in Fremantle in 1884 and was the son of Thomas Hopkins (a labourer) and Annie Marie Hearn (both born in Fremantle in 1958). The grandfather of Thomas Henry Hopkins was Thomas (Tommy) George Hopkins who travelled to Fremantle in 1850 aboard the Sophia which departed from Plymouth. Tommy Hopkins was the unofficial town crier of Fremantle



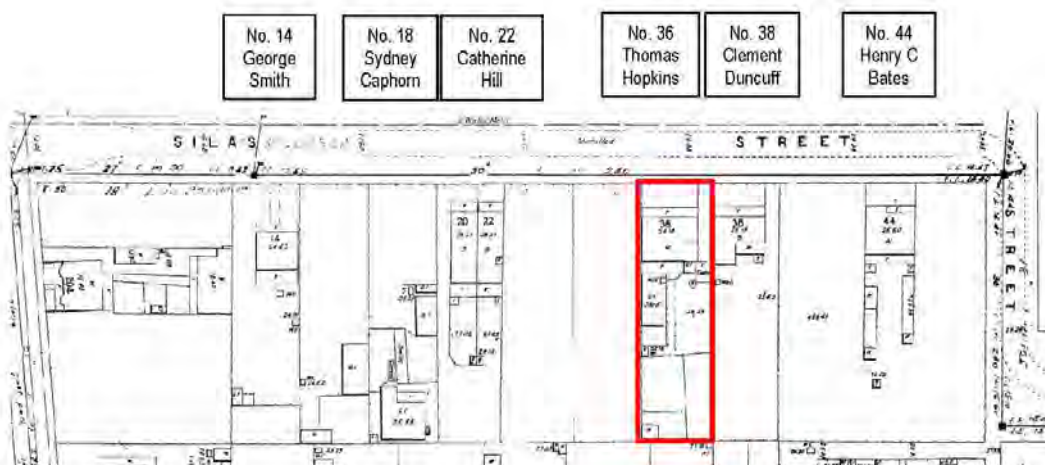
and was the means by which local news was disseminated in the 1850s and 60s. "Every lunch hour and evening his stentorian voice and sonorous bell could be heard announcing an auction sale, meeting, or other fixture, his fee being 2s 6d a time. At election times, the candidate who could command a monopoly of Tommy's services was on the right track to victory".

In 1906 Edward Street was changed to Silas Street. The 1908 Sewerage Diagram indicates a weatherboard cottage with a full length verandah in the same location as the house now. It also notes a well, two galvanised iron sheds, a trellis and a water closet. It should be noted that the 1908 sewerage diagram indicated a weatherboard building, however, it is considered likely that this is a notational error and that the original building was likely masonry.

In 1923 Silas Street was renamed McLaren Street and then in 1935, 36 McLaren Street became 15 McLaren Street when the odd and even numbers swapped to the opposite side of the street.

Following the passing of Thomas Henry Hopkins in 1938 the house was then occupied by Mrs Annie Hopkins.

The place was purchased in the 1950s by Angelo and Santa Maria Zugaro, who remained living in the house until Angelo passed in 2014 and Santa Maria in 2018. Angelo Zugaro (a welder) arrived in Fremantle in Mar 1955 aboard the Castel Felice from Trieste, Italy. His wife Santa Maria Zugaro remained in Italy for another 2 years and arrived in Fremantle on 3 Mar 1957 aboard the Neptunia, from Genova, Italy.



1908 Sewerage Diagram



### Physical Description

The original 1899 cottage is still located on the site with the original form being clearly evident, although the place has undergone much change over the years. When comparing the aerial photograph with the 1908 Sewerage Diagram the various elements of building, additions and outbuildings can still be identified.

The place is a single storey masonry and tile cottage, with a symmetrical façade, central front door flanked on either side by windows. The original verandah has been removed, reinstated and then infilled with a face brick front wall, central front door and aluminium windows.

The roof to the house retains its original form being a hipped roof over the front two rooms of the house and various skillion roofs to the rear.

The walls are rendered masonry. The windows to the original front wall of the cottage are timber framed casements, likely replacements of original double hung sash windows.

As typical with these small original cottages, there are additions to the rear under skillion roofs. Internally the original plan is intact. There is little decorative detail. There is evidence of damp to some of the walls and the floors likely require restumping.

The front garden has a low level masonry fence, paving and small shrubs. There is a driveway to the eastern side leading to a later constructed single garage.

To the rear of the cottage there are many outbuildings, some of which are likely early or original. There have been many ad hoc additions to the outbuildings over the years with sheds for various activities such as bottling tomatoes and housing chickens. The rear garden retains many elements of the way of life of the self sufficient, hardworking and resourceful European Migrants who arrived on our shores during the post WWII period.



15 McLaren Street, South Fremantle, City of Fremantle, 9/12/2020

## IMPACT ASSESSMENT

### Statement of Significance

#### Impact on Significance - Demolition

Aesthetic value	Major impact	Condition	No discernible impact
Historic value	Minor impact	Integrity	Medium impact
Scientific value	No discernible impact	Authenticity	Medium impact
Social value	Minor impact	Historical evolution	Medium impact
Rarity	No discernible impact	Streetscape	Major impact
Representativeness	Medium impact		

### Heritage Impact Comments

The proposed demolition of 15 McLaren Street has been carefully considered in relation to both the individual level of heritage significance and its place within the streetscape and the South Fremantle Heritage Area.

The place is not included in the MHI, Heritage List or State Register on an individual basis.

The place is included in the South Fremantle Heritage Area and is considered to be a contributory place in the Heritage Area.

The underlying structure and overall form of the cottage dates from 1899, however much of the original or early detailing has been changed both internally and externally and demonstrates the influence of the European Migrants of the post WWII era.

Still remaining is the overall form of the original building and the original floor plan, the original masonry walls, roof structure and form, timber floors, outbuildings and the original copper.

Original floor plan – intact

Original roof form – intact

Original overall cottage form – altered but is still clearly evident

Original front façade proportions – central front door / windows either side / verandah structure running full length of front façade all intact, however the brick infill of the front verandah obscures the front facade

Original front façade detailing – significantly altered (verandah has been removed, reconstructed and then infilled / front façade windows have been replaced)

Original verandah form – significantly altered

Original verandah detailing – removed and reconstructed then infilled

Front fencing, gardens or setting – significantly altered from original but now reflects 1950s European Migrant influence

Internal details – significantly altered or removed

Social or historic significance – social or historic significance due to associations with early settler family and also reflects 1950s European Migrant influence.

The proposed demolition of 15 McLaren Street will have an irreversible impact on the cultural heritage significance of the place individually, the McLaren Street streetscape and the South Fremantle Heritage Area. The complete loss of the place is a loss of an element of the heritage streetscape, an individual heritage place dating from 1899 and a loss of a demonstration of the influence that the European Migrants had on Fremantle, and particularly South Fremantle, during the Post WWII era.

#### **RECOMMENDATIONS:**

Generally this proposal is NOT supported on heritage grounds.

It is considered that part of the place (the front two rooms and central corridor under the main hipped roof) could be retained and conserved, with the reconstruction of the original front verandah (or the front verandah infill of the post WWII era) and an addition constructed to the rear to meet the owners needs and current living requirements.

Whilst interesting and significant as part of the history of the place and the area, the outbuildings could be demolished following an archival record.

Appendices  
Site Visit Photographs – 9 December 2020





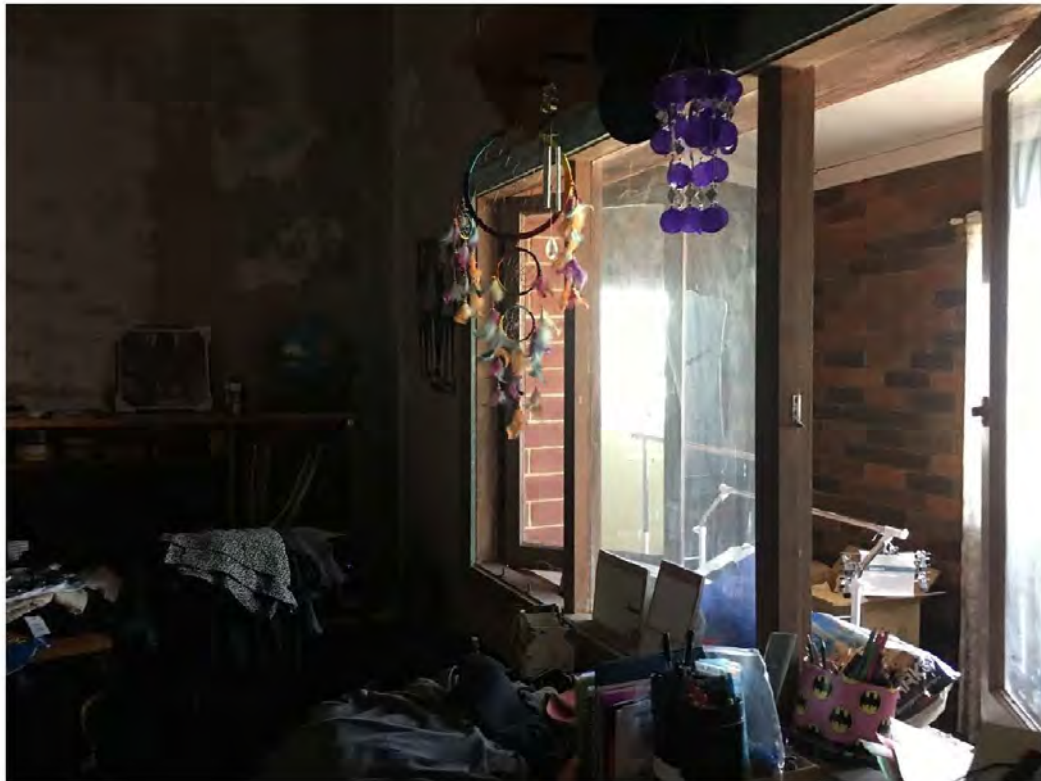








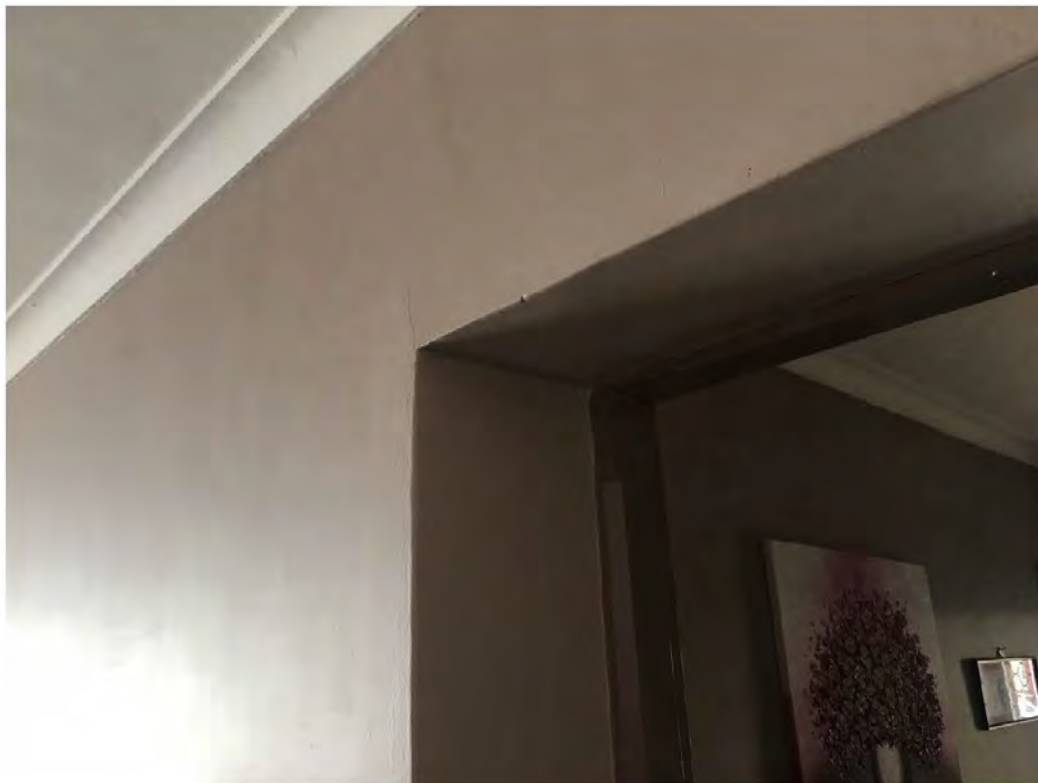




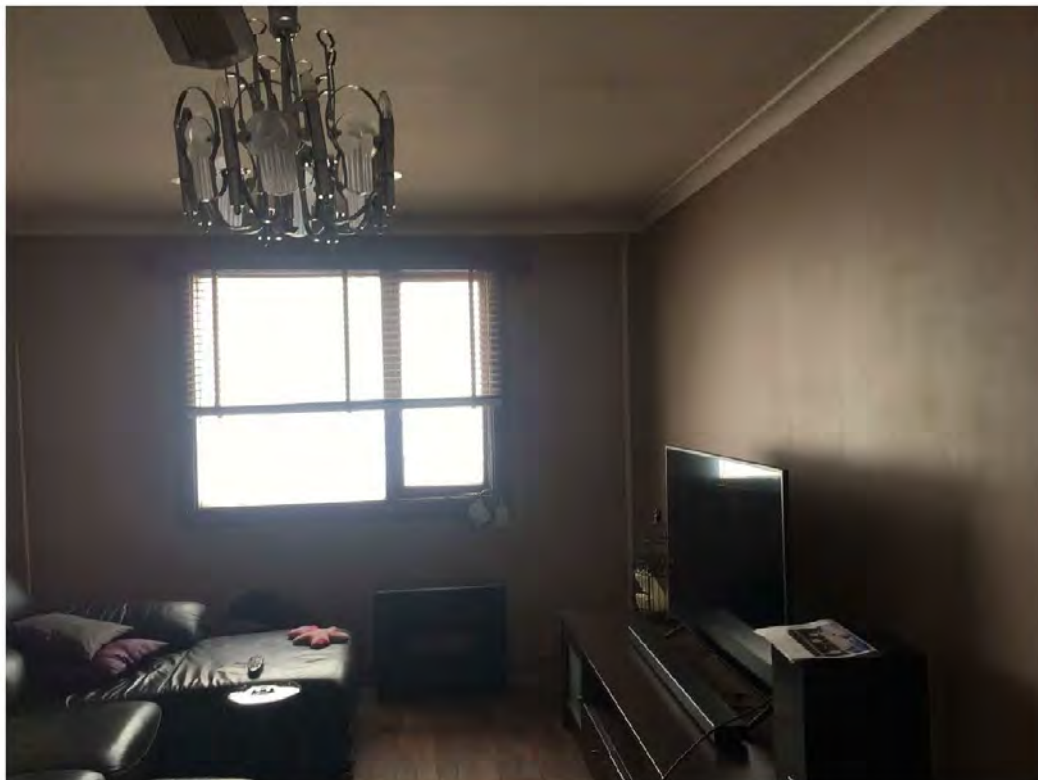




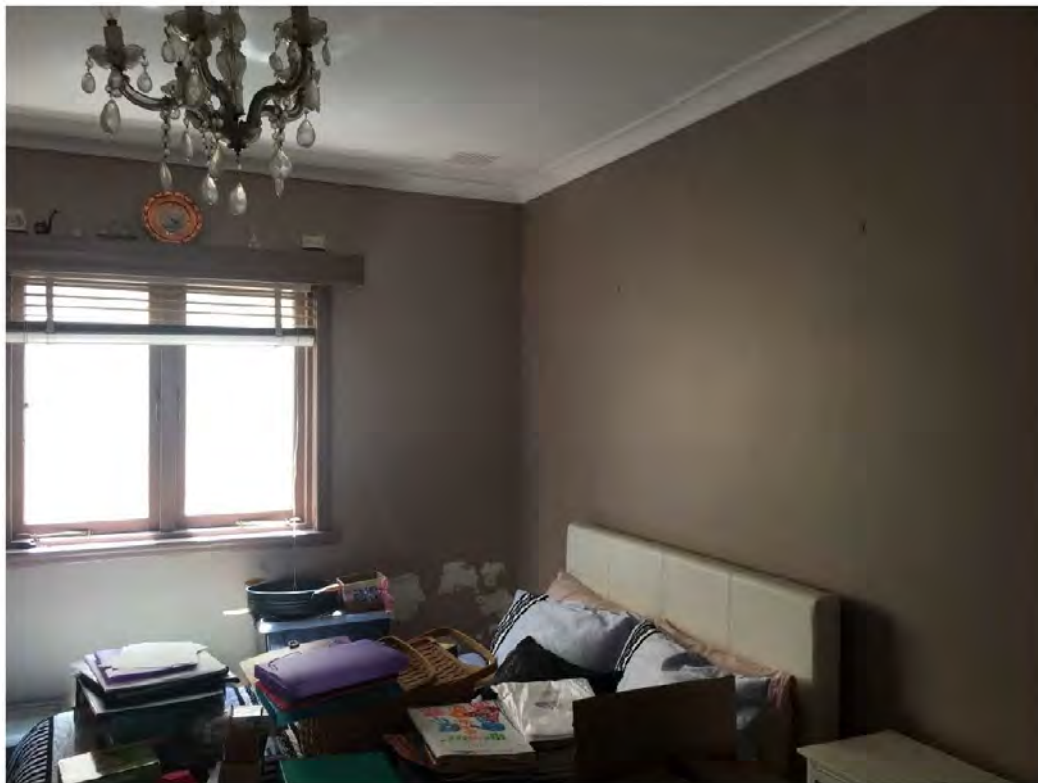














































Appendices  
Documentary Evidence – Wise's Post Office Directories

**McLAREN ST, S FRE-  
MANTLE**

Right side fr Mandurah rd

- 1 Jackson Jno H
- 3 McKenzie A\*
- 5 Bates Mrs B
- 7 Cartwright Mrs C\*
- 9 Cartwright R
- 11 Forward H D
- 13 Griffiths Geo
- 15 Davis Jno M
- 17 Ackland Mrs Jean
- 19 Dvorak Leo
- 21 Adams George
- 23 Wenn Mrs

..... Parmella st .....  
Left side

- 2 Jakicevich J
- 4 Woods Mrs C
- 6 Fisher Mrs Martha J
- 8 Bennett Mrs J B
- 12 Frew Thos J
- 14 Peatling Mrs Amy A
- 16 Thomas Mrs Emily
- 18 Forster Mrs Gwen E
- 20 Smedley Fredk
- 22 Eacott Alan
- 24 Carbon Mrs Violet

..... Parmella st ..... 1949

**McLAREN ST, S FRE-  
MANTLE**

Right side fr Mandurah rd

- 1 Jackson Jno H
- 3 Barclay Sydney C
- 5 Bates Mrs B
- 7 Cartwright Mrs C\*
- 9 Minnoughan Mrs Valda I
- 11 Tomson S
- 13 Griffiths Geo
- 15 Davis Jno M
- 17 Ackland Mrs Jean
- 19 Dvorak Leo
- 21 Adams George
- 23 Wenn Mrs

..... Parmella st ..... 1947

**McLAREN ST, S FRE-  
MANTLE**

Right side fr Mandurah rd

- 1 Jackson Jno H
- 3 Barclay Sydney C
- 5 Bates Mrs B
- 7 Cartwright Mrs C\*
- 9 Minnoughan Mrs Valda I
- 11 Tomson S
- 13 Griffiths Geo
- 15 Hopkins Mrs Annie
- 17 Muskeill Mrs Margt
- 19 Ackland Mrs Jean
- 21 Dvorak Leo
- 23 Adams George
- 25 Wenn Mrs

..... Parmella st ..... 1945

**McLAREN ST. S FRE-  
MANTLE**  
Right side fr Mandurah rd  
1 Jackson Jno H  
3 Barclay Sydney C  
5 Bates Mrs R  
7 Tomson Leonard W  
9 Tomson S  
11 Kennon Livingstone  
13 Griffiths Geo  
15 Hopkins Thos  
17 Carbon Jno  
19 Walton Mrs Violet\*  
21 Adams George  
23 Wenn Mrs  
..... Parmelia st ..... 1940  
Left hand side

**McLaren st, South Fremantle**  
Right h side fr Mandurah rd  
1 Jackson Jno H  
3 Moore H  
5 Bates Mrs R  
7 Andrews Stan R  
9 Tomson S  
11 Kennon Livingstone  
13 Griffiths Geo  
15 Hopkins Thos  
17 Carbon Jno  
19 Goulds Dan W  
21 Adams George  
23 Wenn Mrs  
..... Parmelia st ..... 1938  
Left hand side

**McLaren st, South Fremantle**  
Right h side fr Mandurah rd  
1 Jackson Jno H  
3 Moore H  
5 Vacant  
7 Andrews Stan R  
9 Tomson S  
11 Kennon Livingstone  
13 Griffiths Geo  
15 Hopkins Thos  
17 Wagner Ernst  
19 Goulds Dan W  
21 Adams George  
23 Wenn Mrs  
..... Parmelia st ..... 1937

**McLaren st, South Fremantle**  
Right h side fr Mandurah rd  
1 Jackson Jno H  
3 Moore H  
5 Vacant  
7 Andrews Stan R  
9 Tomson S  
11 Kennon Livingstone  
13 Griffiths Geo  
15 Hopkins Thos  
17 Wagner Ernst  
19 Goulds Dan W  
21 Adams George  
23 Wenn Mrs  
..... Parmelia st ..... 1936

36 McLaren Street became 15 McLaren Street – Street was renumbered 1935 with the odd and even numbers swapped to the opposite side of the street.

McLaren st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Jackson, John H  
 16 McLeod, Jock  
 18 Jones —  
 20 Vacant  
 22 Tomson S  
 24 Kennon Livingstone  
 34 Griffiths, George  
 36 Hopkins, Thos  
 38 Wagner Ernst  
 40 Goulds, Dan W  
 44 Adams, George  
 46 Coleman, Wm  
 ..... Attfield lane .....  
 Left hand side

1935

McLaren st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Jackson, John H  
 16 McLeod, Jock  
 18 Jones —  
 20 Vacant  
 22 Tomson S  
 24 Kennon Livingstone  
 34 Griffiths, George  
 36 Hopkins, Thos  
 38 Wagner Ernst  
 40 Goulds, Dan W  
 44 Adams, George  
 46 Coleman, Wm  
 ..... Attfield lane .....  
 Left hand side

1934

McLaren st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Jackson, John H  
 16 McLeod, Jock  
 18 Vacant  
 20 Tomson-Smith, —  
 22 Kennon, Livingstone  
 34 Griffiths, George  
 36 Hopkins, Thos  
 38 Vacant  
 40 Goulds, Dan W  
 44 Adams, George  
 46 Coleman, Wm  
 ..... Attfield lane .....  
 Left hand side

1933

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Hall, Sydney  
16 Martin George  
18 Jones, George  
20 Werndly, Arthur Wm  
22 Kennon, Livingstone  
34 Griffiths, George  
36 Hopkins, Thos  
38 Reid, Mrs C  
40 Shearer, Mrs J  
44 Smith, Gilbert Brian  
46 Jackson, Jno H  
..... Attfield lane ..... 1932

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Hall, Sydney  
16 Martin George  
18 Jones, George  
20 Werndly, Arthur Wm  
22 Kennon, Livingstone  
34 Griffiths, George  
36 Hopkins, Thos  
38 Reid, Mrs C  
40 Shearer, Mrs J  
44 Smith, Gilbert Brian  
46 Jackson, Jno H  
..... Attfield lane ..... 1931

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Hall, Sydney  
16 Martin George  
18 Jones, George  
20 Werndly, Arthur Wm  
22 Kennon, Livingstone  
34 Griffiths, George  
36 Hopkins, Thos  
38 Collins, Wm  
40 Morrison, Mrs J  
44 Smith, Gilbert Brian  
46 Jackson, Jno H  
..... Attfield lane ..... 1930

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Ward, Miss  
16 Martin George  
18 Caporn, Sydney  
20 Werndly, Arthur Wm  
22 Craven, Robt Jos  
34 Griffiths, George  
36 Hopkins, Thos  
38 McGuire, —  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
46 Rice Richard Hy  
..... Attfield lane ..... 1929



McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Ward Mrs Mary Ann  
16 Martin George  
18 Caporn, Sydney  
20 Chester, Wm John  
22 Kennon, Livingstone  
34 Griffiths, George  
36 Hopkins, Thos  
38 McGuire, —  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
46 Rice Richard Hy  
..... Attfield lane ..... 1928

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Ward Mrs Mary Ann  
16 Martin George  
18 Caporn, Sydney  
20 Chester, Wm John  
22 Kennon, Livingstone  
34 New building  
36 Hopkins, Thos  
38 Caporn, David  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
46 Rice Richard Hy  
..... Attfield lane ..... 1927

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Ward Mrs Mary Ann  
16 Martin George  
18 Caporn, Sydney  
20 Bennett, James  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Caporn, David  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
46 Rice Richard Hy  
..... Attfield lane ..... 1926  
Left hand side

McLaren st, South Fremantle  
Right h side fr Mandurah rd  
14 Ward Mrs Mary Ann  
16 Martin George  
18 Caporn, Sydney  
20 Bennett, James  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Caporn, David  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
46 Mickelbergh, Albert Wm  
Jno  
..... Attfield lane ..... 1925

McLaren st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Ward, Saml John  
 16 Smith, —  
 18 Caporn, Sydney  
 20 Bennett, James  
 22 Kennon, Livingstone  
 36 Hopkins, Thos  
 38 Caporn, David  
 40 Morrison, Mrs J  
 44 Bates, Mrs Mary A  
 46 Mickelbergh, Albert Wm  
 Jno  
 ..... Attfield lane ..... 1924

In 1923 Silas Street was renamed McLaren Street.

Silas st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Ward, Saml John  
 16 Sloan, Mrs Clara  
 18 Caporn, Sydney  
 20 Bennett, James  
 22 Kennon, Livingstone  
 36 Hopkins, Thos  
 38 Caporn, David  
 40 Morrison, Mrs J  
 44 Bates, Mrs Mary A  
 ..... Attfield lane ..... 1923

Silas st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Griffiths, Harry  
 16 Sloan, Mrs Clara  
 18 Caporn, Sydney  
 20 Bennett, James  
 22 Kennon, Livingstone  
 36 Hopkins, Thos  
 38 Caporn, David  
 40 Morrison, Mrs J  
 44 Bates, Mrs Mary A  
 ..... Attfield lane ..... 1922

Silas st, South Fremantle  
 Right h side fr Mandurah rd  
 14 Griffiths, Harry  
 16 Sloan, Mrs Clara  
 18 Caporn, Sydney  
 20 Bennett, James  
 22 Kennon, Livingstone  
 36 Hopkins, Thos  
 38 Irvine, Robt  
 40 Morrison, Mrs J  
 44 Bates, Mrs Mary A  
 ..... Attfield lane ..... 1921

Silas street, Beaconsfield  
Right h side fr Mandurah rd  
14 Griffiths, Harry  
16 Haymes, George  
18 Caporn, Sydney  
20 Bennett, James  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Irvine, Robt  
40 Morrison, Mrs J  
44 Bates, Mrs Mary A  
..... Attfield lane ..... 1920

Silas street, Beaconsfield  
Right h side fr Mandurah rd  
14 Griffiths, Harry  
16 Haymes, George  
18 Caporn, Sydney  
20 Bennett, James  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Gibson, Jas S  
40 Morrison, Mrs J  
44 Bates, Henry C 1919

Silas street, Beaconsfield  
Right h side fr Mandurah rd  
14 Griffiths, Harry  
18 Caporn, Sydney  
20 Bennett, James  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Gibson, Jas S  
40 Morrison, Mrs J  
44 Bates, Henry C  
Left hand side 1918

Silas street, Beaconsfield  
Right h side fr Mandurah rd  
14 Griffiths, Harry  
18 Caporn, Sydney  
20 Harper, Mrs H  
22 Kennon, Livingstone  
36 Hopkins, Thos 1917

Silas street, Beaconsfield  
Right h side fr Mandurah rd  
14 Griffiths, Harry  
18 Caporn, Sydney  
20 Harper, Mrs H  
22 Kennon, Livingstone  
36 Hopkins, Thos  
38 Howard, Hay  
40 Morrison, Mrs J  
44 Bates, Henry C  
Left hand side 1916

Silas street, Beaconsfield.  
Right h. side fr. Mandurah rd.  
14 Ward Saml. J  
18 Caporn Sydney  
20 Clarke Nicholas  
22 Kennon Livingstone  
36 Hopkins Thomas H  
38 Bell Miss A. dressmkr  
40 Morrison F  
44 Bates Henry C  
Left hand side,  
11 Monahan Dora

1915

Silas street, Beaconsfield.  
Right h. side fr. Mandurah rd.  
14 Ward Saml. J  
18 Caporn Sydney  
20 Bennett Jas  
22 Kennon Livingstone  
36 Hopkins Thomas H  
38 Bell Miss A. dressmkr  
44 Bates Henry C  
Left hand side,  
15 Monaghan Wm. M

1914

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side,  
14 Myrner Lewis  
18 Caporn Sydney  
20 Howitt Jas  
22 Nelson Francis  
36 Hopkins Thomas H  
38 Bell Miss A. dressmkr  
44 Bates Henry C  
Left hand side,  
15 Monaghan Wm. M  
19 Beattie David

1913

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side,  
18 Caporn Sydney  
20 Gordon Hugh  
22 Nelson Francis  
36 Hopkins Thomas  
38 Bell Miss A. dressmkr  
44 Bates Henry C  
Left hand side,

1912

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side,  
18 Caporn Sydney  
20 Gordon Hugh

22 Nelson F  
36 Hopkins Thomas  
38 Newson Ernest  
44 Bates Henry C  
Left hand side,  
41 Thomas Jno. R  
43 Eldrid Wm. F  
45 Thomas Fredk  
47 Lowe Chas. R

1911

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Nelson P  
18 Caporn Sydney  
20 Gordon Hugh  
36 Hopkins Thomas  
38 Newson Ernest  
44 Bates Henry C  
Left hand side.  
17 Urquhart Wm  
41 Thomas Jno. R  
43 Eldrid Wm. F

1910

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
18 Caporn Sydney  
20 Gordon Hugh  
36 Hopkins Thomas  
38 Newson Ernest  
44 Bates Henry C  
Left hand side.  
17 Urquhart Wm  
41 Thomas Jno. R  
43 Eldrid Wm. F  
47 Gilbride Michl

1909

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
18 Caporn Sydney  
36 Hopkins Thomas  
38 Duncuff Clement  
44 Bates Henry C  
Left hand side.

1908

### 1908 Sewerage Diagram

Silas street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Smith Geo  
18 Caporn Sydney  
22 Hill Mrs. Catherine  
36 Hopkins Thomas  
38 Duncuff Clement  
44 Bates Henry C  
Left hand side.

1907

In 1906 Edward Street was changed to Silas Street

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Bell Geo  
18 Caporn Sydney  
22 Hill Mrs. Catherine  
36 Hopkins Thomas  
38 Duncuff Clement  
44 Bates Henry C  
Left hand side.

1906



No 24 was changed to No 36 in 1906

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Comben Bartholomew  
18 Caporn Sydney  
20 Pringle Oscar  
24 Hopkins Thomas  
38 Dancuff Clement  
44 Bates Henry C  
Left hand side. 1905

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Comben Bartholomew  
Caporn Sydney  
Mortimore Geo  
Woodhead Geo  
Hopkins Thomas  
Mortimore Wm  
Bates Henry  
Left hand side. 1904

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Lamerton George A  
Caporn Sydney  
Hopkins Thomas  
Mortimore Henry  
Bates Henry  
Left hand side. 1903

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Lamerton George A  
Webb Richd  
Hopkins Thomas  
Bates Henry  
Left hand side. 1902

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
14 Lamerton George A  
Webb Richd  
Hopkins Thomas  
Bates Henry  
Left hand side. 1901

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
Lamerton George A  
Webb Richd  
Caporn Sydney  
Hopkins Thomas  
Bates Henry  
Left hand side. 1900

Edward street, Beaconsfield.  
Off Mandurah rd.  
Right hand side.  
Lamerton George A  
Hopkins Thomas  
Bates Henry  
Left hand side. 1899

Edward street, Beaconsfield.  
Off Mandurah rd.  
McKabe Peter  
Jamieson Andrew  
Lamerton George A  
Caporn Sydney  
Williamson Robert  
Anderson James J  
Thomas John R  
Bates Henry 1898

Joslin William  
 Joslin Mrs. Sarah  
 .....here is Ord st .....  
 .....here is South st .....  
 Left hand side,  
 Winton & Co. fruiterers  
 Merchandani S. J. fancy goods  
 Wrighton Ernest, hairdresser  
 Davies Arthur E. furniture dealer  
 Watson Brothers, indent merchants  
 Barry & Merrilees, grocers  
 Scherer Joseph, baker  
 Thomas John A. grocer  
 Smith Mrs. J. A. dressmaker  
 Wehrstedt Otto, Freemason's hotel  
 ..... here is Henderson st .....  
 Collett William  
 Richards Robert  
 Presbyterian Church (Rev. R. Han-  
 lin)  
 Henderson Mrs. private school (off  
 South terrace)  
 Scott Henry (off South terrace)  
 Military Barracks,  
 John McCarthy, sergeant  
 Marmion Mrs. W. E  
 ..... here is Alma st .....  
 .....here is Howard st .....  
 .....here is Hampton st.....  
 Thompson Mrs. Louisa  
 Thomas John  
 Hopkins Thomas  
 Abbet Henry  
 Matsen Charles  
 McGill Thomas  
 Herbert William  
 .....here is South st ..... 1897

Terrace  
 Hope, Samuel, The Terrace  
 Hope, S. H., Hampton st.  
 Hopkin, Thos., South ter. 1895

st. p.r. the Terrace J  
 Hope, Sam., the Terrace  
 Hopkins, F., Howard st. J  
 Hopkins, Thos., Norfolk Lane  
 Hopkins, Thos., South Ter. J  
 Hopkins, W., Lear st., off  
 South st. J  
 Horne, H. C., Lilburn rd. N  
 Horner, Wm., Swan st. N 1894

Hopkins, Frank, Russell st.  
Hopkins, Thos., Norfolk lane  
Hopkins, Thos., Russell st.  
Hopkins, W., Hampton st.  
Horne, H. C., Lilburn rd. **N**  
Horner, Wm., Swan st **N** 1893  
Howley, Ed., Looker st

## **Additional Information 2 – Applicants Heritage Assessment**



**HOCKING  
HERITAGE +  
ARCHITECTURE**



15 McLaren Street, South Fremantle  
Heritage Assessment

March 2021



15 McLaren Street, South Fremantle

March 2021

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HHS Job No. 2021-07

Rev No	Author	Reviewer	Date	
A	G Dewar	P Griffin		9 March 2021

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115 McLaren Street, South Fremantle

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## Documentary Evidence

The following information has been largely provided by the City of Fremantle. Acknowledgment is extended to the author, Annabel Wills, City of Fremantle Heritage Advisor.

McLaren Street was originally named Edward Street. The name was changed to Silas Street in 1906 in honour of William Silas Pearce (1838-1908), merchant and parliamentarian. The street was renamed McLaren Street in 1923, to honour of Frederick James McLaren (1873-1944), Mayor of Fremantle from 1912 to 1914.

During the 1890s, Fremantle was undergoing significant development as the economy and population grew following the major gold discoveries in the east. Parcels of land were purchased and subdivided by developers, for sale to the workers and their families.

This lot was purchased by Aubrey Augustus Edwards, a mercantile clerk of Fremantle in January 1897. In November of the same year, it was transferred to Thomas Hopkins Junior, a carter of Fremantle. There is no evidence to suggest that the property was developed until transferred to Hopkins and the rates books designate the lot as vacant in 1898 but a cottage present on the site in 1899. It is therefore concluded the place was built in 1898 for Thomas Henry Hopkins (1884-1934).

Thomas Henry Hopkins was born in Fremantle in 1858 and was the son of Thomas (Tommy) George Hopkins (1826-1899) who travelled to Fremantle in 1850 aboard the Sophia, departed from Plymouth. Tommy Hopkins was the unofficial town crier, or 'Bellman' of Fremantle and was the means by which local news was disseminated in the 1850s and 60s. "Every lunch hour and evening his stentorian voice and sonorous bell could be heard announcing an auction sale, meeting, or other fixture, his fee being 2s 6d a time. At election times, the candidate who could command a monopoly of Tommy's services was on the right track to victory".

In 1906, Edward Street was changed to Silas Street. The 1908 Sewerage Diagram indicates a weatherboard cottage with a full length verandah in the same location as the house now. It also notes a well, two galvanised iron sheds, a trellis and a water closet.

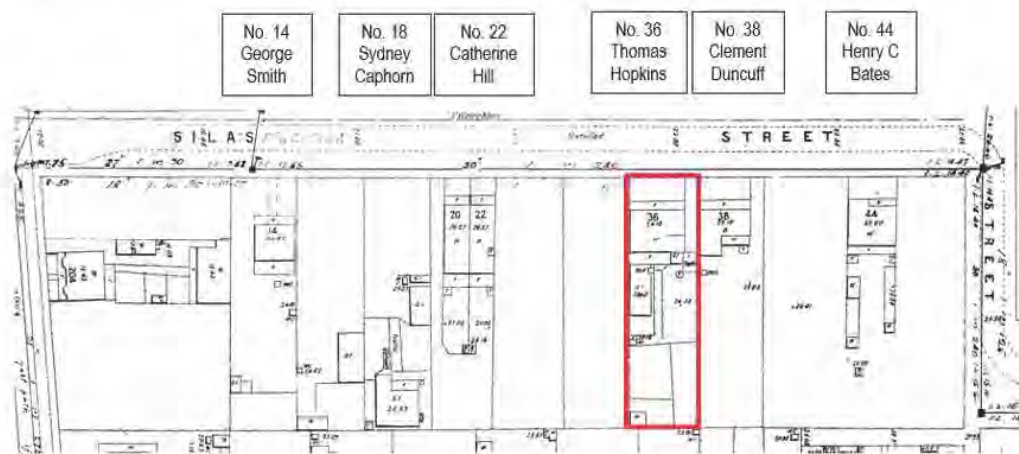
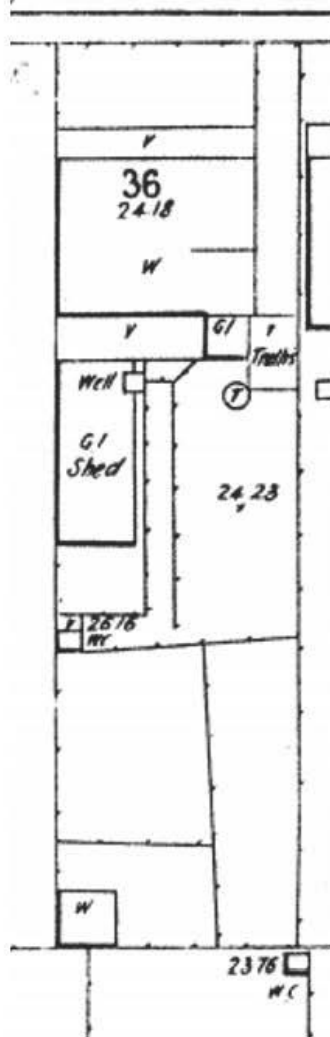


FIGURE 1 BASE PLAN PORTION OF 1908 SEWERAGE DIAGRAM, OCCUPANCY DETAILS FROM WISE'S POST OFFICE DIRECTORIES.

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With regard to the 'W' on the plan there are two possible explanations:

The notation 'W' on the plan may be an error as the physical evidence indicates that the front portion of the cottage is masonry, most probably limestone.

Alternatively, the 'W' may refer only to the skillion addition across the rear of the cottage with an incomplete line showing the separation of the two sections. We believe this is more likely to be the case.

We believe the cottage is of limestone construction which would not have been unusual for the period with many of the buildings in Fremantle constructed of stone found either on site or in quarries nearby.

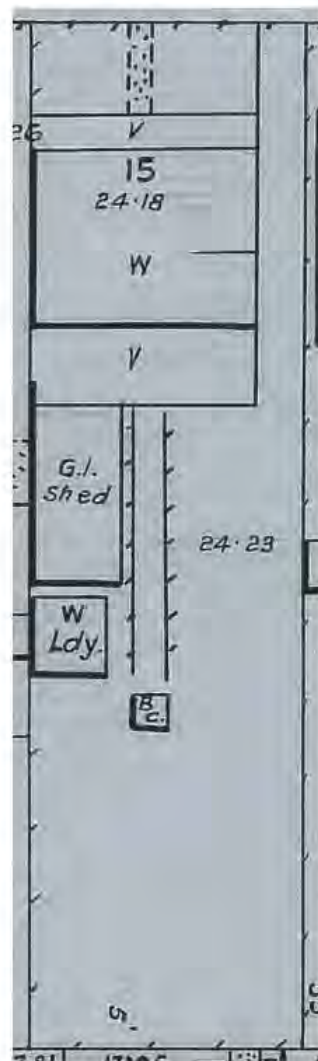
FIGURE 2 1908 SEWERAGE PLAN DETAIL

Thomas Henry Hopkins worked at the Fremantle Harbour for the majority of his working life. He married Annie Maria Hearn in 1882 and the couple had three children. Following Thomas's death in 1934, the property was transferred to his daughter Hinemoa May Hopkins (1887-1958) who lived at the house with her mother, until Annie's death in 1944.

From 1945 until her death in 1958, the rates books indicate that Hinemoa Hopkins leased the property to tenants. It is possible that during this time works were undertaken to change the form of the property.

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A plan of the property in 1954 for the MWSS & DD shows the place is largely unchanged although no well, tank, trellis or dividing fencing in the rear of the lot. The brick closet (BC) and laundry are new additions.

The verandah across the rear appears to be one structure without the galvanised iron portion on the eastern end.

The designation of 'W' for the main house is still ambiguous as it may again apply only to the skillion addition across the rear.

FIGURE 3 PORTION OF SEWERAGE PLAN 1954.

In 1958, Hinemoa Hopkins died and the property was transferred to the executrix, Jessie Farmer.

On 20 May 1959, the property was transferred to Angelo Zugaro, labourer and Santa Maria Zugaro, married woman and at that time they were living at 15 McLaren Street.

Angelo Zugaro (a welder) arrived in Fremantle in March 1955 aboard the Castel Felice from Trieste, Italy. His wife Santa Maria Zugaro remained in Italy for another 2 years and arrived in Fremantle on 3 March 1957 aboard the Neptunia, from Genova, Italy. The Zugaro's raised their three children at the house and to accommodate the growing family undertook additions and alterations to the place.

The City of Fremantle have plans of alterations to the place undertaken in 1962 and 1963. In 1962, the back verandah was enclosed and a kitchen created. This plan designates the walls on the front western side as being of stone construction. Because of the drawn thickness of the walls it is proposed the walls of the front four rooms are also of stone construction.

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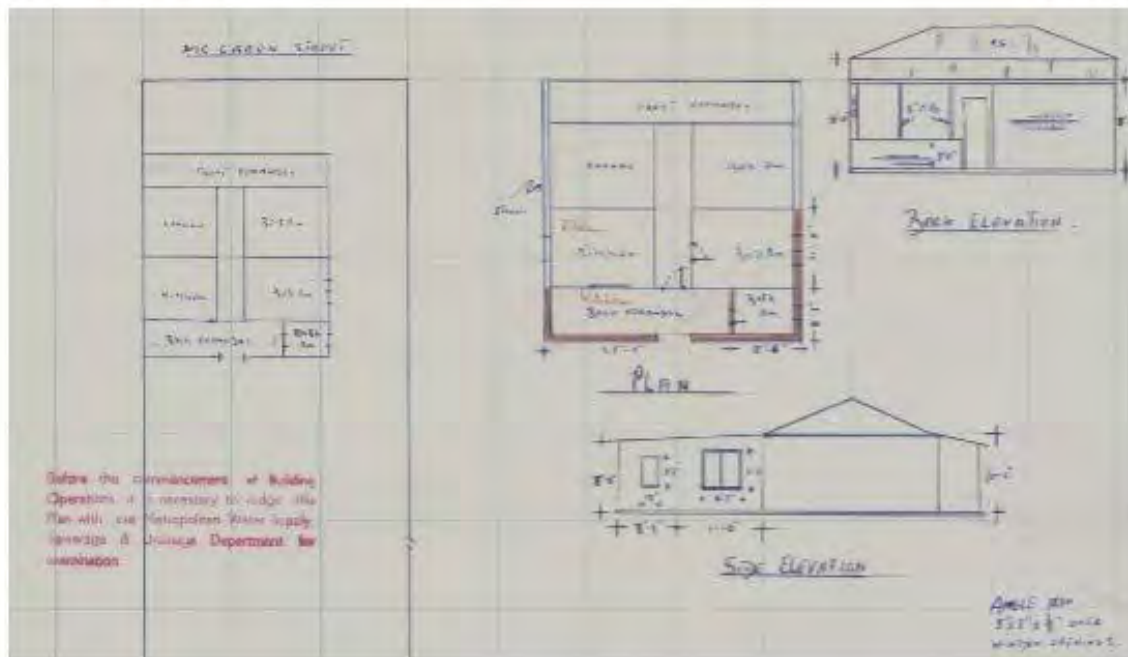


FIGURE 4. PLAN SHOWING 1982 ADDITION WITH STONE ANNOTATION CIRCLED

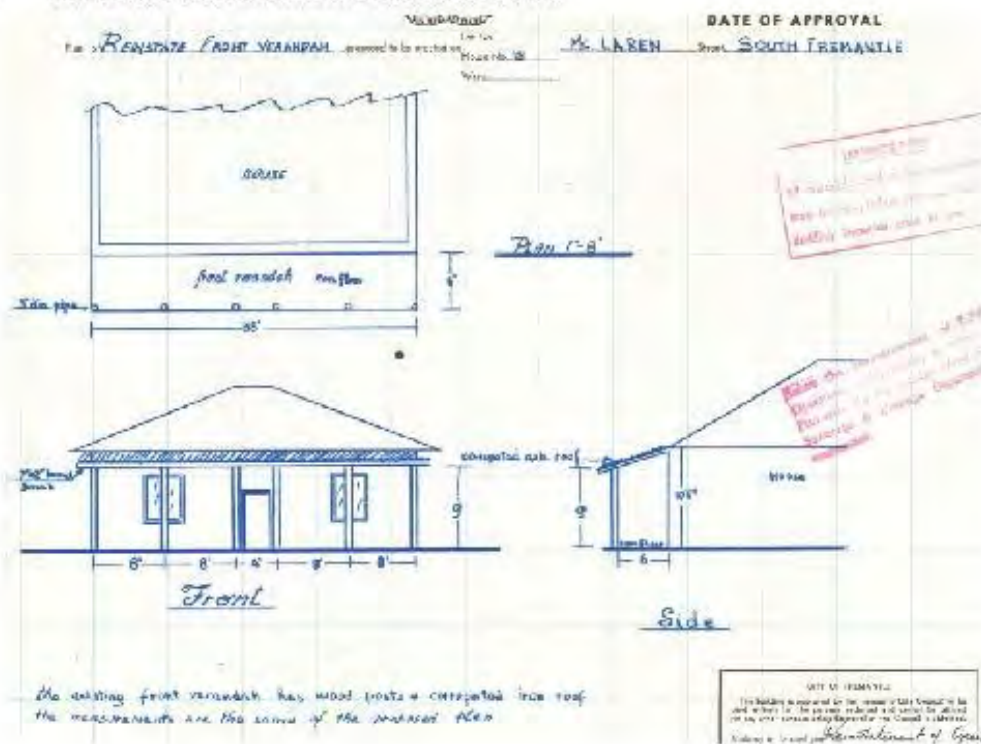


FIGURE 3. PLAN SHOWING 1963 VERANDAH REINSTATEMENT.

The plan prepared in 1963 for the verandah reinstatement records that the existing verandah had timber posts and a corrugated iron roof. The proposal was to replace them with pipe columns and corrugated asbestos roof. Photographs of the completed works provided by the owner (not included) show that the front façade is rendered and the front windows being of a different proportion to those sketched. The windows at this time are horizontally emphasised openings with twin casements flanking a larger central fixed pane opening. The verandah posts were steel pipes with a fine metal balustrade and a concrete deck.

Since the 1960s, there have been further changes to the facade including the application of brick to the facade and the enclosure of the verandah with brick to form additional rooms. The property presents with this facade today.

Aerial photographs from the mid 20<sup>th</sup> century indicate that the form and extent of the original cottage have not changed significantly although there have been many shed additions in the rear of the property.

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## Physical Evidence

No 15 McLaren Street, South Fremantle is a single storey cottage with symmetrical facade and additions to the rear. Alterations to the facade and side elevations have occurred which obscure the original construction of the place. The roof form appears to be original although the cladding has been changed.

### 1. Street Facade



FIGURE 6 15 MCLAREN STREET - FACADE

The property today presents with a variegated red brick facade of symmetrical planform, no verandah and a hipped roof which continues down at a broken pitch to form the roof over the front two small rooms.

The facade as it is seen today is not the original. The verandah was enclosed in the 1960s to add additional rooms to the front of the property. The symmetrical arrangement of the facade is reflective of the original symmetrical facade of the cottage.

The enclosed verandah aspect and street facade of the property are of no heritage significance.

### 2. Roof

The roof is hipped and appears to be the original form. The decramastic cladding dates from the 1960s and is in a failing condition. The original cladding is likely to have been corrugated galvanised iron, laid in short sheets. The verandah canopy will also have been corrugated galvanised iron.

The roof form demonstrates some significance however the cladding is of no significance.



### 3. Elevations



FIGURE 7 CRACK ADJACENT TO BRICK VENEER

The side elevations have been rendered over with a cement render. There is a crack in the render to both the side elevations, approximately one brick width wide and adjacent to the brick veneer. This coincides with the non-original brick cladding to the original frontage of the cottage. It appears that the brick cladding has been affixed to the non-original rendered facade.

The cement render is failing in places to both elevations.

Whilst it is believed that the rendered sections of the cottage are of limestone construction there is also evidence of brick which could accord to traditional brick quoining.

A number of exploratory tests have been undertaken to determine the construction of the original section of the house. These indicate that there is limestone rubble and dust behind the render as well as brick. An inspection undertaken by Cap-It-All Building Inspections found that the upper sections of the walls when viewed from the roof void were brick. There was no evidence of any timber framing.

As the exploratory tests have indicated that the place is of limestone construction this could result in the place demonstrating heritage significance. However where render has been removed, the limestone appears to be rubble and dust so does not appear to be in good condition beneath the render.

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#### **4. Eaves**

The eaves to the facade of the house are lined with fibro cladding with cover battens, likely to be asbestos containing material. The eaves linings are not original and are not of heritage significance.

#### **5. Original House Facade**

The original house facade which cannot be seen from the street now presents with a brick veneer which appears to have been stuck to the rendered finish. It is unknown when the facade was rendered but the owner confirms it was rendered at the time his father purchased the place.

The neighbouring property at no. 17 McLaren Street which is believed to have been constructed c. 1902 also has a rendered facade. The owners of this property confirm that the subject property looked like this prior to the brick cladding being applied.

The brick veneer is of no heritage significance. The render beneath the brick veneer is also of no significance.

It is unknown what condition the limestone beneath the render is in. Cement render is harmful to both brick and stone substrate and removal may cause damage, even under the guidance of an experienced heritage builder. Tests from the inside show rubble only.

#### **6. Original Windows**



FIGURE 8 REPLACEMENT WINDOWS IN FRONT TWO ROOMS



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The windows to the facade of the cottage are horizontally emphasised with casement windows flanking a fixed pane. These windows cannot be seen from the street and are not the originals. It is more than likely that the original windows were 1-over-1 timber framed sashes.

The windows to the two front rooms are of no significance.

### 7. Internal Planning

The internal planning of the original section of the house has not been altered although the details and finishes have been changed. The central entrance opens into a hallway leading to the rear section of the house with a room either side to the original part of the cottage.

The floor is timber with the boards being narrow and in keeping with the style of boards introduced post-1950s. The skirting is shallow with a curved edge, again in keeping with the styles of the 1950s and 1960s. The architraves are simple and devoid of detailing. The doors are flush panel doors with later style hardware.

The ceiling to the hallway is a lowered plasterboard ceiling with cornice. The bedroom ceilings (the two front rooms) are at the original height however are replacement ceilings.

The internal walls are approximately 120mm deep and are of brick construction. The wall between the hallway and lounge (the original rear wall) is considerably deeper and are approximately 250mm deep which would be consistent with limestone construction. The front wall is slightly deeper due to the brick veneer. The walls are lined with a hard render which is definitely cement render in places.

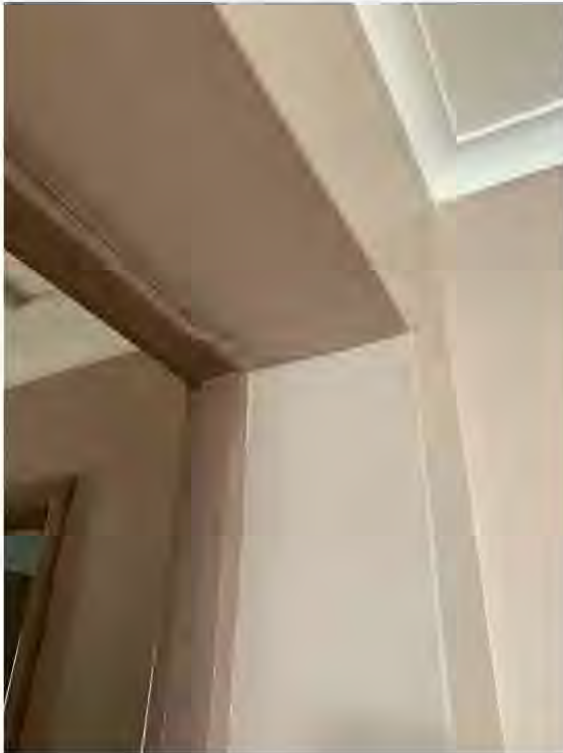


FIGURE 9 WIDTH OF ORIGINAL REAR WALL

15 McLaren Street, South Fremantle

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FIGURE 10 INTERNAL WALL WIDTH



FIGURE 11 SKIRTING, FLOORBOARDS, DRUMMY PLASTER AND CONCRETE FOOTINGS

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FIGURE 12 LIMESTONE AND HARD CEMENT RENDER

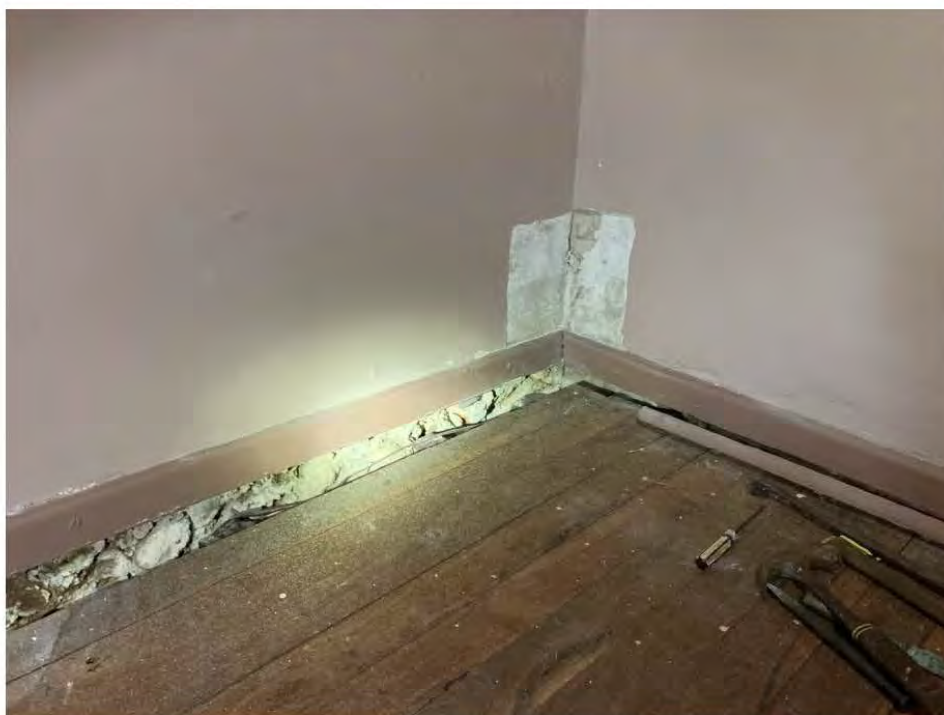


FIGURE 13 LIMESTONE CONSTRUCTION BELOW SKIRTINGS



The internal planning of the original section of the cottage demonstrates heritage significance however the finishes are not of significance.

## **8. Condition**

A building inspection has been undertaken by Cap-It-All Building Inspections which highlighted a number of issues including termite damage, rising damp, corroded roof sheets, cracked render and floor structure issues. The report concluded that the original walls appear to have been built with common/rough bricks with render. The roofing structure was found to be largely sound although there was evidence of some termite damaged timbers.

Evidence throughout the interior of the house shows bubbling drummy plaster indicating rising damp issues, spongy floor boards indicating issues with the floor structure and failing external render. Exploratory tests undertaken internally have shown a variety of results including sandy mortars behind the render, rubble stone construction which may have been used as wall filler when the windows were altered, random bricks and hard cement renders. The original construction of the property appears to be in variable condition.

A further report undertaken by Airborne Building Solutions confirmed there were moisture levels of 999 which had progressed up the walls to over 1200mm from floor level. The floor structure was recorded as displaying dry rot.

Due to the recorded levels of pathogenic fungi (*Aspergillus/Penicillium* and *Cladosporium*) the property has been deemed to be a health and safety hazard by Airborne Building Solutions.

## **Assessment of Significance**

The subject property contains two rooms and a hallway forming the core of the original cottage. The extensions beyond the core of the cottage are not of significance and are not being considered in this report. The enclosed verandah section is also not of significance and not being considered in this report. Therefore the question is whether the core of the property demonstrates any heritage significance and if so, what level.

City of Fremantle has a long held commitment to the conservation of original buildings that contribute to the early development of the City. South Fremantle is an adopted heritage area under the planning scheme however at the time of writing there is no policy in place outlining the significance of the heritage area or their objectives for protecting the area. The subject property is not individually listed on the City's heritage survey and as a result is not individually listed on the Heritage List adopted under the Planning Scheme.

A search of the InHerit Database managed by the Heritage Council does not include the subject property. Sixteen properties have been identified by City of Fremantle as contributing to the streetscape of McLaren Street but no. 15 McLaren Street is not one of them. A printout of the list is included at Appendix 1 of this report. As the subject property has not been identified by City of Fremantle as a place that specifically contributes to the streetscape or the heritage of the South Fremantle Heritage Area it is questionable as to whether the place does demonstrate any heritage significance.

In terms of City of Fremantle's policy for protecting heritage, under Clause 4.14. of Local Planning Scheme No. 4, the Council will only grant planning approval for the demolition of a building or structure where it is satisfied that:

- a. The place has limited or no cultural heritage significance, and
- b. Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

With regard to point a, no. 15 McLaren Street is considered to demonstrate limited cultural heritage significance. It is believed to be an original limestone cottage although further invasive investigations would be required to categorically confirm this and as an original house dating the turn of the century this aspect alone could be considered to justify a degree of heritage significance.

However, a remnant of early development does not automatically mean that the place demonstrates a level of significance that is worthy of retention. Other factors must be taken into account when assessing heritage significance. City of Fremantle planning policy does not establish the criteria that must be considered when preparing a heritage assessment and therefore the recognised and adopted criteria published by Heritage Council for assessing places for entry into local

15 McLaren Street, South Fremantle

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government inventories are being used in this instance. The criteria are based on Aesthetic, Historic, Social, Research values, level of integrity and authenticity, and level of rarity or representativeness.

#### **i. Aesthetic Value**

In its current condition the place demonstrates little aesthetic value. Though some of the original form of the place can still be recognised through its roof form, the changes that have occurred since the 1950s at least have obscured its original detail and presentation.

It is not considered to be an exemplar of its type. If it is a limestone cottage, there are many intact examples of the type in the immediate locality that better represent the style than the subject property. All evidence of its original construction has been obscured through layers of render and brick and does not present as a limestone cottage.

It makes little contribution to the setting of McLaren Street or the wider character and significance of the South Fremantle Heritage Area in its current form.

It is generally accepted that when key original features and design elements have been lost through removal or other change, a place does not demonstrate aesthetic value. In the case of 15 McLaren Street, the changes described above have been harmful to the place and eroded or degraded key design elements and therefore does not demonstrate the level of aesthetic value that would justify entry onto a local government heritage survey.

#### **ii. Historic Value**

Historic value is shown in many ways including associations with events, development phases, people/groups or can be an example of a technical or creative achievement from a particular period. Associations should be strong and verified by evidence and ideally demonstrated in the fabric of the place.

No. 15 McLaren Street does appear to be part of the early development of the South Fremantle area which creates an element of historic significance.

The house does not demonstrate associations with important local personalities or events.

As a property that was purchased by an Italian family in the late 1950s, it demonstrates some association with this important group of people that have helped characterise areas of Fremantle however the majority of the changes to the house were undertaken prior to the Zugaro family moving in and has not been "Italianised" in the way many early houses were. The house does not demonstrate any level of significance for this attribute.

Whilst the core of the house may be original, apart from the roof form the associations with early development in Fremantle is not overtly evident in the extant fabric. Therefore it is considered that no. 15 McLaren Street demonstrates little historic significance.

#### **iii. Research Value**

Research or scientific value is divided into two sub-criteria and to be considered as demonstrating research value it must demonstrate information that contributes to an understanding of the natural or cultural history of the local district or it demonstrates a high degree of technical innovation or achievement.

A place will not be included under this criterion if the information it yields can be found in other similar places or the place cannot yield useful information through the fabric. A place should demonstrate high authenticity (the extent to which the fabric is in its original state).

Whilst further invasive research into 15 McLaren Street may reveal the true form of its construction it is unlikely to reveal a form of construction that cannot be seen elsewhere in the street. If the place is a limestone cottage, it will be built to the typical standards and methodologies seen in other limestone cottages. The fabric may yield some information but is highly unlikely to reveal anything unique. The extant fabric is also not in its original state.

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#### iv. Social Value

Social value is one of the hardest values to identify but has been defined by Heritage Council as demonstrating significance through associations with a community or cultural group in the local district for social, cultural, educational or spiritual reasons. Associations that are commonplace, recent or only recognised by a small group are not considered as demonstrating social value.

No. 15 McLaren Street is an early house which in itself does not quantify social value. The house, due to its degraded/ altered presentation does not contribute to the local sense of place or identity and is not considered to demonstrate any meaningful level of social value.

#### v. Rarity

Working on the assumption that the subject property is a limestone cottage it does not demonstrate rarity value. There are further examples of stone houses within the street and there are a significant number of similar houses within the immediate locality.

As a limestone cottage it demonstrates early development styles which in turn reflects a certain way of life but neither are of exceptional interest or significance and neither are considered to be rare. No. 15 McLaren Street does not demonstrate rarity value.

#### vi. Representativeness

To be considered under this value, a place should demonstrate characteristics of a class of cultural places or environments in the local area and should be a good example of its type and provide a high level of authenticity.

No. 15 McLaren Street has been altered to such an extent that the representative qualities of a typical limestone cottage have been lost and as a result no longer represents its class or style.

#### vii. Integrity

No. 15 McLaren Street demonstrates a high level of integrity as it still functions in its original use as a private residence.

#### viii. Authenticity

No. 15 McLaren Street demonstrates a low level of authenticity due to a loss of original fabric and changes made to its presentation.

#### ix. Condition

Condition in this regard means the state of the place in relation to the values for which it has been assessed. In this instance, no. 15 McLaren Street is being assessed as an early limestone cottage which were representative of typical workers cottages at the turn of the century. Due to the changes made to the fabric, it is considered that the subject property is in poor to fair condition.

## Level of Significance

City of Fremantle have adopted five management categories for heritage places:

Level 1a	Exceptional cultural heritage value in its own right within the context of Fremantle. The place is entered on the State Register.
Level 1b	Exceptional cultural heritage value in its own right within the context of Fremantle and its conservation is required. These places should be considered for entry onto the State Register.

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Level 2	Considerable significance in its own right within the context of Fremantle and its conservation is a priority.
Level 3	Some significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.
Historic Record	Identified as being of interest for historical reasons and/or for structures that no longer exist.

Based on the above table, the level of any heritage significance attributed to no. 15 McLaren Street would be historic record only.

The subject property is not considered to meet the threshold for entry as a Level 3 place. As set out above, the place demonstrates little to no aesthetic value, little historic and social value, no scientific value and does not make a significant contribution to the streetscape. It is recommended that a detailed archival record be prepared prior to any demolition to preserve the historic record of no. 15 McLaren Street.

## Redevelopment

Should demolition of the subject property be approved, the owner intends to redevelop the site with a single storey house of simple contemporary design that also reflects the heritage of early development in the area. The house does not seek to mimic any earlier style but has been informed by the earlier styles.



FIGURE 14 PROPOSED FACADE

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The proposed residence consists of a symmetrical facade with windows flanking a centrally placed entry. The roof form is hipped, reflecting the form of the neighbouring roof at no. 17 McLaren Street, clad with corrugated metal sheeting and with a separate hipped verandah canopy.

Its scale and form are in keeping with the general scale of McLaren Street and would not harm the overall significance of the street.

## Conclusion

Original building stock is a finite resource the world over and conservation of much of it is highly recommended as a retained record of development. However not every place is worthy of retention.

No. 15 McLaren Street is not listed on the City's Local Heritage Survey as an individual place. Nor has it been specifically identified by the City as making a contribution to the streetscape. It forms part of the South Fremantle Heritage Area due to its location rather than any heritage significance.

Whilst City of Fremantle seek to retain places of cultural heritage significance, they have not shown how the subject property demonstrates significance. Under the test for demolition set out in clause 4.14. of Local Planning Scheme No. 4, the Council will only grant planning approval for the demolition of a building or structure where it is satisfied that:

- a. The place has limited or no cultural heritage significance, and
- b. Does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

The assessment above shows that no. 15 McLaren Street passes the test for demolition as it has limited cultural heritage significance and does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

Places of identified cultural heritage significance should be retained and conserved. Local governments have a legal duty identifying and protecting places of significance in their local areas. Local heritage surveys are usually not complete surveys of an entire area and some places do fall through the gaps and are never assessed for potential significance.

Places that do not individually meet the threshold for entry into a heritage survey may demonstrate a higher level of significance on a collective basis and be designated as a heritage area, such as South Fremantle. Each place within the heritage area should be assessed in terms of its contribution to that area. Those that make a considerable contribution should be retained whilst those that make a more limited contribution should be treated with a more flexible approach. Those that make no contribution should be allowed to be demolished and redeveloped in an appropriate manner.

No. 15 McLaren Street has not been identified as making a contribution to the streetscape of McLaren Street or to the South Fremantle Heritage Area. A new property could make an equal, if not better, contribution to the streetscape in this instance.

Areas develop. Streets show a chronology of buildings which in turn forms character. This does not necessarily form heritage but it does contribute to urban character. McLaren Street is a street that showcases a chronology of development with some good example from the late 1890s and early 1900s. Whilst the majority have undergone some degree of change, their original design intent can still be understood. In the case of no. 15 McLaren Street the changes made to the facade have obscured the original design intent of the place. Original details of construction have been covered with render. Window dimensions have been increased with a totally new style of opening. The verandah has been replaced with additional rooms effectively bringing the facade of the house closer to the street. The roof form is the only discernible original element when viewed from the street, albeit with non-original cladding.

There is no consistency in architectural style along McLaren Street, with each house showing casing a different set of design features. The commonality is the dominant single storey scale of the houses, interrupted only occasionally by a two storey dwelling. The palette of materials is traditional Fremantle - brick, limestone, weatherboard, corrugated iron and tile. The proposed new house for 15 McLaren Street follows this palette and form.

The house at no. 15 McLaren Street, South Fremantle does not meet the threshold for demonstrating "some" cultural heritage significance and it does not make a significant contribution to the broader cultural heritage significance of the

15 McLaren Street, South Fremantle

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area. Demolition of the place would not harm the significance of South Fremantle nor would it compromise the streetscape of McLaren Street.

If demolition is granted, an archival record would be prepared and submitted to the City for their records.

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## **Appendix 1**

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Place Number	Place Name(s)	Address	Local Government	
<a href="#">22864</a>	HOUSE, 1 MCLAREN STREET	1 McLaren St South Fremantle	Fremantle	
<a href="#">21304</a>	HOUSE, 11 MCLAREN STREET	11 McLaren St South Fremantle	Fremantle	
<a href="#">21305</a>	HOUSE, 12 MCLAREN STREET	12 McLaren St South Fremantle	Fremantle	
<a href="#">21306</a>	HOUSE, 13 MCLAREN STREET	13 McLaren St South Fremantle	Fremantle	
<a href="#">21307</a>	HOUSE, 14 MCLAREN STREET	14 McLaren St South Fremantle	Fremantle	
<a href="#">21308</a>	HOUSE, 16 MCLAREN STREET	16 McLaren St South Fremantle	Fremantle	

<http://inherit.stateheritage.wa.gov.au/...20fremantle&isCurrentlyStateRegistered=False&SearchToken=3fd038c0-c64b-4748-953e-f31b4ec3bfe5>[24/3/21, 9:07:34 am]

Heritage Council of WA - Places Database

<a href="#"><u>22866</u></a>	HOUSE, 17 MCLAREN STREET	17 McLaren St South Fremantle	Fremantle	
<a href="#"><u>21309</u></a>	HOUSE, 19 MCLAREN STREET	19 McLaren St South Fremantle	Fremantle	
<a href="#"><u>21310</u></a>	HOUSE, 20 MCLAREN STREET	20 McLaren St South Fremantle	Fremantle	
<a href="#"><u>21311</u></a>	HOUSE, 21 MCLAREN STREET	21 McLaren St South Fremantle	Fremantle	
<a href="#"><u>22867</u></a>	DUPLEX, 22 MCLAREN STREET	22 McLaren St South Fremantle	Fremantle	
<a href="#"><u>22897</u></a>	DUPLEX, 24 MCLAREN STREET	24 McLaren St South Fremantle	Fremantle	

<http://inherit.stateheritage.wa.gov.au/...20fremantle&isCurrentlyStateRegistered=False&SearchToken=3fd038c0-c64b-4748-953e-f31b4ec3bfe5>[24/3/21, 9:07:34 am]

Heritage Council of WA - Places Database

<u>22865</u>	HOUSE, 4 MCLAREN STREET	4 McLaren St South Fremantle	Fremantle	
<u>21302</u>	DUPLEX, 7 MCLAREN STREET	7 McLaren St South Fremantle	Fremantle	
<u>21303</u>	DUPLEX, 9 MCLAREN STREET	9 McLaren St South Fremantle	Fremantle	
<u>21301</u>	HOUSE, 2 MCLAREN STREET	Unit 3/2 McLaren St South Fremantle	Fremantle	

<http://inherit.stateheritage.wa.gov.au/...20fremantle&isCurrentlyStateRegistered=False&SearchToken=3fd038c0-c64b-4748-953e-f31b4ec3bfe5>[24/3/21, 9:07:34 am]

## Additional Information 3 – Applicant's Structural Report

PO Box 3466 Joondalup WA 6027

Ph.: (08) 9405 8710

Email: [enquiries@cap-it-allbuildinginspections.com.au](mailto:enquiries@cap-it-allbuildinginspections.com.au)

Web: [www.cap-it-allbuildinginspections.com.au](http://www.cap-it-allbuildinginspections.com.au)



Specialised Reporting Systems

### Visual Building Inspection Report

Complies with AS 4349.1 – 2007

#### **1.0 CLIENT**

Client: **Gabriel Dugaro**

Invoice Number: **INV- 3068**

Phone: **0404 919 970**

E-mail address: **[oscar@chross.com.au](mailto:oscar@chross.com.au) & [gabezugaro@gmail.com](mailto:gabezugaro@gmail.com)**

Dwelling at: **15 McLaren Street, South-Fremantle, WA**

Inspection Date: **28/01/2021**

Attended By: **Mark (inspector - Builders Reg 102556)**

Arrival Time: **09-00am**

Departure Time: **11-50am**

Weather Conditions: **Fine & dry**

Buildings Furnished: **Yes, this dwelling was fully furnished, and all cupboards were full of stored goods at the time of inspection**



#### **Front Elevation of the Inspected Property at the time of this inspection**

Take the time to fully read this inspection report. Please contact the inspector to acknowledge you have read and fully understand this inspection report.



## **INDEX**

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## 2.0 FEE & INSPECTION AGREEMENT

**This document** (as viewed on the Cap-It-All website or as previously agreed to at phone attendance) **is agreed to and forms part of this Pre-Purchase Inspection Building Report.**

**(Offer & Acceptance, Form of Valuable Consideration and Instructions apply here.)**

*(Definition: **Instructions**; the purchaser has given verbal or written directions to carry out this inspection on their behalf. At times it is very difficult to obtain written directions if the inspection and report is to be carried out the same day as ordered.)*

*(Definition: **Offer and Acceptance**; analysis is a traditional approach in contract law used to determine whether an agreement exists between two parties. Agreement consists of an offer by an indication of one person (the "offeror") to another (the "offeree") of the offeror's willingness to enter into a contract on certain terms without further negotiations. A contract is said to come into existence when acceptance of an offer (agreement to the terms in it) has been communicated to the offeror by the offeree and there has been consideration bargained-for induced by promises or a promise, associated costs and performance.)*

*(Definition: **Valuable Consideration**; it is very important that the Purchaser has had time to consider and deliberate what it is you, the inspector, is about to carry out for them as per their instructions. The benefit of carrying out this inspection is confirmed for example if Credit Card details are provided or an agreement is entered into for payment prior or on delivery of the inspection reports.)*

### **YOU AGREE TO THE FOLLOWING TERMS & CONDITIONS: INSPECTION TYPE/S ORDERED:** **VISUAL BUILDING INSPECTION and REPORT**

1. This inspection will be carried out in compliance with AS4349.1&0-2007 except for Strata Units or properties where the inspection will be according with Appendix B of AS4349.1-2007.
2. **ACKNOWLEDGMENT:** I agree to contact the Inspector once I have read the report or the Inspector will contact me.
3. This inspection by *Cap-It-All Building Inspections* shall comprise of a visual assessment only for the buildings within 30 metres of the main building and within the property's boundaries.
4. Safe and reasonable access only will be achieved to the areas being, The Exterior, The Site, The Boundaries, The Roof Exterior (subject to height & weather restrictions) The Interior of the Roof Loft space and within the Sub Floor areas only.
5. We will also report on the Defects, Safety Hazards and Cracking visible on the date and time of the inspection.
6. The Inspector is limited to some areas and will not conduct any invasive inspections.
7. The Inspector will not cut, break apart, dismantle or remove any objects of roofing, wall or ceiling linings, A/C ducting, foliage, roof insulation, floor or wall coverings, fixtures, furnishings or personal belongings in place.
8. The Inspector will compare the building with a building that was constructed with Local and BCA Compliance.
9. We DO NOT inspect the inside of walls, between floors, inside skillion roofing, inside the eave areas, behind any stored goods in cupboards, and other areas that are obstructed at the time of our inspection.
10. The use of any inspection aids used to enhance the accuracy of our reports are considered aids only & these aids should be fully understood by the consumer should any confusion arise from their diagnostics. For example, a thermal imaging camera is a measure of surface temperature only & will not act as a building x-ray.
11. **ONLY APPLICABLE IF A TIMBER PEST/TERMITE INSPECTION HAS NOT BEEN REQUESTED** - The Building Inspection WILL NOT report on Timber Pest Activity. You should have a full Timber Pest Inspection carried out in compliance with AS 4349.3-2010 by a qualified and insured Timber Pest Inspector. (Unless it is stated that a Pest Inspection is carried out at the same time as the building inspection)
12. When Timber Pest Damage is found, it will be reported. We will only report on the

- visible damage at the time of this inspection.
13. Although areas of possible asbestos will be identified, the material will require laboratory testing to definitively confirm the presence of asbestos.
  14. No inspection will be carried out for Magnesite. (However, if found I may comment on the circumstances.)
  15. Although mould will be reported on, only a qualified industrial hygienist can comment on its type and level of risk.
  16. No inspection will be made for Solar Power Units.
  17. Estimates and Quotations are not provided within this Report and verbal estimates if given are only opinions of costs of rectification.
  18. When a property is occupied we bring your attention to be aware that furnishings and other belongings may conceal evidence of other issues which can only be discovered if and when these items are moved or removed.
  19. The Inspection Will not cover or report the items listed in Appendix D to AS4349.1-2007.
  20. Where a Strata Title property is to be inspected, then we will only inspect the interior and the immediate exterior of the unit or apartment to be inspected as detailed in Appendix B in AS4349.1-2007.
  21. A full Strata Report should be obtained for all of the common areas before you make an informed decision to purchase the Unit.
  22. This report is not a Structural Engineers Report. A structural engineer should be engaged if clarification on an issue is necessary.
  23. We will at times recommend other types of inspections that are out of our areas of expertise during our inspection process.
  24. If an issue, dispute or a claim arises out of this inspection and report then each party must give written notice to each of the parties within 28 days. Disputes will then be handled by an independent mediator or arbitrator. Each party will pay their own costs.
  25. We will not be liable for any loss or damage suffered by any Person other than you in connection with the Inspection Reports use. We are released from any claims or further actions, damages or loss whatsoever if this report is to be used by another person or entity without our written permission to do so.
  26. Definitions of acceptance, access, client/s and property issues are clearly defined in AS4349.1-2007.
  27. You Agree to Safe and Acceptable Access: This does not include any invasive methods or moving of stored goods. "Accessible areas shall be determined by us at the time of inspection which is solely based on our visible findings and expertise at the time of this inspection. We shall determine at the site if sufficient space is available for safe access into the areas stated below. We cannot access any areas outside our line of sight and areas that are too close to the ground surface or as otherwise stated." If sub-floor areas appear to have been recently sprayed with Chemicals, they will not be inspected unless it is safe to do so.

Area	Access man-hole	Crawl Space	Accessible Height
Roof Loft	400mm x 500mm	Crawl space of 600mm	Access using a 3.6m ladder, if safe to do so
Roof Exterior	N/A	N/A	From a 3.6m ladder on the ground
Sub-floor	Accessible opening	Crawl space 400mm under bearers	400mm (or less) under the timber bearers is not accessed

**NOTE:** You agree when viewing this agreement you have read and understand the contents of this agreement that the inspection will be carried out in accordance with this document and the inspection type you have requested. You agree to pay as agreed at the time of ordering.

**NOTE:** We will carry out the inspection on the basis of this agreement. You agree that a cancellation fee of \$200-00 (each) will apply if cancelled within 24 hours of the inspection booking.

**INVOICE & FEE AGREEMENT (Offer & Acceptance applies)**

*(Definition: **Instructions**; the purchaser has given verbal or written directions to carry out this inspection on their behalf. At times it is very difficult to obtain written directions if the inspection and report is to be carried out the same day as ordered.)*

*(Definition: **Offer & Acceptance**; analysis is a traditional approach in contract law used to determine whether an agreement exists between two parties. Agreement consists of an offer by an indication of one person (the "offeror") to another (the "offeree") of the offeror's willingness to enter into a contract on certain terms without further negotiations. A contract is said to come into existence when acceptance of an offer (agreement to the terms in it) has been communicated to the offerer by the offeree and there has been consideration bargained-for induced by promises or a promise, associated costs and performance )*

*(Definition: **Valuable Consideration**; it is very important that the Purchaser has had time to consider and deliberate what it is you, the inspector, is about to carry out for them as per their instructions. The benefit of carrying out this inspection is confirmed for example if Credit Card details are provided or an agreement is entered into for payment prior or on delivery of the inspection reports.)*

**COST OF THE REPORTS: \$695.00 Incl. GST**

**TAX INVOICE NO: INV- 3068** Cap-It-All Building Inspections © ABN 98 165 257 205

**DATE PAID: 29/01/2021**

Signed on behalf of: **Cap-It-All Building Inspections by MARK FLATT**



### 3.0 GLOSSARY OF TERMS & LIMITATIONS

#### Limitations to the Inspection:

As noted within this report and how these limitations may affect the inspection in general are:

Any stored or scattered goods, stored boxes, rubbish left against dwellings external walls, parked cars, boats & trailers, A/C unit's and their ducting within roof loft areas and any external foliage, plants or tree covering areas will hinder our inspection, these areas will be clearly stated within the body of this report.

#### GLOSSARY OF TERMS:

**ACCESSIBLE AREA** - An area of the site where sufficient, safe and reasonable access is available to allow inspection within the scope of the inspection.

**ACCESS HOLE** - An opening in flooring or ceiling or other part of a structure to allow for entry to carry out an inspection.

**ARCHITRAVE** - Moulding surrounding a door or window opening to cover the join between the frame and the wall finish.

**BALUSTRADE** - A series of vertical members supporting a handrail of a stair, landing, platform or bridge.

**BEARER** - A sub-floor structural timber member which supports the floor joists.

**BRICK VENEER** - A method of construction in which a single leaf of non-load bearing wall of brickwork is tied to a timber or metal framed load bearing structure to form the external enclosure.

**CEMENT** - A finely ground inorganic powder that, mixed with water, binds an aggregate / sand mixture into a hard concrete or mortar within a few days.

**CONCRETE** - A conglomerated artificial stone made by mixing in specified proportions cement, water and aggregates and pouring the mixture into prepared forms to set and harden.

**CORNICE** - A moulding placed at the junction between a wall and ceiling.

**DAMP- PROOF COURSE (DPC)** - A continuous layer of an impervious material placed in a masonry wall or between a floor and wall to prevent the upward or downward migration of moisture.

**EAVES** - The lower part of a roof that overhangs the walls.

**FASCIA** - A profile, which is fixed to the lower ends of rafters and usually supports the guttering.

**FOOTING** - That part of a construction designed to transfer loads to the supporting foundation, usually constructed of reinforced concrete to support base brickwork.

**FOUNDATION** - The natural or built-up formation of soil, sub-soil or rock upon which a building or structure is supported.

**FOUNDATION DOOR ENTRY** - The door or cover access point into a dwellings sub floor area.

**GABLE** - The vertical triangular end of a building with a pitched roof, between the rafters from eaves level to the apex (ridge). It may be formed in brickwork or timber framed and clad with weatherboards.

**HEAD** - The upper horizontal member at the top of an opening or frame.

**HEADER** - A brick laid with its greatest dimension across a wall usually used to tie two skins together or under a door sill or window.

**HEARTH** - The floor of a fireplace and immediately adjacent area.

**HINDERED ACCESS** - The inability to access this area stated in this report.

**HIP ROOF** - A roof which is pyramidal in shape with sloping surfaces and level edges all round.

**INSPECTOR** - Person of organisation responsible for carrying out the inspection.

**JOIST** - A timber or steel beam supported by a bearer which the flooring is fixed directly to.

**LIMITATION** - Any factor that prevents full or proper inspection of the building.

**LINTEL** - A horizontal supporting member spanning over a window or door opening. A "gal-lintel" is a steel lintel used to support brickwork over an opening.

**MANHOLE ENTRY** - The entry into the roof loft area by the removal of a ceiling cover or an internal wall doorway.

**MORTAR** - A mixing of bush sand (white or yellow), cement (grey or off-white) and water for brickwork. Usually at the rate of 6 part sand to one part cement (by volume) and if required one part lime. Can have a flush, raked or round finish.

**PARTICLE BOARD** - A flat floor sheeting of good dimensional stability made from wood flakes and synthetic resin / binder under heat and pressure. Can be produced with decorative elements for joinery work.

**PELMET** - A built-in head to a window to conceal the curtain rod or to a sliding door to conceal the tracks. Usually made of wood.

**PERP** - A vertical joint in masonry construction.

**PITCH ROOF** - The ratio of the height to span, usually measured in degrees.

**POINTING** - The completion of jointing between ridge or hip tiles with a matching colour after bedding of tiles or troweling of mortar into joints after bricks have been laid to touch up.

**QUAD MOULDING** - A moulding with a cross-section of a quadrant of a circle used to cover joints often in eaves or at junctions of walls and/or ceilings.

**RAFTER** - A sloping member in a roof providing the principal structural support for the roofing material.

**RAFTER (HIP)** - A rafter forming the hip at the external line of intersection of two roof surfaces. Jack rafters meet against it.

**RAFTER (JACK)** - A rafter between a ridge and a valley or a hip rafter and the eave.

**RENDER** - The covering of a brick wall with one or more coats of cement mortar consisting of plasterer's sand, cement and lime.

**RIDGE** - The highest part (apex) of a roof, which is usually a horizontal line.

**SEPARATION** - Gapping formed between the two surfaces stated.

**SKIRTING** - A wooden board fixed to the bottom of a wall at the junction of the floor to prevent damage to the wall or to conceal small gaps.

**SOFFIT** - The underside of a slab or an eave.

**SPROCKET** - A framing timber used in eaves construction.

**STRETCHER BOND** - The most common masonry bond in Australia in which all bricks are laid with half overlaps and not using half bricks or cross bonds.

**TERRAZZO** - A material consisting of irregular marble or stone fragments set in a matrix of cement and mechanically abraded and polished after casting to produce a smooth hard surface.

**THRESHOLD** - The step or sill at an external door of usually timber tile or brickwork.

**TOUGHENED GLASS** - Glass made by rapidly cooling the glass to make it shatter into small pieces when broken for safety. It usually cannot be cut and needs to be made to order to size. It is unlike laminated glass which is made from layers of glass with silicon between to crack only when broken for safety and can easily be cut on site.

**UNDERPINNING** - The construction of new footings or concrete piers under an existing footing to prevent its collapse or failure.

**VALLEY** - The meeting line of two inclined roof surfaces at a re-entrant angle.

**VALLEY SERIES TRUSSES** - A series of timber roof Trusses that form the valley within a hip roof construction.

**WEEP HOLES** - Vertical joints or perpend in brickwork left open above the flashing line to allow water from behind the wall to escape.

#### **PLUMBING AND DRAINAGE TERMS**

**ABSORPTION TRENCH** - A trench, pit or well excavated from permeable ground filled with broken stone, bricks or large granular materials and covered with earth to dispose of the discharge from a septic tank, sullage system or stormwater by absorption into the ground. Also called **ABSORPTION PIT**, **ABSORPTION WELL** OR **SOAKAWAY**.

**GULLY TRAP (GT)** - An assembly in a sanitary drainage system, consisting of a trap and other fittings. Also called **GULLY**.

**MANHOLE** - A large chamber or opening on a drain, sewer or equipment to permit access for inspection, testing or clearance if obstruction.

**STACK** - A vertical sanitary drainage pipe, including offsets, which extends more than one storey in height.

**P-TRAP** - A trap in which the inlet leg is vertical and the outlet leg inclined below the horizontal to specified limits, with or without inspection opening at the lowest point.

**SILT TRAP** - A trap containing a removable container for the collection of silt, sand or grit.

**PRESSURE RELIEF VALVE** - A spring-loaded or weight-controlled automatic valve to limit the build-up of pressure in pipe work, fittings or vessels by discharging excessive pressure to the atmosphere.

**TEMPERATURE RELIEF** - A temperature activated valve to relieve excess pressure in water heaters in the event of a thermostat failure and overheating.

**VENT (VENT PIPE)** - A pipe provided to limit pressure fluctuations within a discharge pipe system by the induction or discharge of air and/or to facilitate the discharge of gases.

**TRAP VENT** - A vent pipe from an individual trap to the open air or to a main or branch vent pipe, for the prevention of loss of water seal in the trap.

**SHOWER TAP FLANGE** - The back flange of the shower taps covering the hole through the wall tiles placed over the tap spindles.

**TAP SPINDLE** - The spindle is the apparatus where the washer is placed at the back end.



#### **4.0 PROPERTY DETAILS**

##### **Description and ID of the Property Inspected**

**Type:** Residential dwelling facing approximately north

**Site Topography:** Reasonably Level

**Height:** Single Storey

**Construction Type:** Timber floors on bearers and joists and some slab, double masonry, with steel-sheet roof

## **5.0 INSPECTION OVERVIEW**

The purpose of the inspection is to provide the client advice specific to their area of concern as agreed upon during their initial enquiry.

The inspection shall comprise of visual assessment of the property to form an opinion regarding the specific potential defect to the property at the time of inspection.

This inspection complies with Australian Standard 4349.1 (2007) guidelines. Additional information and advice is also included to assist in producing a report that is individual and unique to the subject property.

Inspections are non-invasive, leaving your property in the same condition in which we found it. A wide range of tools and equipment such as a Thermal Imaging Cameras and Moisture Meters may be utilised to ensure a thorough and comprehensive outcome.

We cannot report on areas outside of our expertise, however, we may offer advice and guidance to assist in achieving a satisfactory outcome, or a referral to the relevant professional.

Please refer to our website – [www.cap-it-allbuildinginspections.com.au](http://www.cap-it-allbuildinginspections.com.au) for a plethora of information to assist you in understanding the contents of this report. Please ensure that you contact your Inspector for verification of any aspects that you do not fully comprehend.

#### **6.0 ACCESS (At the time of this inspection)**

The Areas inspected were:

The front section of the property.

The Areas NOT accessible for inspection & the reasons why were:

- Sub-floor. No manhole access.

The areas in which Visual Inspection was Obstructed & reasons why were:



Visual inspection of the roof loft space was obstructed in areas due to the presence of insulation.

Further inspections are essential if access is hindered in any way prior to making your decision to purchase. Further inspections will incur an additional cost if required.

## 7.0 FINDINGS: THE SITE



Front boundary walls are around 40-50 years old. Currently stable, however fretting mortar joints and cracking requires attention/repair.

#### 7.0 FINDINGS: THE SITE *(continued)*



Concrete pavers and slabs  
present as stable and in fair  
condition.

#### **SITE ADDITIONAL NOTES**

1. All site drainage should contain adequate surface run off inlet or diversion drainage to protect the dwellings foundation material and to prevent rising damp issues and internal dampness ingress from occurring in the future.
2. Timbers in garden areas should be removed unless they are of a treated type.
3. Although we are not plumbers we believe it is essential that the pressure relief overflow pipe from the hot water system be redirected into or over an appropriate drainage inlet point using a *clear hose only*. A LICENSED PLUMBER SHOULD BE CONSULTED FOR FURTHER ADVICE, IF REQUIRED.
4. As a general comment, any A/C unit/s condensation drainage outlets must also be directed into or over an appropriate drainage inlet point, also using a clear hose only.
5. Any timbers that are in direct ground contact being in garden areas or pergola/awning related should be removed or relocated unless evidence is provided that these timbers are of a treated or specific type suitable for its as applied application.
6. The above comments 1 – 5 are also conducive conditions towards potential Termite attack.



## 7.0 FINDINGS: EXTERIOR



RCDs present at time of inspection.



Gutters and downpipes are badly corroded and perforated in multiple areas. Not performing as intended.  
Conducive to Termite attack.

**7.0 FINDINGS: EXTERIOR (continued)**



Fascias, trims and eaves sheets require painting.



Cover boards to each end are possible asbestos containing materials.

**SAFETY HAZARD**



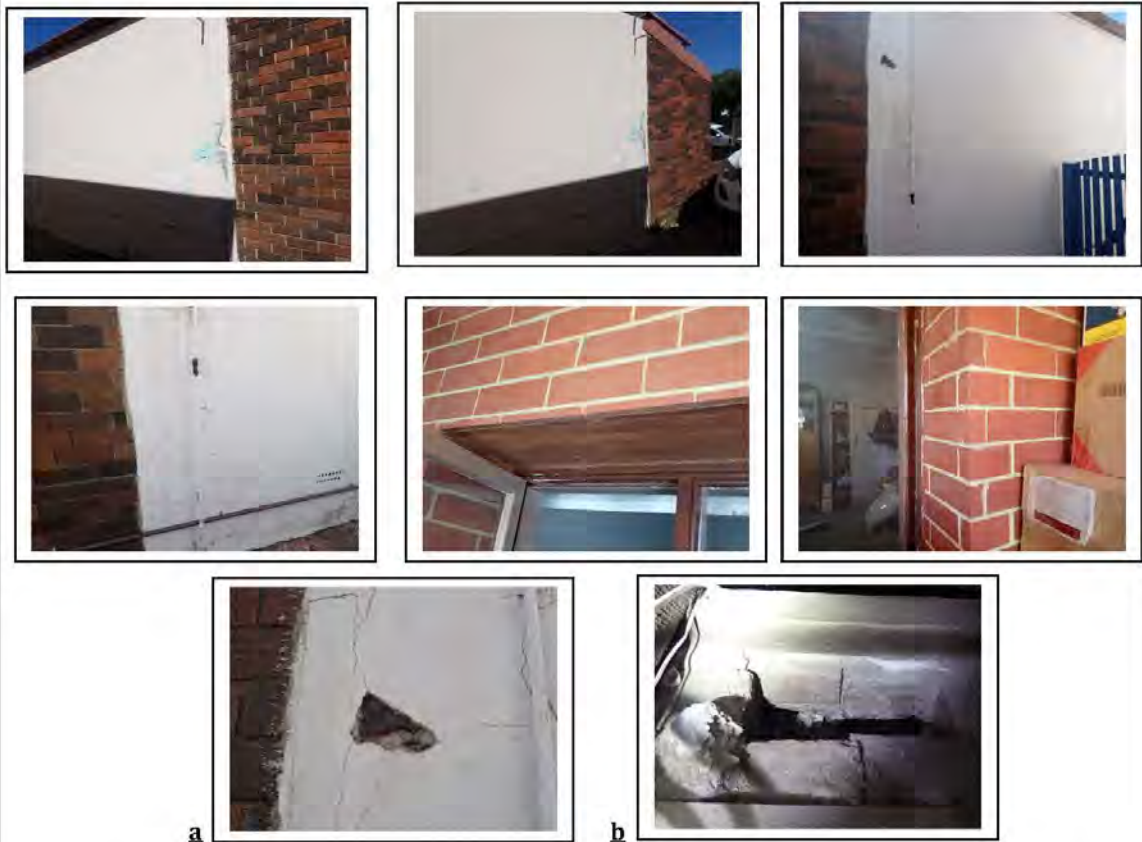
Early/ spot corrosion to lintels.

**7.0 FINDINGS: EXTERIOR (continued)**



Lean-to addition is built using "Moroccan Leather Barkface" bricks of 230mm solid construction. Aluminium windows are incorporated. Mortar joints are fretting in numerous areas. Multiple spalling bricks also present.

## 7.0 FINDINGS: EXTERIOR (continued)



Original exterior walls are thought to date from the 1890's and appear to have been constructed using common/ rough bricks with a rendered finish. This is corroborated by viewing from the damaged area of render and at the top of the walls within the roof loft space. (See pics [a](#) & [b](#)). A common brick façade has been added more recently, however this has been poorly constructed with bricks cut both horizontally and vertically by more than half their original size. The brickwork is not correctly aligned. Rendered flank walls have bubbling and damaged areas of paintwork consistent with water penetration. There are numerous cracks to render and surfaces are "Drummy" indicating that adhesion to the underlying brickwork has been compromised.

## **7.0 FINDINGS: EXTERIOR (continued)**

### **EXTERIOR ADDITIONAL NOTES**

1. Downpipes, bib taps and overflow pipes can often be discharging to an inadequate area. For further information on surface drainage please visit For further information on surface drainage please visit <http://www.cap-it-allbuildinginspections.com.au/stormwater--surface-drainage.html>.
2. Although we check the presence of the RCD's as per recent legislation, we DO NOT test RCD's operation. PLEASE CONTACT A LICENSED ELECTRICIAN FOR FURTHER ADVICE.
3. The dwellings footings are not physically inspected as part of this report. However we may comment on adjoining elements, which may give indication that a defect exists within the footing system.



## 7.0 FINDINGS: INTERIOR

### Room One: Front Entrance Lobby



Front Entry door sill in ground contact.

Conducive to Termite attack.



Ceiling boards are possible asbestos containing materials.

**SAFETY HAZARD**

- Doors operational – Yes
- Windows operational – N/A

## 7.0 FINDINGS: INTERIOR (continued)

### Room Two: Right-hand front room



Entry door frame and skirting boards in ground contact.  
Conducive to Termite attack.



Cracking to concrete slab floor.



Ceiling boards are possible asbestos containing materials.

**SAFETY HAZARD**

- Doors operational – Yes
- Windows operational – Yes

## 7.0 FINDINGS: INTERIOR (continued)

### Room Three: Left-hand front room



Entry door frame and skirting boards in ground contact.  
Conducive to Termite attack.



Ceiling boards are possible asbestos containing materials.

**SAFETY HAZARD**

- Doors operational – Yes, however does not latch shut.
- Windows operational – Yes
- Carpet preventing view of concrete slab condition.

## 7.0 FINDINGS: INTERIOR (continued)

### Room Four: Entrance Hallway



Smoke alarm, hardwired,  
dated: 09/09/2017. Replace  
2027.

- Doors operational – Yes
- Windows operational – N/A
- Some areas of timber floor are “springy”. This often indicates underlying structural damage from fungal decay or Termite attack.

## 7.0 FINDINGS: INTERIOR (continued)

### Room One: Front Bed 1



Timber floor is "springy" in multiple areas and is dropping towards the front wall. Underlying structural damage appears to have occurred.

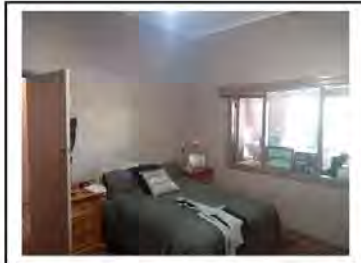
**MAJOR DEFECT**  
(Structural)

- Doors operational – Yes, however does not latch shut.
- Windows operational –



## 7.0 FINDINGS: INTERIOR (continued)

### Room One: Front Bed 1 (Cont.)



Bubbling paint and damaged plaster to both front and rear walls. High moisture readings to base of walls indicating rising damp.

- Doors operational – Yes, however does not latch shut.
- Windows operational – Yes

## 7.0 FINDINGS: INTERIOR (continued)

### Room One: Front Bed 2



Bubbling paint and damaged plaster to both front and rear walls. High moisture readings to base of walls indicating rising damp.

- Doors operational – Yes
- Windows operational – Yes, however latching handles damaged and not operating as intended and 1x opening binding with frame.
- Some areas of timber floor are “springy”, This often indicates underlying structural damage from fungal decay or Termite attack.

### INTERIOR ADDITIONAL NOTES

1. Carpets or soft furnishings left damp for a prolonged period are conducive to mould growth.
2. Cracking to wall/cornice/ceiling junctions was noted in areas. This type of cracking is typical in the majority of homes and consistent with normal settlement.

#### 7.0 FINDINGS: ROOF LOFT



Roof framework presents in fair condition and free of any significant visible defects affecting structural integrity.

#### 7.0 FINDINGS: ROOF LOFT (continued)



Termite damage to joist.



Multiple areas of corrosion to roofing sheets.



Original roofing sheets over front lean-to structure are possible asbestos containing materials.

**SAFETY HAZARD**

#### ROOF LOFT ADDITIONAL COMMENTS

1. The roof space was not sarked.
2. Loose fill insulation was noted.

## 7.0 FINDINGS: ROOF EXTERIOR



Steel sheet roofing is weathered/ faded and has multiple areas of damage/ denting. Internal corrosion indicates some water penetration.

### ROOF EXTERIOR ADDITIONAL NOTES

1. Gutters & valley gutters need regular cleaning out around a dwelling as part of general maintenance.
2. Excessive leaking of gutters & downpipes require immediate rectification as excessive leaking can cause "conductive" conditions to termite attack.



#### **8.0 RECOMMENDATIONS/FURTHER INFORMATION**

In the opinion of the inspector the front/ original section of this property is in poor condition with structural damage to the floor framework. The extent of possible fungal decay and Termite infestation/ damage could not be fully assessed due to lack of access to the sub-floor and the presence of loose fill insulation within the roof loft space. Possible asbestos containing materials were identified in multiple areas.

The original walls appear to have been built using common/ rough bricks and rendered/ weatherboarded. The modern brickwork lean-to is structurally sound and securely attached to the main property.

Modern, common brickwork has been attached to the façade which is poorly constructed aesthetically with bricks cut by more than half their size vertically and sliced randomly horizontally around some frames. Alignment is not true.

Cracking and “drummy” areas to render show water has penetrated and loosened it from its substrate.

High moisture meter readings indicate rising damp.

## 9.0 TERMS & DEFINITIONS

### Information Regarding the Scope & Limitations of our Inspection and Report

1. THIS IS A VISUAL INSPECTION ONLY: Limited to those areas and sections of the property that is fully accessible and visual on the date of this property inspection.
2. This Report does not make comment on area that may or are concealed. This report is an assessment or detection of any defects, (including rising damp and any leaks) which may be due to certain weather conditions. Whether or not services have been used (eg. In the case of shower enclosures the absence of any dampness at the time of the inspection does not necessarily mean that the enclosure will not leak.) The presence or absence of timber pests. Any Gas fittings. Common property areas. Local or near noise levels. Any health and safety issues. Any security concerns. Fire protection. Any detection of illegal building or plumbing of electrical works. We do not comment and any arrears out of our area of expertise.
3. If an Issue or pending dispute or a claim arises out of this inspection and report then each party must give written notice to each of the parties within 28 days. Disputes will then be handled by an independent mediator or arbitrator. Each party will pay their own costs. The Arbitrator or Mediator will determine what costs each of the parties are to pay. The inspectors PI Insurer must be notified in writing of any pending claim or dispute involving this as inspected property within the 28 days of the same. No claim will be recognised after the 28 day period expires.
4. Verbal estimates if given are only opinions of costs of rectification. The knowledge, calculations and experience of the inspector are calculation only of possible costs that may be required. We accept no liability for any estimates provided throughout our inspection and report. It is essential you obtain independent prices from other qualified tradespeople for the works, if and when required.
5. Once this report document has been received it is then deemed as being totally read and understood by the Purchasers, unless otherwise notified in writing.
6. We are in no way connected or associated with any of the intended negotiations between the Purchaser, the Real Estate Agent, the Bank, the Lender or the Vendor. The sale of this inspected property is the sole responsibility of the selling Agent or the Vendor and we do not become entangled in such negotiations, under any circumstances.
7. Retaining Walls: (Reference to: Retaining walls supporting other structures within their vicinity and landscaped retaining walls, more than 700mm high.) Where a major defect is identified in any retaining wall regardless of height it is essential that an Engineers Inspection and Report be obtained in relation to the structural integrity of such retaining wall structure. This report is NOT a structural report and should not be deemed as such under any circumstances.
8. Solar Power Units: It is our opinion that this item, if applicable to this property should be inspected and Certified by a licensed Electrician. Solar Power Units and their operation are out of our area of expertise.
9. Stormwater & Surface Drainage: All of the properties existing stormwater drainage and connection points and any surface drainage and/or grated inlet drainage points around this inspected dwelling, are to be checked and kept unobstructed and unblocked at all times. We recommend additional or new larger surface inlet and diversion drainage be put into place, if not evident, to any low lying or moss effected ground foundation areas. NOTE: For dwellings without visible diversion drainage this drainage must be put into place to prevent further foundation movement to this dwelling and possible destabilisation in the future, or proof by certification is to be provided that an adequate drainage system actually exists on and within this property. It is essential to prevent surface waters from entering the sub floor area of timber floored dwellings to prevent rising damp from causing peaking and cupping to the timber flooring materials. This drainage gives best results once fitted on the high side elevations of this as inspected dwelling or building.
10. Pitched Roofs: For pitched roofs with valley gutters and any Dutch Gables that are fitted, we recommend that compraband prestite flashings or similar be fitted between the valley gutters and the underside of the existing roof tiles to prevent possible future leaking at these points. Valley gutters must have their top ends sealed to prevent bird or vermin entry into the roof loft areas at these points. This is required as well when excessive leaf and/or bird entry is clearly visible and evident within an inspected dwellings roof void/loft area. High wind areas must have these flashings fitted as high levels of leaf entry into a roof void area can be a fire hazard.
11. Concrete Paths and Driveways: We make a general note that where any concrete paths or concrete slabs or concrete driveways have been placed directly against any of the dwellings downpipes and/or their stormwater drainage points, that this may cause downpipe and stormwater connection slippage over time due to shrinkage within the dwellings foundations, therefore we recommend these areas be monitored regularly to prevent stormwater leaking and foundation point saturation from occurring. (In normal building practise there should have been or should be expansion jointing material placed around the downpipe or stormwater drainage areas before the concrete was or is yet to be poured.)
12. Stored Goods: Also as a general note, all or any stored goods including building materials, bricks, fire wood stacks etc, around the perimeter of this inspected dwelling are to be removed immediately as they could be harbouring timber pests. See Pest Report for further details. (In the event of no Pest Report being carried out, then remove these stored goods immediately.) Stored goods within a sub floor area will hinder our inspection and not allow a Purchaser to make a complete informed decision whether to purchase this property.

13. Weep Holes: Relating to concrete slab properties and also multi level properties of brick construction. All of the weep holes are to be left completely exposed, unobstructed and clean at all times. They must be BCA code and Australian Standard compliant in relation to the time as to when the Dwelling/Building was first built. Blocked, missing and obscured weep holes can and will cause further dampness problems within the dwellings/buildings interior and within the wall cavity areas. This also includes wall area above windows and doors are to be BCA code compliant. In recent years weep holes are required to be put into place to the underside of window sills to all windows over 900mm in width and be no more that 1,200mm centres.
14. It is essential that a Pest Inspection and Report to AS 4349.3 be sought on this property, unless it was arranged with this Building Inspection Report. (If a Termite Treatment was evident to this inspected dwelling then contact must be sought to the Pest Inspector in relation to this item for clarification and warranty details. If no Termite Treatment is in place then a complete Termite Treatment must be put into place for future protection of this property)
15. In relation to properties slab edges, in the event the slab edge is not exposed, then this creates a high risk for potential Termite Attack. Termites can enter via the dwellings weep holes or at the base of the drop edge beam areas. High coverage of foliage can also hinder visible access areas of Termite Attack. See "Pest Report" for further details.
16. Note: In the case of Strata or Company Title properties, like Town Houses, Units and Villa Units the inspection is limited to the interior and immediate exterior of the particular unit being inspected. The Exterior above ground floor level is not inspected. The complete inspection of other common property areas would be the subject of a Special-Purpose Inspection Report which is adequately specified. If this inspection relates to the above, then the immediate exterior of the Unit or Villa specified is the only part of the exterior inspected.
17. Trees: Where trees are too close to the dwelling house, then this could affect the performance of the dwellings footings as the moisture levels change within the ground. A Geotechnical Inspection can determine the foundation material and advice on the best course of action with regards to the trees. Council approval is required for the removal of trees. Also, see a Pest Report for further details.
18. Septic Tanks: It is our opinion that this item, if applicable to this site should be inspected by a licensed Plumber. Septic Tanks and their operation are out of our area of expertise.
19. Swimming Pools: Swimming Pools/Spas are not part of the Standard Visual Building Report under AS4349.1-2007 and are not covered by this Report unless we show in our opinion some assumed items of concern. It is essential a pool expert be consulted to examine the pool and the pools equipment and its plumbing as well as the requirements to meet the standard for pool fencing. Failure to conduct this inspection and put into place the necessary recommendations could result in finds for non compliance under the current legislation. CPR charts and Safety codes can be obtained from your local Council.
20. DISCLAIMER: No Liability shall be accepted on an account of failure within the Report to notify any problems in the areas of the subject property physically inaccessible for inspection or if access for inspection is denied by or to the Inspector. We will not be liable for any loss, damage, cost or expense, whatsoever, suffered or incurred by any person other than you in connection with the use of this Inspection Report. The only Person to whom we may be liable and to whom losses arising in contract or tort sustained may be payable by us, is the Client named on the face page of this report.

#### 10.0 CERTIFICATION & FURTHER INSPECTIONS REQUIRED

The following is a list of inspections that an owner of a property may require to be undertaken

Timber Pest Inspection	Swimming Pool/Spa Safety	Asbestos
Mould	Electrical Safety	Smoke Alarm Certification
Waterproofing Certification for Wet Areas and Balconies	Heating, Ventilation and Air Conditioning	Geotechnical Report
Full Plumbing, Gas Fitting, Stormwater and Sewer Drainage Inspection	Energy Efficiency Certification	Roof Inspection

This list is not exhaustive but conveys an understanding of the inspection services available to property owners to meet their individual requirements.

These Inspections and Reports fall outside the guidelines for a Standard Property Report as specified in AS4349.1-2007 Ref: Appendix D, and are totally excluded from this Report. (Unless otherwise agreed to)

You as the purchaser/owner of the subject property should decide which inspections you require for your peace of mind.

For further information please refer to the [Technical Information](#) section on our website.

It is recommended that you seek confirmation of approval from the relevant body or local council for any additional structures, patios/pergolas, swimming pools, sheds, retaining walls, fencing etc.

#### 11.0 CONTACTING THE INSPECTOR

It is imperative to us that you fully understand the content of this report and as such you are encouraged to discuss any detail with us.

For a complete clarification then contact the inspector prior to purchase of this property. The Inspector will only answer questions relating to this inspected property and no questions will be entered into in relation to the properties or the dwellings future structural ability.

This inspection and report is based on the expertise and qualifications as a Qualified and Accredited Building Consultant and Inspector.

#### 12.0 ACKNOWLEDGEMENT OF THIS REPORT

Please confirm that you have read & understood this inspection report by contacting the inspector. The inspector may be contacted via phone, email, or SMS. Alternatively, the signing & returning of the document provided under section two 'Fee & Inspection Agreement' will act as a form of acknowledgment.

We hope that you are happy with the service provided. Your feedback is invaluable to our business in continuing our professional development. We also believe that word-of-mouth advertising is our most powerful marketing tool. If you could please take the time to give us your feedback via or Facebook page that would be much appreciated.

<http://www.facebook.com/capitallbuildinginspections>

Thank you for choosing Cap-It-All Building Inspections.

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Time taken to produce this Inspection and Report 11 hours

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Signed for & on behalf of:

**Mark Flatt Builders Reg. 102556**  
**Cap-It-All Building Inspections**  
**Mobile: 0412 575 225**





## Additional Information 4 – Applicant's Mould Report

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18



### Tape Analytical Report

**Prepared For:** Leigh Sibley  
Airbourne Building Solutions  
47 Clumber Concourse  
Baldwils, WA 6171  
0430 190 297

**AEML Batch:** 221342

**Project/Site:** Gabriele Zagaro. 15 McLaren St Sth Fremantle.



**Authorised for release by:**  
Cimona Fernandes  
Project Manager

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Airbourne Building Solutions  
47 Climber Concourse  
Baldivis, WA 6171  
0430 190 297

**Project/Site:** Gabriele Zagaro, 15 McLaren St Sth Fremantle.

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## Project Narrative

**Client:** Leigh Sibley  
Airbourne Building Solutions  
47 Climber Concourse  
Baldivis, WA 6171  
0430 190 297

**AEML Batch:** 221342

**Project/Site:** Gabriele Zagaro, 15 McLaren St Sth Fremantle.

### Receipt

The sample(s) contained in this report were collected on January 21, 2021 and received by AEML, Pty Ltd. Microbiology Laboratories on January 27, 2021. All samples were received in good condition unless otherwise noted in the results section of this report or on the accompanying Chain of Custody.

### Sample Analysis

Analyses were performed in accordance to AEML, Pty Ltd.'s Standard Operating Procedures and Quality Assurance Program. No deviations were made to these procedures unless noted in the results section of this report. Any additional information that the laboratory believes relevant will be noted as Data Qualifiers accompanying the sample results.

### Quality Assurance

AEML, Pty Ltd. has developed and implemented policies and procedures that adhere to the General Requirements for the Competence of Testing and Calibration Laboratories, ISO/IEC 17025:2017.

The laboratory is staffed by highly trained and experienced professionals. AEML, Pty Ltd. utilises state of the art equipment that is of the most recent technology available for fungal spore identification and quantification. AEML, Pty Ltd. has the most up to date data systems available with capabilities to provide standard reports in hardcopy and electronic data deliverables.

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Sample Summary

**Client:** Leigh Sibley  
Airbourne Building Solutions  
47 Climber Concourse  
Baldvis, WA 6171  
0430 190 297

**AEML Batch:** 221342

**Project/Site:** Gabriele Zagaro, 15 McLaren St Sth Fremantle.

Lab Sample ID	Client Sample ID	Media	Collected	Received
221342-05	Bed 1 Wall	Tape	21-01-2021	27-01-2021
221342-06	Bed 2 Wall	Tape	21-01-2021	27-01-2021
221342-07	Joist Living	Tape	21-01-2021	27-01-2021
221342-08	Floor Board Bed 1	Bulk	21-01-2021	27-01-2021

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Detection Summary

AEML Batch: 221342

**Client:** Leigh Sibley  
Airbourne Building Solutions  
47 Climber Concourse  
Baldivis, WA 6171  
0430 190 297

**Project/Site:** Gabriele Zagaro, 15 McLaren St Sth Fremantle.

Lab Sample ID	Client Sample ID	Spore Type	Count/cm²
221342-05	Bed 1 Wall	Aspergillus/Penicillium-Like	15
		Cladosporium	92
221342-07	Joist Living	Aspergillus/Penicillium-Like	46
		Cladosporium	108
		Smut/Myxomycetes/Periconia	154
		Hyphal Fragments	400
221342-08	Floor Board Bed 1	Ascospores	15
		Aspergillus/Penicillium-Like	508
		Cladosporium	62



Leigh Sibley  
Airbourne Building Solutions  
47 Clumber Concourse  
Baldivis, WA 6171  
0430 190 297



AEML Pty Ltd.  
10 & 11 Walker St.  
Braeside, VIC 3195  
Phone: (03) 8518 5720  
email: customerservice@aemply.com.au

Project: Gabriele Zagaro, 15 McLaren St Sth Fremantle.

Batch: 221342

Sampled: 21/01/2021

Received: 27/01/2021

Analysis Date: 27/01/2021

Report Date: 27/01/2021

AEML Test: T001 Tape Analysis

Sample ID: 221342-05*				221342-06*				221342-07				221342-08			
Client Sample ID:		Bed 1 Wall		Bed 2 Wall		Joist Living		Floor Board Bed 1							
Detection Limit:		15		15		15		15							
Media:		Tape		Tape		Tape		Bulk							
Sample Analysis:		Analyzed at 600X Magnification		Analyzed at 600X Magnification		Analyzed at 600X Magnification		Analyzed at 600X Magnification							
Spore Types	Raw Count	Count/cm²	%	Raw Count	Count/cm²	%	Raw Count	Count/cm²	%	Raw Count	Count/cm²	%			
Alternaria	—	—	—	—	—	—	—	—	—	—	—	—			
Arthrinium	—	—	—	—	—	—	—	—	—	—	—	—			
Ascospores	—	—	—	—	—	—	—	—	—	1	15	3			
Aspergillus/Penicillium-Like	1	15	14	—	—	—	3	46	15	33	508	87			
Basidiospores	—	—	—	—	—	—	—	—	—	—	—	—			
Bipolaris/Dreschlera	—	—	—	—	—	—	—	—	—	—	—	—			
Botrytis	—	—	—	—	—	—	—	—	—	—	—	—			
Chaetomium	—	—	—	—	—	—	—	—	—	—	—	—			
Cladosporium	6	92	86	—	—	—	7	108	35	4	62	11			
Curvularia	—	—	—	—	—	—	—	—	—	—	—	—			
Epicoccum	—	—	—	—	—	—	—	—	—	—	—	—			
Fusarium	—	—	—	—	—	—	—	—	—	—	—	—			
Ganoderma	—	—	—	—	—	—	—	—	—	—	—	—			
Memnoniella	—	—	—	—	—	—	—	—	—	—	—	—			
Nigrospora	—	—	—	—	—	—	—	—	—	—	—	—			
Oidium/Peronospora	—	—	—	—	—	—	—	—	—	—	—	—			
Pithomyces	—	—	—	—	—	—	—	—	—	—	—	—			
Rust	—	—	—	—	—	—	—	—	—	—	—	—			
Smut/Myxomycetes/Periconia	—	—	—	—	—	—	10	154	50	—	—	—			
Stachybotrys	—	—	—	—	—	—	—	—	—	—	—	—			
Torula	—	—	—	—	—	—	—	—	—	—	—	—			
Ulocladium	—	—	—	—	—	—	—	—	—	—	—	—			
Unidentified Spores	—	—	—	—	—	—	—	—	—	—	—	—			
Total Spores	7	108	—	0	0	—	20	308	—	38	585	—			
Hypheal Fragments	—	—	—	—	—	—	26	400	—	—	—	—			

\* Excessive debris. Reported results may be affected.

*Cimona*

Cimona Fernandes  
Project Manager

Results submitted pertain only to the samples as presented on the accompanying Chain of Custody.  
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## Definitions and Glossary

### Definitions

**Mould** - A fungus that grows in the form of multicellular filaments called hyphae. Moulds cause biodegradation of natural materials, which is necessary in nature but can become unwanted when it causes food spoilage or damage to property. Some diseases of animals and humans can be caused by certain moulds. These diseases may result from allergic sensitivity to mold spores, from growth of pathogenic moulds within the body, or from the effects of ingested or inhaled toxic compounds (mycotoxins) produced by moulds.

**Fungi** - A Kingdom composed of eukaryotic organisms that include unicellular microorganisms such as moulds, yeasts, smuts, and mushrooms. Fungi receive nutrients by absorbing dissolved molecules and are referred to as nature's decomposers.

**Spores** - Produced by moulds and fungi as units of reproduction that have adapted for dispersal. Spores can disperse through the air, by insects, animals, or humans and remain dormant on a surface for years until favourable conditions for growth occur.

**Mycotoxin** - A toxic secondary metabolite produced by mould. The term 'mycotoxin' is usually reserved for the toxic chemical products produced by fungi that readily colonise crops. One mould species may produce many different mycotoxins, and the same mycotoxin may be produced by several species.

### Glossary

**Sample ID** - A unique internal identification assigned to the sample by the laboratory for traceability of the sample.

**Client Sample ID** - An identification given to the sample and provided to the laboratory by the person who collected the sample. This is typically the location the sample was collected.

**Media** - The device used for collection of the sample.

**Sample Analysis** - The method of analysis used by the laboratory to analyse the sample. The use of a high level of magnification such as 600X magnification is necessary to see small details and provides the highest quality analysis.

**Raw Count** - Spore count present in the portion of the sample analysed by the laboratory.

**Count/cm<sup>2</sup>** - An extrapolated count of spores that would be present in a square centimetre of surface area. This calculation is based on the portion of the sampled analysed by the laboratory and the raw count.

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## Definitions and Glossary

### Glossary

**Percent (%)** - Percent composition of the sample. This is a breakdown of the percentage of the total spore count of the sample that each spore comprises.

**Detection Limit** - Also known as Method Detection Limit. This is the minimum number of spores that would need to be present in one square centimetre of the surface in order for one spore to be detected by this analysis. This calculation is based on the portion of the sample analysed by the laboratory.

### Remediation

**Remediation** - The process correcting, or remedying, any issues in the building that were identified by a mould assessor. This may include cleaning or removing any contaminated material, as well as, identifying and correcting any conditions that may be favourable for mould growth.

AEML, Pty Ltd. makes no claims pertaining to the necessity of remediation. The results contained in this report should be used in conjunction with a physical inspection of the property to determine what, if any, actions are necessary.



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## Fungal Glossary



Alternaria	
Description	Characteristics
These are a common plant pathogen involved in the decomposition of plants. In the indoor environment they are found growing on a variety of substrates including sheetrock and other building materials. They are common allergens causing hay fever or hypersensitivity reactions.	
Arthrinium	
Description	Characteristics
These are a plant pathogen found in soil and decomposing plant material. Not typically found growing indoors. One species has been determined to be an allergen.	
Ascospores	
Description	Characteristics
These are a very large group of spores that are found everywhere in nature. They are commonly found outdoors and associated with rain and moisture. Some species grow well indoors on damp materials. Ascospores have allergenic potential, however, it is species dependent.	



## Fungal Glossary



### Aspergillus/Penicillium-Like

Description	Characteristics
These are two of the most common genera in the world. They can be found everywhere in nature, both indoors and outdoors. Indoors they can be found on water damaged wallpaper, carpet, and other organic materials. They can also grow well in conditions of high humidity. Many species are allergens and a common cause of respiratory irritation. Some species are human and animal pathogens and can cause infection.	

### Basidiospores

Description	Characteristics
These are primarily comprised of mushrooms and shelf fungi. They are typically found outdoors. Occasionally they are found indoors growing on any organic matter causing dry rot. Some species can be an allergen to sensitive individuals.	

### Bipolaris/Dreschlera

Description	Characteristics
These are a plant pathogen typically found outdoors on grasses, grains, and decaying food. Indoors they can be found on plants and building materials. They are an allergen that can affect the nose, skin, eyes and upper respiratory track.	



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## Fungal Glossary



Typically found growing outdoors.





Potential allergen.







Considered water damage indicator.



Potential to produce mycotoxins.

Botrytis	
Description	Characteristics
These are a plant pathogen typically found growing on vegetation particularly in temperate and subtropical climates. Indoors they can be found growing on plants. They are a potential allergen causing hay fever and asthma effects.	 

Chaetomium	
Description	Characteristics
These are typically found indoors on water damaged cellulose containing materials such as paper, sheetrock, and wallpaper. Not well studied but possible allergen with hay fever and asthma effects.	  







Cladosporium	
Description	Characteristics
One of the most common genera in both the indoor and outdoor environments. Indoors they grow well in damp environments and areas where condensation builds. They are often found on textiles, window sills, in bathrooms, and A/C systems. They are a common allergen when airborne.	

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## Fungal Glossary



Curvularia	
Description	Characteristics
Primarily found outdoors on plants and soil especially in subtropical and tropical environments. Indoors they grow on a variety of building materials. They are a common allergen causing hay fever, asthma, and allergic fungal sinusitis.	 
Epicoccum	
Description	Characteristics
Outdoors they are found in the soil, air, and rotting vegetation. Indoors they grow well on a variety of building materials such as paper and textiles. They are a potential allergen with hay fever, asthma, and skin allergy effects.	
Fusarium	
Description	Characteristics
Indoors they are typically found under very wet conditions. Some places they can be found are dust in carpet and mattresses, damp walls, wallpaper, and duct liner. They are a potential allergen causing hay fever and asthma effects.	  

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**Fungal Glossary**



Typically found growing outdoors.





Potential allergen.





Considered water damage indicator.



Potential to produce mycotoxins.

Ganoderma	
Description	Characteristics
These are shelf mushrooms that are typically found growing outdoors on wood causing white rot, root rot, and stem rot. They are a possible allergen at high concentrations.	 

Memnoniella	
Description	Characteristics
These are mycotoxin producing spores related to and often found in conjunction with Stachybotrys. These grow well on water damaged cellulose containing building materials such as sheetrock, paper, wallpaper, and textiles.	 

Nigrospora	
Description	Characteristics
These are typically found on decaying plant material and soil and are usually not found growing indoors. They are a potential allergen causing hay fever and asthma effects.	 

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**Fungal Glossary**



Typically found growing outdoors.




Potential allergen.



Considered water damage indicator.



Potential to produce mycotoxins.

Oidium/Peronospora	
Description	Characteristics
These are plant pathogens that are common obligate parasites on leaves, stems, flowers, and fruits of higher living plants.	

Pithomyces	
Description	Characteristics
These are typically found on dead leaves and stems of plants. Rarely found growing indoors; however, they grow well on paper indoors given the right conditions.	

Rust	
Description	Characteristics
These are parasitic plant pathogens that grow on plants, grass, and trees. They are rarely found growing indoors since they require a living host, and therefore typically not found on cellulose containing building materials. They are a potential allergen causing hay fever and asthma effects.	 





## Fungal Glossary



### Smut/Myxomyces/Periconia

Description	Characteristics
This is a grouping of several genera organised together in a general category that are mostly associated with living and decaying plants, wood, soil, grass, cereal crops, weeds, and flowering plants. These are rarely found growing indoors. They are a potential allergen causing hay fever and asthma effects.	

### Stachybotrys

Description	Characteristics
These are typically found indoors growing on water damaged cellulose containing building materials such as sheetrock, paper, and ceiling tiles. They are often referred to as "toxic black mould." They have the ability to produce mycotoxins which may cause a burning sensation in the mouth, throat, and nasal passages. Chronic exposure has been known to cause headaches, diarrhea, memory loss, and brain damage.	

### Torula

Description	Characteristics
These are typically found growing outdoors on leaves, roots, wood, and soil. Indoors they can be found growing on water damaged cellulose, paper, wicker, straw baskets and ceiling tiles. They are a potential allergen causing hay fever and asthma effects.	



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**AEML Pty Ltd.**  
Microbiology Laboratories

### Fungal Glossary



Typically found growing outdoors.





Potential allergen.



Considered water damage indicator.



Potential to produce mycotoxins.

Ulocladium	
Description	Characteristics
Requires very wet conditions and can commonly be found indoors in damp or wet areas such as bathrooms, kitchens, basements, and around windows. These grow well on cellulose containing materials such as paper and straw and on water damaged building material such as sheetrock. They are a common allergen causing hay fever and asthma effects.	 

Unidentified Spores	
Description	Characteristics
This is a grouping of spores that are unable to be categorised due to a variety of reasons. They may be weathered, disfigured, or otherwise lacking the morphological structures necessary to identify the genus.	



Hyphal Fragments	
Description	Characteristics
These are branched filamentous structures with cell walls. Hyphae are somewhat analogous to stems or roots in plants whereas the spores would be analogous to the seeds. Large quantities present may indicate an active fungal colony or active fungal growth in the structure.	

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Fungal Glossary

- Typically found growing outdoors.
- Potential allergen.
- Considered water damage indicator.
- Potential to produce mycotoxins.

Pollen	
Description	Characteristics
These are a fine to coarse powdery substance produced by the anthers of seed-bearing plants, trees, grasses, flowers, and weeds. They are an allergen that causes hay fever effects.	 

The information provided in this report is not intended to provide medical advice. This report is designed to be used for building diagnostic purposes only. Any determination of exposure or potential for exposure should be formed using the results in this report in conjunction with a physical inspection of the property. A medical professional must be consulted for any medical or health related information.



## References and Links

- Environmental Protection Agency (EPA) - [www.epa.gov/mold/](http://www.epa.gov/mold/)
- A Brief Guide to Mould, Moisture, and Your Home - [www2.epa.gov/mold/brief-guide-mold-moisture-and-your-home](http://www2.epa.gov/mold/brief-guide-mold-moisture-and-your-home)
- Should You Have the Air Ducts in Your Home Cleaned? - [www2.epa.gov/indoor-air-quality-iaq/should-you-have-air-ducts-your-home-cleaned](http://www2.epa.gov/indoor-air-quality-iaq/should-you-have-air-ducts-your-home-cleaned)
- Flood Cleanup - Avoiding Indoor Air Quality Problems - [www2.epa.gov/indoor-air-quality-iaq/flood-cleanup-protect-indoor-air-quality](http://www2.epa.gov/indoor-air-quality-iaq/flood-cleanup-protect-indoor-air-quality)
- Center for Disease Control and Prevention (CDC) - [www.cdc.gov/mold/](http://www.cdc.gov/mold/)
- General Information - [www.cdc.gov/mold/basics.htm](http://www.cdc.gov/mold/basics.htm)
- Cleanup and Remediation - [www.cdc.gov/mold/cleanup.htm](http://www.cdc.gov/mold/cleanup.htm)
- Occupational Safety & Health Administration (OSHA) - [www.osha.gov/SLTC/molds](http://www.osha.gov/SLTC/molds)
- American Academy of Allergy, Asthma & Immunology (AAAAI) - [www.aaaaa.org](http://www.aaaaa.org)
- Institute of Inspection, Cleaning and Restoration Certification (IICRC) - [www.iicrc.org](http://www.iicrc.org)
- Information and recommendations about mould can vary based on location and climate. More information can be found through your local state's Indoor Air Quality programs. Links for some local resources can be found below:
- New South Wales - [www.health.nsw.gov.au/environment/factsheets/Pages/mould.aspx](http://www.health.nsw.gov.au/environment/factsheets/Pages/mould.aspx)
- Northern Territory - [www.nt.gov.au/wellbeing/healthy-living/mould-growth](http://www.nt.gov.au/wellbeing/healthy-living/mould-growth)
- Queensland - [www.qld.gov.au/community/disasters-emergencies/recovery-after-disaster/cleaning-up/mould](http://www.qld.gov.au/community/disasters-emergencies/recovery-after-disaster/cleaning-up/mould)
- South Australia - [www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/protecting+public+health/living+conditions+and+sanitation/household+mould](http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/protecting+public+health/living+conditions+and+sanitation/household+mould)
- Victoria - [www.betterhealth.vic.gov.au/health/conditionsandtreatments/mould-and-your-health](http://www.betterhealth.vic.gov.au/health/conditionsandtreatments/mould-and-your-health)
- Western Australia - [www.betterhealth.vic.gov.au/health/conditionsandtreatments/mould-removal-at-home](http://www.betterhealth.vic.gov.au/health/conditionsandtreatments/mould-removal-at-home)
- New Zealand - [www.health.wa.gov.au/Articles/J\\_M/Mould-and-dampness](http://www.health.wa.gov.au/Articles/J_M/Mould-and-dampness)
- [www.building.govt.nz/resolving-problems/resolution-options/weather-tight-services/signs-of-a-leaky-home/mould/](http://www.building.govt.nz/resolving-problems/resolution-options/weather-tight-services/signs-of-a-leaky-home/mould/)
- [www.tenancy.govt.nz/maintenance-and-inspections/mould-and-dampness/](http://www.tenancy.govt.nz/maintenance-and-inspections/mould-and-dampness/)



## **Additional Information 5 – Site Photos**



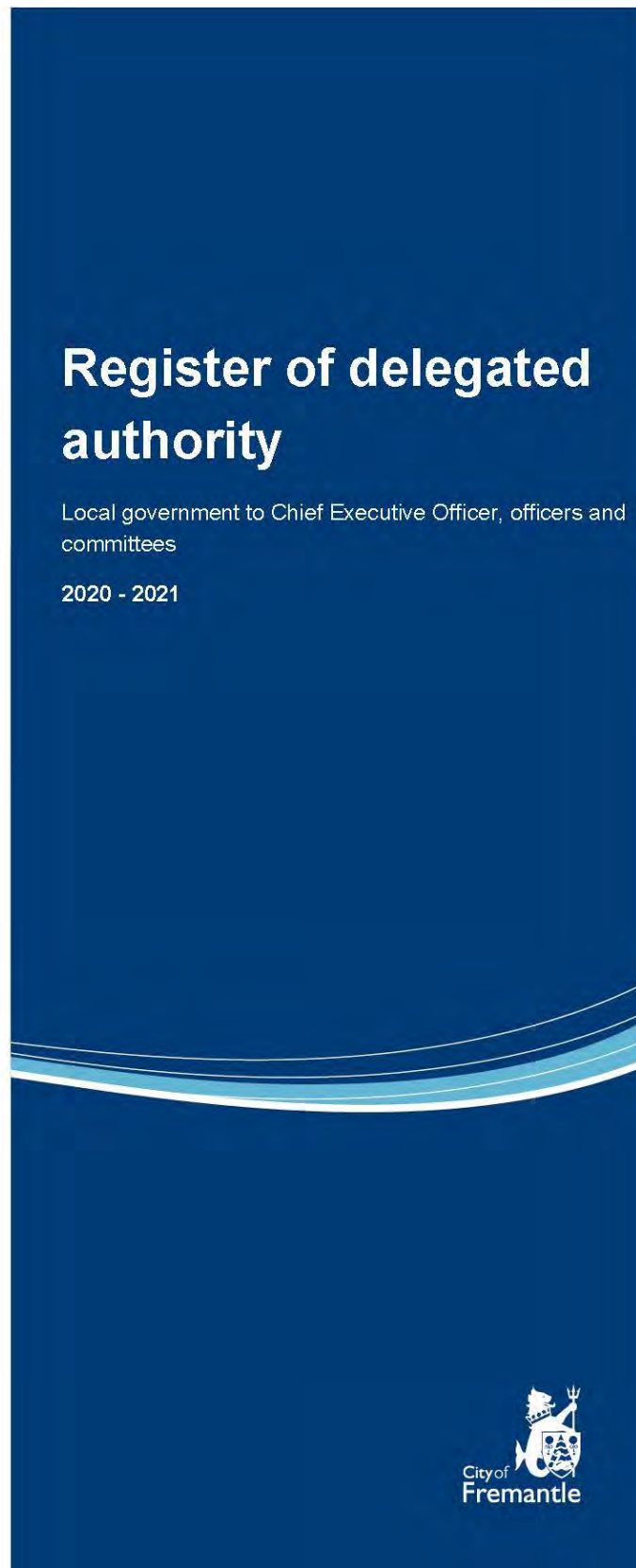
**Photo 1: 15 McLaren Streetscape**



**Photo 2: East elevation of existing house**

**FPOL2105-11 DELEGATED AUTHORITY REGISTER REVIEW 2021**

**ADDITIONAL INFORMATION**





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**Explanation notes****General**

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to officers.

**Limits on delegations to the CEO****Section 5.43**

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

**Purpose of delegating authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The register details the related document(s) where the power to delegate is derived from.

This delegated authority register will be reviewed in accordance with the Act on an annual basis.

**Councils understanding**

It is that by delegating its authority it is granting sufficient power to enable the City's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

**Legislation**

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the council must be by absolute majority decision {S5.42 (1)}.

**Associated legislation**

Legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Building Act 2011* and associated regulations;
- *Bush Fires Act 1954* and associated regulations;
- *Cat Act 2011* and associated regulations;
- *Caravan Parks and Camping Grounds Act 1955* and associated regulations;
- *City of Fremantle Local Laws*;
- *Control of Vehicles (Off-Road Areas) Act 1978* and associated regulations;
- *Dog Act 1976* and associated regulations;
- *Local Planning Scheme No. 4*;
- *Environmental Protection Act 2005* and associated regulations;
- *Food Act 2008* and associated regulations;
- *Freedom of Information Act 1992* and regulations;
- *Health Act 1911* and associated regulations;
- *Land Administration Act 1997* and associated regulations;
- *Litter Act 1979* and associated regulations;

- *Local Government (Miscellaneous Provisions) Act 1960* and associated regulations;
- *Planning and Development Act 2005* and associated regulations;
- *Spear-guns Control Act 1955*;
- *Strata Titles Act 1985* and associated regulations;

#### Acting through another person

##### Section 5.45

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

- a. *a local government from performing any of its functions by acting through a person other than the CEO; or*
- b. *a CEO from performing any of his or her functions by acting through another person.*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right, as though he or she were the original decision maker. Alternatively, where a person is ‘acting through’ they are making a decision as previously instructed.

The difference between a delegated authority to exercise discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states:

**“May” imports a discretion, “shall” is imperative**

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

The City’s Delegated Authority Register and Authorisations Management Procedures should be read in conjunction with this

#### Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate any of the powers to another employee {S5.44 (1)}. This must be done in writing {S5.44 (2)} The

Act allows for the CEO to place Limitations on any delegations if desired {S 5.44 (4)}

#### Transfer of authority due to absence

Where an officer has been appointed to act in a delegated position in the absence of the usual officer, the authority shall transfer to the officer acting as appointed, for the duration of the authorisation.

#### Register of, and records relevant to delegations Section 5.46

A register of delegations is to be kept and reviewed at least once every financial year.

If an officer is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The onus is on the officer exercising delegated authority to ensure that a record is made.

A person to whom a power is delegated under the Act is considered to be a ‘designated employee’ under S 5.74(b) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power {S 5.44 (1)}.

#### Authority to amend the Delegated Authority Register

The Manager Governance is authorised to effect non-substantive changes to the Delegated Authority Register to reflect:

- (a) Changes to titles or positions,
- (b) changes to legislative references,
- (c) Expired positions; and
- (d) Corrections to spelling and grammatical errors or inconsistencies



How to read a delegation table	
<b>Delegator:</b>	Council
<b>Date adopted:</b>	The date on which Council adopts the delegated authority.
<b>Delegation:</b>	A reference to: <ul style="list-style-type: none"> <li>• The legislation allowing delegation.</li> <li>• The legislation under which the delegation is made.</li> </ul>
<b>Delegated to:</b>	The position/s to which the power or duty is delegated.
<b>Limitations on delegation:</b>	Council imposed limitations on the extent of use of this delegation.
<b>Power to sub delegate:</b>	A reference to the legislation allowing sub delegation, if any. Some legislation does not include the power to sub delegate.
Description of sub delegation	
<b>Delegator</b>	Chief Executive Officer
<b>Date approved:</b>	The date in which the Chief Executive Officer approves the sub delegation.
<b>Sub delegated to:</b>	The position/s to which the power or duty is sub delegated.
<b>Limitations on sub delegation:</b>	Chief Executive Officer imposed limitations on the extent of use of this delegation.
Reporting requirements	
The information required to be recorded when this delegation has been used. (who, what, when, why and how much)	

## **PART 1**

### **Delegations to Committees of Council**

---

1.1 Delegated Committees of Council			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the</p> <ul style="list-style-type: none"> <li>Finance, Policy, Operations and Legislation Committee</li> <li>Planning Committee</li> <li>Strategic Planning and Transport Committee</li> </ul> <p>all of its powers and functions as a local government, except any power or duty that requires a decision of an absolute majority or a 75% majority of the local government, in accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Planning and Development Act 2005</i>  <i>City of Fremantle Local Planning Scheme No. 4</i> </td><td> <b>Section</b>            5.16 and 5.17            214(2), (3) or (5).  <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82         </td></tr> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i>	<b>Section</b> 5.16 and 5.17 214(2), (3) or (5). <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i>	<b>Section</b> 5.16 and 5.17 214(2), (3) or (5). <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82		
<b>Delegated to:</b>	<ul style="list-style-type: none"> <li>Finance, Policy, Operations and Legislation Committee</li> <li>Planning Committee</li> <li>Strategic Planning and Transport Committee</li> </ul>		
<b>Limitations:</b>	<p>The Finance, Policy, Operations and Legislation Committee, Planning Committee and Strategic Planning and Transport Committee are delegated all of the powers and functions of the local government in accordance with the following limitations:</p> <ol style="list-style-type: none"> <li>A decision of committee can only be made by the votes of at least five members of the committee.</li> <li>When approving leases of council property:             <ol style="list-style-type: none"> <li>the term must not exceed ten (10) years,</li> <li>the disposal must be in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995.</li> </ol> </li> <li>When approving closure of council carparks, the closure must not exceed fourteen (14) days.</li> <li>When accepting or declining to accept tenders, they must be within budget.</li> <li>May not determine final approval for:             <table border="0"> <tr> <td> <ul style="list-style-type: none"> <li>Council Policies.</li> <li>Strategic community plan</li> <li>Corporate business plan</li> <li>Strategies as defined in the City's Council Policy</li> <li>City related international travel</li> <li>Structure Plans</li> </ul> </td><td> <ul style="list-style-type: none"> <li>Local Planning policies</li> <li>Local Planning Schemes</li> <li>Local development Plans</li> <li>Appointment or termination of a Chief Executive Officer</li> <li>Scheme amendments</li> </ul> </td></tr> </table> </li> </ol>	<ul style="list-style-type: none"> <li>Council Policies.</li> <li>Strategic community plan</li> <li>Corporate business plan</li> <li>Strategies as defined in the City's Council Policy</li> <li>City related international travel</li> <li>Structure Plans</li> </ul>	<ul style="list-style-type: none"> <li>Local Planning policies</li> <li>Local Planning Schemes</li> <li>Local development Plans</li> <li>Appointment or termination of a Chief Executive Officer</li> <li>Scheme amendments</li> </ul>
<ul style="list-style-type: none"> <li>Council Policies.</li> <li>Strategic community plan</li> <li>Corporate business plan</li> <li>Strategies as defined in the City's Council Policy</li> <li>City related international travel</li> <li>Structure Plans</li> </ul>	<ul style="list-style-type: none"> <li>Local Planning policies</li> <li>Local Planning Schemes</li> <li>Local development Plans</li> <li>Appointment or termination of a Chief Executive Officer</li> <li>Scheme amendments</li> </ul>		
<b>Power to sub delegate:</b>	Nil		
Reporting requirements			
All Finance, Policy, Operations and Legislation Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.			

## **PART 2**

### **Delegations to the Chief Executive Officer**

---

2.1 Administration of local laws				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to undertake all actions and processes and otherwise administer the City's local laws in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Administration of local laws				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	All Directors			
Limitation on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				



2.2 Investing and managing investments				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>1. Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.</li><li>2. Establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.</li></ol> <p>In accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></td><td><b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Investing and managing investments				
Delegator	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director City Business Manager Finance Finance Team Leader Revenue Team Leader			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. Investments must be approved by two delegated officers, one of whom must be the Director City Business or the Manager Finance.</li><li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"><li>1. Is to be presented in a report to each monthly Council meeting.</li><li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				

2.3 Defer payment, grant a concession, waive fees and write off debts										
Delegator:	Council									
Date adopted:	24 June 2020									
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, and 6.2</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p> <p>Note: Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, and 6.2						
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, and 6.2									
Delegated to:	Chief Executive Officer									
Limitations on delegation:	<p>Where all reasonable avenues of recovery have been exhausted the Chief Executive Officer may, up to the maximum amount indicated below:</p> <table><tr><td>Defer Payment of a debt:</td><td>\$500,000.00</td></tr><tr><td>Waive or grant a concession (discount):</td><td>\$100,000.00</td></tr><tr><td>Write – Off a debt other than an infringement debt:</td><td>\$100,000.00</td></tr><tr><td>Write – Off an infringement debt:</td><td>\$10,000.00</td></tr></table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>		Defer Payment of a debt:	\$500,000.00	Waive or grant a concession (discount):	\$100,000.00	Write – Off a debt other than an infringement debt:	\$100,000.00	Write – Off an infringement debt:	\$10,000.00
Defer Payment of a debt:	\$500,000.00									
Waive or grant a concession (discount):	\$100,000.00									
Write – Off a debt other than an infringement debt:	\$100,000.00									
Write – Off an infringement debt:	\$10,000.00									
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44								
Sub delegation										
Defer payment, grant a concession, waive fees and write off debts										
Delegator	Chief Executive Officer									
Date approved:	30 June 2020									
Sub delegated to:	Director City Business Director Community Development All Managers Finance Team Leader Revenue Team Leader Revenue Officer – Lead Rates									

<b>Limitations on sub delegation:</b>	<b>Defer Payment of a debt:</b>	
	Where in the opinion of the relevant delegated officer, all other reasonable avenues of recovery have been exhausted, the following officers may make arrangements to pay for the maximum amount indicated for any single debtor:	
	Director City Business	\$500,000.00
	Manager Finance	\$149,999.00
	Finance Team Leader	\$30,000.00
	Revenue Team Leader	\$30,000.00
	Revenue Officer – Lead Rates	\$5,000.00
	<b>Waive or grant a concession (discount):</b>	
	In accordance with City policy or procedure the following officers may grant a discount up to the maximum amount indicated.	
	Director City Business	\$20,000.00
All Directors	\$10,000.00	
Manager Finance	\$10,000.00	
Manager Economic Development (car parking fees only)	\$10,000.00	
All Managers	\$5,000.00	
<b>Write – Off a debt:</b>		
Where in the opinion of the relevant delegated officer, all other reasonable avenues of recovery have been exhausted the following officers may write – off debts up to the maximum amount indicated.		
Director City Business	\$20,000.00	
All Directors	\$10,000.00	
Manager Finance	\$10,000.00	
All Managers	\$5,000.00	
Finance Team Leader	\$1,000.00	
Revenue Team Leader	\$1,000.00	
Revenue Officer – Lead Rates	\$500.00	
All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Reporting requirements</b>		
Use of this delegation,		
1. When waiving or writing off debts valued at \$1000 or above per debtor this must be reported to the Audit and Risk Management Committee.		
2. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.		



2.4 Disposing of property						
Delegator:	Council					
Date adopted:	24 June 2020					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>dispose of property to:<ol style="list-style-type: none"><li>the highest bidder at public auction or</li><li>the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender</li></ol></li><li>dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act. (give public notice and consider submissions).</li><li>dispose of property excluded from s. 3.58 of the Act.</li></ol> <p>In accordance with:</p> <table><tr><td>Legislation</td><td>Section</td></tr><tr><td>Local Government Act 1995</td><td>5.42, 5.43 , 3.58(2) and (3)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	Local Government Act 1995	5.42, 5.43 , 3.58(2) and (3)
Legislation	Section					
Local Government Act 1995	5.42, 5.43 , 3.58(2) and (3)					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	<p>The Chief Executive Officer may approve leases of council property where:</p> <ol style="list-style-type: none"><li>The key lease terms and performance criteria have been agreed by council; or<ol style="list-style-type: none"><li>the lease is not for a period greater than six months (short term lease only); or</li><li>the lease agreement does not require a business plan; or</li><li>the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and</li><li>the lease is in accordance with relevant council policies.</li></ol></li></ol> <p>The Chief Executive Officer may, up to the maximum amount indicated below:</p> <table><tr><td>Approve disposals of land:</td><td>\$50,000.00</td></tr><tr><td>Approve disposals of property other than land</td><td>\$20,000.00</td></tr></table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>		Approve disposals of land:	\$50,000.00	Approve disposals of property other than land	\$20,000.00
Approve disposals of land:	\$50,000.00					
Approve disposals of property other than land	\$20,000.00					
Power to sub delegate:	<table><tr><td>Legislation</td><td>Section</td></tr><tr><td>Local Government Act 1995</td><td>5.44</td></tr></table>	Legislation	Section	Local Government Act 1995	5.44	
Legislation	Section					
Local Government Act 1995	5.44					
Sub delegation Disposing of property						
Delegator	Chief Executive Officer					
Date approved:	30 June 2020					
Sub delegated to:	All Directors All Managers					

Limitations on sub delegation:	<b>Disposal of property other than land:</b>				
	The following officers may dispose of property other than land to the maximum amount indicated below:				
	<table><tr><td>All Directors</td><td>\$20,000.00</td></tr><tr><td>All Managers</td><td>\$10,000.00</td></tr></table>	All Directors	\$20,000.00	All Managers	\$10,000.00
	All Directors	\$20,000.00			
	All Managers	\$10,000.00			
<b>Approve a lease:</b>					
<p>Where:</p> <ol style="list-style-type: none"><li>The key lease terms and performance criteria have been agreed by council; or<ol style="list-style-type: none"><li>the lease is not for a period greater than six months (short term lease only); or</li><li>the lease agreement does not require a business plan; or</li><li>the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and</li><li>the lease is in accordance with relevant council policies.</li></ol></li></ol> <p>The following officers may approve the lease of a council property:</p> <ul style="list-style-type: none"><li>Director City Business</li><li>Director Community Development</li></ul> <p>Note: If the tenant and prospective tenant meet the requirements of the Commercial Tenancy Act WA 1985, the council cannot withhold assignment of the lease or withhold tenant options to extend the term of the lease.</p> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>					
<b>Reporting requirements</b>					
Use of this delegation:					
<ol style="list-style-type: none"><li>Must be reported to the Audit and Risk Management Committee.</li><li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>					



2.5 Payments from municipal or trust fund					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make payments from the municipal or trust fund in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</td></tr> <tr> <td><i>Local Government (Financial Management) Regulations 1996</i></td><td></td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)	<i>Local Government (Financial Management) Regulations 1996</i>	
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)				
<i>Local Government (Financial Management) Regulations 1996</i>					
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44				
Sub delegation Payments from municipal or trust fund					
<b>Delegator</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Part 1 Sub delegated to:</b>	Director City Business Manager Finance				
<b>Part 1. Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>Payments are to be made in accordance with: <ol style="list-style-type: none"> <li>City of Fremantle policies and procedures.</li> <li>verification of a payment and authorisation of the same payment cannot be undertaken by the same person.</li> </ol> </li> <li>Authority includes but is not limited to: <ol style="list-style-type: none"> <li>approving issue of purchase or credit cards.</li> <li>transferring money held in trust for 10 years to its municipal fund, and to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment.</li> </ol> </li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol> <p>Note: The CEO is the only person already authorised (directly by the <i>Local Government Act 1995</i> and Regulation 5(1)(e) of the <i>Local Government (Financial Management) Regulations 1996</i>) to authorise expenditure as included in the annual budget.</p>				
<b>Part 2. Sub delegated to:</b>	Finance Team Leader Procurement Team Leader Revenue Team Leader				

<p><b>Part 2.</b> <b>Limitations on sub delegation:</b></p>	<ol style="list-style-type: none"> <li>1. Payments are to be made in accordance with: <ol style="list-style-type: none"> <li>a. City of Fremantle policies and procedures.</li> <li>b. any additional Limitations or limitations set by the Director City Business or Manager Finance.</li> <li>c. verification of a payment and authorisation of the same payment cannot be undertaken by the same person.</li> </ol> </li> <li>2. Authority does not include: <ol style="list-style-type: none"> <li>a. approving issue of purchase or credit cards.</li> <li>b. transferring money held in trust for 10 years to its municipal fund, and to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment.</li> </ol> </li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol> <p>Note: The CEO is the only person already authorised (directly by the Local Government Act 1995 and Regulation 5(1)(e) of the Local Government (Financial Management) Regulations 1996) to authorise expenditure as included in the annual budget.</p>
<p style="text-align: center;"><b>Reporting requirements</b></p>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be presented in a report to each monthly council meeting.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

2.6 Determine grants and sponsorship allocations				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine allocation of the City's grants, and sponsorships in accordance:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></td><td><b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Determine grants and sponsorship allocations				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	All Directors Manager Arts and Culture Manager Communications and Events Manager Community Development Manager Economic Development and Marketing			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. All Directors can approve grants, and sponsorships up to a maximum of \$25 000 per applicant per year.</li><li>2. Manager Arts and Culture, Manager Communications and Events, Manager Economic Development and Marketing and Manager Community Development can approve grants, and sponsorships up to a maximum of \$20 000 per applicant per year.</li><li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"><li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				



2.7 Agreements for payment of rates and service											
<b>Delegator:</b>	Council										
<b>Date adopted:</b>	24 June 2020										
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make an agreement with a person for the payment of rates or services charges.</p> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.49</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49								
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49										
<b>Delegated to:</b>	Chief Executive Officer										
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.										
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> Section 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44								
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44										
Sub delegation Agreements for payment of rates and service											
<b>Delegator</b>	Chief Executive Officer										
<b>Date approved:</b>	30 June 2020										
<b>Sub delegated to:</b>	<p>Director City Business Manager Finance Finance Team leader Revenue Team Leader Revenue Officer - Lead Rates</p>										
<b>Limitations on sub delegation:</b>	<p>The following officers may agree payment arrangements for rates or service charges up to a maximum indicated for any single debtor:</p> <table> <tr> <td>Director City Business</td><td>\$500,000.00</td></tr> <tr> <td>Manager Finance</td><td>\$149,999.00</td></tr> <tr> <td>Finance Team leader</td><td>\$30,000.00</td></tr> <tr> <td>Revenue Team Leader</td><td>\$30,000.00</td></tr> <tr> <td>Revenue Officer - Lead Rates</td><td>\$10,000.00</td></tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Director City Business	\$500,000.00	Manager Finance	\$149,999.00	Finance Team leader	\$30,000.00	Revenue Team Leader	\$30,000.00	Revenue Officer - Lead Rates	\$10,000.00
Director City Business	\$500,000.00										
Manager Finance	\$149,999.00										
Finance Team leader	\$30,000.00										
Revenue Team Leader	\$30,000.00										
Revenue Officer - Lead Rates	\$10,000.00										
Reporting requirements											
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>											

2.8 Require lessee to pay rent in satisfaction of rates or services charge				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <p>Give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government.</p> <p>Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.</p> <p>In accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, 6.60(2) and (4)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation				
Require lessee to pay rent in satisfaction of rates or services charge				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director City Business Manager Finance Revenue Team Leader Revenue Officer - Lead Rates			
Limitations on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				



2.9 Objection to rate record - objection and review			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, 6.76(4) and (5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Objection to rate record - objection and review			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub-delegated to:</b>	Director City Business Manager Finance		
<b>Limitations on sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.10 Rate exemptions			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine applications for rate exemptions in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.26</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub-delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Rate exemptions			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Manager Finance Revenue Team Leader		
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>May only be used where there are no risk implications or political sensitivities evident.</li> <li>The Revenue Team Leader may only determine rate exemption renewals where the renewal application does not vary materially from the previous approval and the annual value of the exemption is less than \$10,000.</li> <li>The Director City Business and Manager Finance may only determine rate exemption applications and renewals with variations where the annual value of the exemption is less than \$25,000.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.11 Expressions of interest and tenders			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. To call tenders.</li> <li>2. To call tenders for the disposal of impounded goods.</li> <li>3. To invite tenders though not required to do so.</li> <li>4. The criteria for accepted tenders.</li> <li>5. To vary tender information after public notice of invitation to tender and before the close of tenders.</li> <li>6. Seek clarification from tenderers in relation to information contained in their tender submission.</li> <li>7. To evaluate tenders and decide which is the most advantageous.</li> <li>8. To accept or reject tenders.</li> <li>9. To decline any tender.</li> <li>10. Minor variations before entering into a contract.</li> <li>11. To accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract.</li> <li>12. When to seek expressions of interest and to invite expressions of interest to supply goods or services.</li> <li>13. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></td><td><b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers.</li> <li>2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget.</li> <li>3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		



Sub delegation Expressions of interest and tenders	
<b>Delegator:</b>	Chief Executive Officer
<b>Date approved:</b>	30 June 2020
<b>Sub-delegated to:</b>	All Directors
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers.</li> <li>2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget, and the decision is consistent with the advice of the tender evaluation committee.</li> <li>3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

2.12 Sole supplier of goods and services			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority:</p> <ol style="list-style-type: none"> <li>To determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Functions and General) Regulations 1996</i> </td><td> <b>Section</b>            5.42 and 5.43            Regulation 11(2)(f)         </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> <li>The final amount spent does not exceed \$50 000.</li> <li>adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and</li> <li>Sufficient investigation into the use of potential substitute goods or services has been undertaken.</li> <li>Determinations to be reported to the Audit and Risk Management Committee at least annually.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i> </td><td> <b>Section</b>            5.44         </td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Sole supplier of goods and services			
<b>Sub delegated to:</b>	Nil.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.13 Appointment of Acting Chief Executive Officer			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to appoint an Acting Chief Executive Officer in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.36, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The employee being a director.</li> <li>2. Appointments being no longer than six weeks.</li> <li>3. Council members are to be advised of Acting Chief Executive Officer.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appointment of Acting Chief Executive Officer			
<b>Sub delegate to:</b>	Nil.		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.14 Appoint authorised persons			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i>, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appoint authorised persons			
<b>Sub delegate to:</b>	Nil.		
Reporting Requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.14A Appoint persons to receive and withdrawals of complaints				
Delegator:	Council			
Date adopted:	24 February 2021			
Delegation:	<div>Council delegates to the Chief Executive Officer the Authority to appoint 1 or more persons for the purpose of receiving and withdrawals of complaints in accordance with the <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>:</div> <table><tr><td><b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i></td><td><b>Section</b> 11(3)</td></tr></table> <div>For the purpose of effective management of the City of Fremantle.</div>		<b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	<b>Section</b> 11(3)
<b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	<b>Section</b> 11(3)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appoint persons to receive and withdrawals of complaints				
Sub delegate to:	Nil.			
Reporting Requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.15 Additional powers when notice is given to the owner or occupier of land under Section 3.25			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything necessary to achieve the purpose for which a notice has been given and to recover costs associated with achieving the purpose for which a notice has been given, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.26, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.26, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.26, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Additional powers when notice is given to the owner or occupier of land under Section 3.25			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering</p>		
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.16 Particular things local governments can do on land that is not local government property			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.27, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.27, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.27, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Particular things local governments can do on land that is not local government property			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering		
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			



2.17 Crossing from public thoroughfare to private land or private thoroughfare					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land.</li> <li>2. give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996</td><td><b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996	<b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)	<i>Local Government Act 1995</i>	5.42 and 5.43
<b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996	<b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)				
<i>Local Government Act 1995</i>	5.42 and 5.43				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations delegation:</b>	<ol style="list-style-type: none"> <li>1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44				
Sub delegation Crossing from public thoroughfare to private land or private thoroughfare n					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date adopted:</b>	30 June 2020				
<b>Sub delegated to:</b>	Director Infrastructure Manager Infrastructure Engineering Engineering Team Leader Principal Engineer				
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.18 Powers of entry				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>1. enter on to land to perform any function of the local government under the Act.</li><li>2. give a notice of entry.</li><li>3. seek and execute an entry under warrant.</li><li>4. execute entry in an emergency.</li><li>5. give notice and effect entry by opening a fence.</li></ol> <p>in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Powers of entry				
Delegator:	Chief Executive Officer			
Date adopted:	30 June 2020			
Sub delegated to:	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Manager Development Approvals Manager Strategic Planning Coordinator Statutory Planning Heritage Coordinator Senior Planning Officer Senior Planning Officer All Statutory Planning Officers Senior Strategic Planning Officer Strategic Planning Officer Heritage Project Officer Team Leader Compliance and Health Compliance Technical Officer Principal Building Surveyor Building Surveyor</p>			
Limitations on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			

**Reporting requirements**

Use of this delegation:

1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.



2.19 Disposing of confiscated or uncollected goods			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to sell or otherwise dispose of confiscated or uncollected goods and to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Disposing of confiscated or uncollected goods			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub-delegated to:</b>	All Directors Manager Field Services Manager Asset Management Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Manager Community Development Manager Customer Experience and Learning Manager Arts and Culture Manager Communications and Events		
<b>Limitations on sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.20 Disposal of sick or injured animals			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to destroy and dispose of an animal that is determined to be too sick or injured to treat, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.47A(1), 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Disposal of sick or injured animals			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Director Infrastructure Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Team Leader Community Safety and Parking		
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>To be disposed of in the following manner:               <ol style="list-style-type: none"> <li>Through surrender to an appropriate rescue organisation, with preference given to a no-kill facility where possible.</li> <li>euthanasia:</li> </ol> </li> <li>Circumstances where euthanasia may be considered acceptable include, but are not limited to the following:               <ol style="list-style-type: none"> <li>Where animals are vicious, dangerous, unmanageable, fearful or likely to cause harm due to their behavior or temperament.</li> <li>Where the animal is sick or injured as determined by a veterinarian surgeon.</li> <li>Unclaimed impounded animals unable to be taken by rescue organisations.</li> </ol> </li> <li>Euthanasia will be undertaken by an approved veterinarian surgeon in line with the Australian Veterinary Association Code of Professional Conduct. The veterinary surgeon will determine the most appropriate method of euthanasia.</li> <li>No animal shall be surrendered to any person or organisation if it is believed the animal may be used for the purposes of medical research.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.21 Close thoroughfares to vehicles				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles.</li><li>give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks.</li><li>where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made.</li></ol> <p>in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Close thoroughfares to vehicles				
Delegator:	Chief Executive Officer			
Date adopted:	30 June 2020			
Sub delegated to:	All Directors Manager Infrastructure Engineering Engineering Team Leader			
Limitations on Sub delegation:	<ol style="list-style-type: none"><li>The following officers may approve general closures and closures in an emergency: Director City Business Director Infrastructure Manager Infrastructure Engineering Engineering Team Leader</li><li>Closure of a thoroughfare as part of a community event may only be granted where:<ol style="list-style-type: none"><li>the closures are similar to others held previously; or</li><li>the closure only involves a single road closure within the CBD; or</li><li>the closure only involves one street to accommodate a local resident activity.</li></ol></li><li>The following officers may only approve closures in an emergency: Director Community Development Director Strategic Planning and Projects Director People and Culture</li><li>Where applicable all road closures are to be undertaken in conjunction with a traffic management plan that complies with the Main Roads WA Traffic Management for Works on Roads Code of Practice.</li><li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			

Reporting requirements
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.



2.22 Reserves under control of local government			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything for the purposes of controlling and managing land that is vested in or under the management of the City, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.54, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.54, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.54, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Reserves under control of local government			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub-delegated to:</b>	All Directors Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering		
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting Requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			



2.23 Dangerous excavations in or near public thoroughfares			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></td><td><b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Dangerous excavations in or near public thoroughfares			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Engineering Team Leader</p>		
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.24 Private works on, over or under public places			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></td><td><b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>	<b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43
<b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>	<b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>Subject to:</p> <ol style="list-style-type: none"> <li>1. Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>.</li> <li>2. That due process for the issuing of a notice under section 3.25 of the Act is followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Private works on, over or under public places			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Director Infrastructure Manager Infrastructure Engineering		
<b>Limitations on Sub delegation:</b>	<p>Subject to:</p> <ol style="list-style-type: none"> <li>1. Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>.</li> <li>2. That due process for the issuing of a notice under section 3.25 of the Act is followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

## **PART 3**

### **Delegations from other legislation**

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**Bush Fires Act 1954**
**3.1 Bush Fires Act 1954 Powers, duties and functions of a local government**

<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>, in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Bush Fires Act 1954</i></td><td><b>Section</b> 48</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Bush Fires Act 1954</i>	<b>Section</b> 48
<b>Legislation</b> <i>Bush Fires Act 1954</i>	<b>Section</b> 48		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> <li>1. Are prescribed in the Act with a requirement for a resolution of the local government.</li> <li>2. Are prescribed by the Act for performance by designated officers.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
<b>Reporting requirements</b>			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



**Food Act 2008**

<b>3.2 Food Act 2008 Appoint authorised and designated officers</b>							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to appoint a person:</p> <ol style="list-style-type: none"> <li>To be an authorised officer for the purposes of the <i>Food Act 2008</i>.</li> <li>To be a designated officer for the purposes of the <i>Food Act 2008</i>.</li> </ol> <p>in accordance with:</p> <table border="1"> <thead> <tr> <th>Legislation</th><th>Section</th></tr> </thead> <tbody> <tr> <td><i>Food Act 2008</i></td><td>122(1) and 126(13)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	122(1) and 126(13)	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)
Legislation	Section						
<i>Food Act 2008</i>	122(1) and 126(13)						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
<b>Reporting requirements</b>							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.3 Food Act 2008 Prohibition orders							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services and Senior Environmental Health Officer authority to determine:</p> <ol style="list-style-type: none"> <li>1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65].</li> <li>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices.</li> <li>3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.</li> </ol> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>65(1), 66, and 67(4)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	65(1), 66, and 67(4)
<b>Legislation</b>	<b>Section</b>						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	65(1), 66, and 67(4)						
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
Reporting requirements							
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.4 Food Act 2008 Prosecutions					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, and Senior Environmental Health Officer authority to institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Food Act 2008</i></td><td><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>125</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	125
<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)				
<i>Food Act 2008</i>	125				
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	Nil.				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

3.5 Food Act 2008 Registration of food businesses							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, Senior Environmental Health Officer and all Environmental Health Officers authority to:</p> <ol style="list-style-type: none"> <li>1. Determine applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration.</li> <li>2. After considering an application, grant (with or without Limitations) or refuse the application.</li> <li>3. Vary the Limitations or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i>.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>110(1) and (5) and 112</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	110(1) and (5) and 112
<b>Legislation</b>	<b>Section</b>						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	110(1) and (5) and 112						
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer All Environmental Health Officers						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
Reporting requirements							
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							



3.6 Food Act 2008 Determine compensation					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Food Act 2008</i></td><td><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>70(2) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	70(2) and (3)
<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)				
<i>Food Act 2008</i>	70(2) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The level of compensation to be paid in respect of any single claim is not to exceed \$5 000.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Power to sub delegate:</b>	Nil.				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

**Building Act 2011**
**3.7 Building Act 2011 Approve or refuse building permit**

<b>Delegator:</b>	Council								
<b>Date adopted:</b>	24 June 2020								
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a building permit.</li> <li>2. Refuse a building permit.</li> <li>3. Determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning.</li> <li>4. Determine approval / refusal of battery powered smoke alarm and determine application form.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Building Act 2011</i></td><td>127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>20, 27(1) and (3)</td></tr> <tr> <td><i>Building Regulations 2012</i></td><td>Regulation 55 and 61</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	20, 27(1) and (3)	<i>Building Regulations 2012</i>	Regulation 55 and 61
<b>Legislation</b>	<b>Section</b>								
<i>Building Act 2011</i>	127								
<i>Building Act 2011</i>	20, 27(1) and (3)								
<i>Building Regulations 2012</i>	Regulation 55 and 61								
<b>Delegated to:</b>	Chief Executive Officer								
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.								
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Building Act 2011</i></td><td>127(6A)</td></tr> </table>	<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127(6A)				
<b>Legislation</b>	<b>Section</b>								
<i>Building Act 2011</i>	127(6A)								
<b>Sub delegation</b> <b>Approve or refuse building permit</b>									
<b>Delegator:</b>	Chief Executive Officer								
<b>Date approved:</b>	30 June 2020								
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor								
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>								
<b>Reporting requirements</b>									

Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					
<b>3.8 Building Act 2011 Approve or refuse demolition permit</b>					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a demolition permit.</li> <li>2. Refuse a demolition permit.</li> <li>3. Impose, vary or revoke Limitations on a demolition permit.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>21, 27(1) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	21, 27(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	21, 27(1) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
<b>Sub delegation Approve or refuse demolition permit</b>					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor				
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Reporting requirements</b>					
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					



3.9 Building Act 2011 Grant occupancy permit or building approval certificate					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. require an applicant to provide any document or information required in order to determine an application.</li> <li>2. grant or modify an occupancy permit or building approval certificate.</li> <li>3. impose, add, vary or revoke Limitations on an occupancy permit or building approval certificate.</li> <li>4. the period in which an occupancy permit or modification, or building approval certificate has effect.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>58, 62(1) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	58, 62(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	58, 62(1) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Sub delegation Grant occupancy permit or building approval certificate					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor				
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					



3.10 <i>Building Act 2011</i> Designate authorised persons					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to designate an employee as an authorised person, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>96(3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	96(3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	96(3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

3.11 Building Act 2011 Issue and revocation of building orders								
Delegator:	Council							
Date adopted:	24 June 2020							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"><li>1. Make building orders in relation to:<ol style="list-style-type: none"><li>a. Building work.</li><li>b. Demolition work.</li><li>c. An existing building or incidental structure.</li></ol></li><li>2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]</li><li>3. Revoke a building order [s.117].</li><li>4. If there is non-compliance with a building order, cause an authorised person to:<ol style="list-style-type: none"><li>a. Take any action specified in the order.</li><li>b. Commence or complete any work specified in the order.</li><li>c. If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118 (2)].</li></ol></li><li>5. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li><li>6. Initiate a prosecution pursuant to section 133(1) for noncompliance with a building order made pursuant to section 110 of the Building Act 2011.</li></ol> <p>In accordance with:</p> <table><tr><td><b>Legislation</b></td><td><b>Section</b></td></tr><tr><td><i>Building Act 2011</i></td><td>127</td></tr><tr><td><i>Building Act 2011</i></td><td>110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b>	<b>Section</b>	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)
<b>Legislation</b>	<b>Section</b>							
<i>Building Act 2011</i>	127							
<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)						

Sub delegation Issue and revocation of building orders	
<b>Delegator:</b>	Chief Executive Officer
<b>Date approved:</b>	30 June 2020
<b>Sub delegated to:</b>	Manager Field Services Principal Building Surveyor Team Leader Compliance and Health
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

3.12 <i>Building Act 2011</i> Inspection and copies of building records					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine an application from an interest person to inspect and copy a building record, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>131(2)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	131(2)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	131(2)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Sub delegation Inspection and copies of building records					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor Team Leader Compliance and Health				
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					



**Litter Act 1979**

3.13 <i>Litter Act 1979</i> Withdrawal of infringement notices			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety and Parking</li> <li>• Team Leader Parking</li> </ul> <p>the authority to determine if an infringement is to be withdrawn; and to sign withdrawal notices sent under subsection 4 of the <i>Litter Act 1979</i>.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Litter Act 1979</i></td><td><b>Section</b> 30(4a)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)
<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)		
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Team Leader Community Safety and Parking Team Leader Parking		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Dog Act 1976**

3.14 Dog Act 1976 Functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all the powers and duties of the local government under the <i>Dog Act 1976</i>, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Dog Act 1976</i></td><td><b>Section</b> 10AA</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA
<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA(3)		
Sub delegation Functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Manager Field Services Team Leader Community Safety and Parking			
Limitations on Sub delegation:	<p>The Manager Field Services and Team Leader Community Safety and Parking are authorised to undertake the following functions:</p> <ul style="list-style-type: none"><li>a. Direct a registration officer to refuse or effect or renew a registration of a dog or cancel a registration (s16).</li><li>b. Determine that a dog cannot be registered where no application has been made (S17A).</li><li>c. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be appropriately confined (s 16, S17A).</li><li>d. Determine for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease (s 16, 17A).</li><li>e. Establish and maintain dog management facilities (Section 11(1));</li><li>f. Keep a register of dogs (Section 14(1)).</li><li>g. Discount or waive a dog registration fee (Section 15(4A))</li><li>h. Grant exemption regarding the number of dogs that may be kept (s26(3)).</li><li>i. Approve kennel establishments (Section 27).</li><li>j. Appoint persons to seize dogs (Section 29(1)).</li><li>k. Declare a dog to be a dangerous dog (Section 33E).</li></ul> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

**Cat Act 2011**

3.15 Cat Act 2011 Functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Cat Act 2011</i> , in accordance with: <table><tr><td>Legislation <i>Cat Act 2011</i></td><td>Section 44</td></tr></table> For the purpose of effective management of the City of Fremantle.		Legislation <i>Cat Act 2011</i>	Section 44
Legislation <i>Cat Act 2011</i>	Section 44			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Cat Act 2011</i>	Section 45		
Sub delegation Functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Manager Field Services Team Leader Community Safety and Parking			
Limitations on Sub delegation:	Limited to the following sections of the <i>Cat Act 2011</i> :  a. Registration (s1) b. Cancellation of registration (s10) c. Notice to be given of certain decisions made under this Subdivision (s13) d. Approval to breed cats (s37) e. Cancellation of approval to breed cats (s38) f. Notice to be given of certain decisions made under this Subdivision (s40) g. Authorised person may cause a cat to be destroyed (s49)  All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Reporting requirements				
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				



**Caravan Parks and Camping Grounds Act 1995**
**3.16 Caravan Parks and Camping Grounds Act 1995 Authority to act as authorised persons**

<b>Appointer:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Appointed function:</b>	<p>Council appoints the:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Compliance and Health</li> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Community Safety and Parking</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul> <p>to act as an authorised person for the purposes of this Act as considered necessary.</p> <p>In accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>  The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i> </td><td> <b>Section</b>  17(1) </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Caravan Parks and Camping Grounds Act 1995</i> The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i>	<b>Section</b> 17(1)
<b>Legislation</b> <i>Caravan Parks and Camping Grounds Act 1995</i> The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i>	<b>Section</b> 17(1)		
<b>Appointment:</b>	Chief Executive Officer Director City Business Manager Field Services Team Leader Compliance and Health Senior Environmental Health Officer All Environmental Health Officers Team Leader Community Safety and Parking All Community Safety Officers All Security Officers		



<b>Limitations on appointment:</b>	<p>The following officers can perform all of the functions of an authorised person under the <i>Caravan Parks and Camping Grounds Act 1995</i> but for the purposes of infringement notices the following limits apply:</p> <p>In accordance with section 23(11) the following persons are authorised to extend and withdraw infringement notices under 23(5) and (7) of the <i>Caravan Parks and Camping Grounds Act 1995</i>, <b>but must not issue infringement notices</b>:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety and Parking</li> </ul> <p>In accordance with section 23(11) the following persons are authorised to issue infringement notices under section 23(2) of the <i>Caravan Parks and Camping Grounds Act 1995</i> but must not extend or withdraw infringement notices:</p> <ul style="list-style-type: none"> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Compliance and Health</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>
<b>Power to sub delegate:</b>	<p>Nil – <i>The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i></p>
<b>Reporting requirements</b>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

**Graffiti Vandalism Act 2016**

3.17 Graffiti Vandalism Act 2016 Local government functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i></td><td><b>Section</b> 16 Part 3</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 16 Part 3
<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 16 Part 3			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 17		
Sub delegation Local government functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director Infrastructure Manager Facilities and Environmental Management Graffiti Field Officer			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. Unauthorised street art is to be assessed before removal by the Director Community Development.</li><li>2. The Director Infrastructure can only hear or determine an objection in accordance with Section 22 of the <i>Graffiti Vandalism Act 2016</i>.</li><li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation: <ol style="list-style-type: none"><li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				

**Public Health Act 2016**
**3.18 Public Health Act 2016 Appoint authorised officers**

<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a qualified person to be an environmental health officer.</li> <li>2. Designate environmental health officers (either as a person or class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act.</li> <li>3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the Public Health Act 2016 or another specified Act.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Public Health Act 2016</i></td><td>17, 24(1),(3) and (4)</td></tr> <tr> <td><i>Public Health Act 2016</i></td><td>21</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Public Health Act 2016</i>	17, 24(1),(3) and (4)	<i>Public Health Act 2016</i>	21
<b>Legislation</b>	<b>Section</b>						
<i>Public Health Act 2016</i>	17, 24(1),(3) and (4)						
<i>Public Health Act 2016</i>	21						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The designation of authorised officers is to be in accordance with section 25 of the <i>Public Health Act 2016</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>						
<b>Power to sub delegate:</b>	Nil.						
<b>Reporting requirements</b>							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

**Fines, Penalties and Infringement Notices Enforcement Act 1994**

<b>3.19 Fines, Penalties and Infringement Notices Enforcement Act 1994 Appointment of prosecution officers</b>			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>, in accordance with:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <b>Legislation</b>  <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i> </td><td style="vertical-align: top;"> <b>Section</b>  13 and 13(2) </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	<b>Section</b> 13 and 13(2)
<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	<b>Section</b> 13 and 13(2)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	Nil.		
<b>Reporting requirements</b>			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



**Planning and Development Act 2005**
**3.20 Planning and Development Act 2005 Illegal development**

<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42</td></tr> <tr> <td><i>Planning and Development Act 2005</i></td><td>214(2), (3) and (5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development Act 2005</i>	214(2), (3) and (5)
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development Act 2005</i>	214(2), (3) and (5)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.44</td></tr> </table>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.44		
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.44						
<b>Illegal development sub delegation</b>							
<b>Delegator:</b>	Chief Executive Officer						
<b>Date approved:</b>	30 June 2020						

<b>Sub delegated to:</b>	Director City Business Director Strategic Planning and Projects Manager Development Approvals Manager Field Services
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
<b>Reporting requirements</b>	
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

**City of Fremantle Local Planning Scheme No. 4**

<b>3.21 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals</b>					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to take action under part 13 of the <i>Planning and Development Act 2005</i> for any failure to comply with the provisions of Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). As well as the power to determine a position in respect to any mediation resulting from an application for review made under Part 14 of the <i>Planning and Development Act 2005</i> in response to a decision made under delegated authority; and</p> <p>The determination of the City's position with respect to any appeal to the State Administrative Tribunal on a decision made under delegated authority.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Planning and Development Act 2005</i></td><td><b>Section</b> 13 and 14</td></tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td><td>82</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82
<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14				
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015</td><td><b>Section</b> 83</td></tr> </table>	<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83		
<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83				
<b>Sub delegation Enforcement and appeals</b>					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Part 1. Sub delegated to:</b>	Director Strategic Planning and Projects Director City Business Manager Development Approvals Manager Strategic Planning Manager Field Services				
<b>Part 1. Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. The power to withdraw written direction is limited to the Director Strategic Planning and Projects and the Director City Business.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				

<b>Part 2. Sub delegated to:</b>	Manager Field Services
<b>Part 2. Limitations on Sub delegation:</b>	<p>The Manager Field Services may only:</p> <ol style="list-style-type: none"> <li>1. Take legal action in regard to breaches of the Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions).</li> <li>2. Issue written direction in accordance with Section 214 of the <i>Planning and Development Act 2005</i> (illegal development).</li> </ol> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>
<b>Reporting requirements</b>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	



3.22 City of Fremantle Local Planning Scheme No. 4 Development Control							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. applications for planning approval (including the exercise of discretion under Local Planning Scheme No. 4 and the Residential Design Codes);</li> <li>2. all matters which arise out of the imposition of conditions on planning approvals; and</li> <li>3. all matters delegated to the City of Fremantle under the <i>Planning and Development Act 2005</i>, or functions that the City is authorised to exercise under that Act.</li> </ol> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42 and 5.43</td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>6.49</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42 and 5.43	<i>Local Government Act 1995</i>	6.49
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.42 and 5.43						
<i>Local Government Act 1995</i>	6.49						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.44</td></tr> </table>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.44		
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.44						
Sub delegation Development control							
<b>Delegator</b>	Chief Executive Officer						
<b>Date approved:</b>	30 June 2020						
<b>Sub delegated to:</b>	Director Strategic Planning and Projects Manager Development Approvals Manager Strategic Planning Coordinator Statutory Planning Senior Planning Officer						
<b>Limitations on sub delegation:</b>	<table> <tr> <th colspan="2">All powers and duties</th></tr> <tr> <td colspan="2"> <b>Director Strategic Planning and Projects</b>  <b>Manager Development Approvals</b>  <b>Manager Strategic Planning</b> </td></tr> </table> <p>The officers listed above have all of the powers and duties of the Council under the Local Planning Scheme No. 4 with the exception of:</p> <ol style="list-style-type: none"> <li>a. The adoption of a local planning policy, structure plan or detailed area plan</li> <li>b. The establishment of a committee under local planning scheme no. 4.</li> <li>c. Determining a planning application considered a significant application by:             <ul style="list-style-type: none"> <li>• Director Strategic Planning and Projects</li> <li>• Manager Development Approvals</li> <li>• Manager Strategic Planning</li> </ul> </li> <li>d. Determining a planning application, or variation to planning approval where:</li> </ol>	All powers and duties		<b>Director Strategic Planning and Projects</b> <b>Manager Development Approvals</b> <b>Manager Strategic Planning</b>			
All powers and duties							
<b>Director Strategic Planning and Projects</b> <b>Manager Development Approvals</b> <b>Manager Strategic Planning</b>							

	<ul style="list-style-type: none"> <li>relevant objection/s have been received on planning grounds which cannot be addressed by conditions of approval and is not a minor variation as determined by the officers listed below, and clearly does not meet the relevant performance criteria of the R Codes or intent of the relevant planning policy or scheme provision: <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> </li> <li>the application involves demolition of a building (excluding an outbuilding, incidental structure or minor addition) on the City of Fremantle Heritage List or within a Heritage Area.</li> </ul> <p>e. Determining a variation of planning approval where the original decision has been determined by the Council or Committee unless one of the officers listed below deems the variation to be minor and the requirements of this delegation are met:</p> <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> <p>f. Determining an application for extension of time, where the original decision was determined by the Council or Committee and it is not the first extension of time for the planning application.</p> <p>g. Determining an application for planning approval in relation to a non- conforming use.</p> <p>h. Revocation of a local planning policy.</p>
	<p style="text-align: right;"><b>Limited authority</b></p> <p><b>Coordinator Statutory Planning</b> <b>Senior Planning Officer</b></p> <p>The officers listed above have some powers and duties of the Council under the Local Planning Scheme No. 4 with the exception of:</p> <p>a. The adoption of a local planning policy, structure plan or detailed area plan.</p> <p>b. The establishment of a committee under local planning scheme no. 4.</p> <p>c. Determining a planning application considered a significant application by part 1 sub-delegated officers.</p> <p>d. Determining a planning application or variation to planning approval where:</p> <ul style="list-style-type: none"> <li>relevant objection/s have been received on planning grounds which cannot be addressed by conditions of approval and is not a minor variation as determined by the officers listed below, and clearly does not meet the relevant performance criteria of the R Codes or intent of the relevant planning policy or scheme provision <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> </li> <li>the application involves demolition of a building (excluding an outbuilding, incidental structure or minor addition) on the City of Fremantle Heritage List or within a Heritage Area.</li> </ul> <p>e. Determining a variation of planning approval where the original decision has been determined by the Council or Committee unless one of the officers listed below deems the variation to be minor and the requirements of this delegation are met.</p> <ul style="list-style-type: none"> <li>Chief Executive Officer</li> </ul>



	<ul style="list-style-type: none"> <li>• Director Strategic Planning and Projects</li> <li>• Manager Development Approvals</li> <li>• Manager Strategic Planning</li> </ul> <p>f. Determining an application for extension of time, where the original decision was determined by the Council or Committee and it is <i>not</i> the first extension of time for the planning application.</p> <p>g. Determining an application for planning approval in relation to a non-conforming use.</p> <p>h. Revocation of a local planning policy.</p>
	<p style="text-align: right;"><b>Prohibitions</b></p> <p><b>Coordinator Statutory Planning</b> <b>Senior Planning Officer</b></p>
	<p>The officers listed above are subject to the following additional prohibitions:</p> <ol style="list-style-type: none"> <li>1. may not determine applications for development exceeding \$2,000,000 in value</li> <li>2. may not determine a net increase of more than two dwellings (unless on a survey strata lot)</li> <li>3. may not determine a net increase of over 5000m<sup>2</sup> of building floor area</li> <li>4. may not refuse applications</li> <li>5. may not determine applications in a manner not generally consistent with relevant planning policies</li> <li>6. may not determine an application for planning approval where any submissions have been received, irrespective of issues raised, unless all submissions received are in support of the development without condition</li> </ol>
<p style="text-align: center;"><b>Reporting requirements</b></p>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

3.23 Modifications to the Heritage List and Municipal Heritage Inventory							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Authorised function:</b>	<p>The Chief Executive Officer is authorised to modify the Heritage List and Municipal Heritage Inventory to maintain their currency by:</p> <ul style="list-style-type: none"> <li>amending listing information to more accurately describe the listed property, and</li> <li>reclassifying to Historic Record Only and removing from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a significant contribution to the heritage significance of the original property.</li> </ul> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42</td></tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td><td>Division 2 of Schedule 2</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>any amendments must have the support of the effected landowner where consultation is required under legislation</li> </ul>						
<b>Power to sub delegate:</b>	Yes						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							



**Control of Vehicles (Off-road Areas) Act 1978**
**3.24 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer**

<b>Appointer:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Appointed function:</b>	<p>Council appoints the Manager Field Services, Team Leader Community Safety and Parking and all Community Safety Officers authority to act as an authorised officer for the purposes of this Act as considered necessary, in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i></td><td><b>Section</b> 38(1)(c) and 38 (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)
<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)		
<b>Appointment:</b>	Manager Field Services Team Leader Community Safety and Parking All Community Safety Officers		
<b>Limitations on appointment:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub-delegate:</b>	Nil		
<b>Reporting requirements</b>			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements</li> </ol>			

**Health (Asbestos) Regulations 1992**

<b>3.25 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers</b>			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Authorised function:</b>	<p>Council delegates to the Chief Executive Officer the appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i>, in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i></td><td><b>Section</b> Regulation 15D(5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)
<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ul>		
<b>Power to sub delegate:</b>	Nil		
<b>Reporting requirements</b>			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

## **PART 4**

### **Delegations to local government from external agencies**

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*The delegations outlined in part 4 of this register are externally established and may be subject to change. Please check the Government Gazette for most current version and use this register for reference only.*

**Environmental Protection Act 1986**

**4.1 Noise Control – Serve Environmental Protection Notices [S65(1)]**

**Noise Control – Serve Environmental Protection Notices [S65(1)]**

Published in Government Gazette No.47, 19 March 2004

*ENVIRONMENTAL PROTECTION ACT 1986*

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made -

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved –

FERDINAND TROMP, A/Chief Executive Officer.  
Dr JUDY EDWARDS MLA, Minister for the Environment.



**4.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]**

**Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]**

Published in Government Gazette No.232, 20 December 2013

EV402\*

**ENVIRONMENTAL PROTECTION ACT 1986**  
**DELEGATION NO. 112**

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (1) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B
- (2) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (3) community activities—noise control notices in respect of community noise under regulation 16;
- (4) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (5) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (6) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (7) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
  - (a) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013. JASON BANKS, Acting Chief Executive Officer.

Approved by—  
JOHN DAY, Acting Minister for Environment; Heritage.

4.3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

**Noise Control – Noise Management Plans – Construction Sites [Reg.13]**

Published in Government Gazette No.71 – 16 May 2014

EV405\*

**ENVIRONMENTAL PROTECTION ACT 1986**

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of —

- (8) Chief Executive Officer under the *Local Government Act 1995*; and
- (9) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

\_\_\_\_\_  
Approved by—  
Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage

**Planning and Development Act 2005**

**4.4 Referral arrangements - Western Australian Planning Commission**

**Western Australian Planning Commission – Referral Arrangements**

Government Gazette No. 65 – 9 May 2014 (pages 1410 - 1412)

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION**

RES 2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

**Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission**

On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved—

- A. TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled "RES 2011/01 Resolution under Clause 32 of the MRS" published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);
- B. TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;
- C. TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;
- D. TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;
- E. TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary, Western Australian Planning Commission.

**SCHEDULE 1**

**REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS**

**1. Development of state or regional significance**

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

**2. Development in the rural zone**

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the rural zone in the MRS—

- extractive industry—all applications
- any other use which in the opinion of the local government or the WAPC may not be consistent with the rural zone.



### 3. Poultry farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

### 4. Development in activity centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes —

1. Where the local government or the WAPC considers that the development proposed may be of state or regional significance.
2. Where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
3. Where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
4. For Strategic metropolitan centre or Secondary centre developments where the development proposed is major development.
5. For District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area).
6. Where the development proposed is wholly or partly located in zoned land in specialised centres.

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—

- capital city
- strategic metropolitan centres
- secondary centres
- district centres
- neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m<sup>2</sup>; or
- Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m<sup>2</sup>.
- 

“net lettable area” is defined in Appendix 1 of State Planning Policy 4.2;

“shop-retail” means the land use activities included in “Planning land use category 5: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.



#### REFERRAL ARRANGEMENTS FOR SPECIFIC LOCAL GOVERNMENTS

##### **7. Stirling and Glendalough Station Precincts**

The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) All applications that include non-residential uses and/or development; and
- (ii) All application for 5 or more residential dwellings.

##### **8. Kwinana Industrial Area**

The city of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

##### **9. North Coogee Industrial Area**

The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

##### **10. Parliament House Precinct 6**

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (i) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (ii) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

##### **11. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park**

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

##### **12. Leach Highway and Stock Road—Leach Highway to South Street**

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made MRS for the area shown on WAPC plan 1.7068.

4.5 Development applications - Western Australian Planning Commission

**Western Australian Planning Commission – Development Applications**

PL403

Government Gazette No. 104 – 30 May 2017 (pages 2738 - 2743)

**PLANNING AND DEVELOPMENT ACT 2005**

Instrument of delegation  
DEL 2017/02 Powers of Local Governments and Department of Transport  
Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the Limitations set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the Limitations set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled "DEL 2011/02 Powers of local governments (MRS)" published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

## PLANNING AND DEVELOPMENT ACT 2005

## INSTRUMENT OF DELEGATION

## SECTION A—Types of Development

**1. Development on zoned land**

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

**2. Development on regional road reservations**

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

**3. Large Format Digital Signage applications**

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

## SECTION B—Limitations

**1. Referral requirements for development on land within or abutting a regional road reservation**

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
  - **Category 1 road** means that frontage access is not allowed (control of access);
  - **Category 2 road** means that frontage access may be allowed subject to approval; and

- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
- **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

**“Category 1 road”** applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

**“Category 2 road”** applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

**“Category 3 road”** applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

**Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul>	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

**Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
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1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> </ul>	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.
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## Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> <li>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</li> <li>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</li> <li>(e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> </li> <li>(f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul> </li> </ul>	

Referral is required in these instances	Referral is not required in these instances
2. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul>	3. Where the local government first decides to refuse the application under the MRS; or 4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

**Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>2. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> </ul>	<p>3. Where the local government first decides to refuse the application under the MRS; or</p> <p>4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>
Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> <li>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</li> <li>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</li> <li>(e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> </li> <li>(f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul> </li> </ul>	

**Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS
<p>Notes—</p> <p>(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<a href="http://www.planning.wa.gov.au/1212.asp">http://www.planning.wa.gov.au/1212.asp</a>)</p> <p>(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 <i>Regional Roads (Vehicular Access)</i>, the Transport Impact Assessment Guidelines, and MRWA <i>Driveways Policy</i>, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads. (<a href="http://www.planning.wa.gov.au/publications/812.asp">http://www.planning.wa.gov.au/publications/812.asp</a>; and <a href="https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx">https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx</a>)</p> <p>(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's <i>Transport Impact Assessment Guidelines</i>. <a href="http://www.planning.wa.gov.au/publications/1197.asp">http://www.planning.wa.gov.au/publications/1197.asp</a></p> <p>(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's <i>State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>. (<a href="http://www.planning.wa.gov.au/publications/1182.asp">http://www.planning.wa.gov.au/publications/1182.asp</a>)</p> <p>(5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's <i>DC Policy 5.4 Advertising on Reserved Land</i>. (<a href="http://www.planning.wa.gov.au/publications/825.asp">http://www.planning.wa.gov.au/publications/825.asp</a>)</p> <p><b>2. Referral requirements for development on land abutting the Swan River Trust Development Control Area</b></p> <p>Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.</p> <p><b>3. Referral requirements for development on land abutting other reservations</b></p> <p>Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.</p> <p>In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.</p> <p><b>4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—</b></p> <p>(a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.</p> <p>(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.</p> <p>(c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.</p>	

**5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation**

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

**Interpretation**

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
    - ⓐ is likely to change the character of that place or the external appearance of any building; or
    - ⓑ would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m<sup>2</sup> "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
  - (a) a Minister of the Crown in right of the State;
  - (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
  - (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- "regional road" means any road designated under the region Scheme as follows—
  - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
  - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guideline*.



**Strata Titles Act 1985**

**4.6 Section 15 Strata Titles Act 1985 – Western Australian Planning Commission**

**Strata Titles Act 1985 - section 15 of the Strata Titles Act 1985**

Government Gazette – 27 March 2020 (Pages 822-823)

PL402

**PLANNING AND DEVELOPMENT ACT 2005**

**INSTRUMENT OF DELEGATION**

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the Strata Titles Act 1985.

**Preamble**

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;

B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the Strata Titles Amendment Act 2018.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

**Schedule 1**

**1. Applications made under section 15 of the Strata Titles Act 1985**

Power to determine applications for the issuing of a certificate of approval under section 15 of the Strata Titles Act 1985, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Reporting requirements**

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

**Heritage Act 2018**

**4.7 Section 19 of the Heritage Act 2018 - Department of Planning, Lands and Heritage**

**Heritage Act 2018 - section 19 of the Heritage Act 2018**

Government Gazette No.138 – 24 September 2019 (Page 3407)

HR401

**HERITAGE ACT 2018**  
INSTRUMENT OF DELEGATION  
City of Fremantle

620/2019

Pursuant to section 19 of the Heritage Act 2018 (Act), the Heritage Council (Council) resolved to—

1. Revoke the delegation instrument, which was published on 8 February 2019; and
2. Delegate all powers, duties and functions arising under sections 73 and 74 of the Act to the Strategic Planning Manager (delegate) of the City of Fremantle (City) with respect to proposals concerning any land within the West End, Fremantle (West End), excluding the following types of proposals—
  - (a) 'Large, complex or contentious projects' as defined in the Delegation Framework, which was published on 8 February 2019;
  - (b) Places owned or occupied by, or where the management body is the City;
  - (c) Proposals where the decision maker is not the City; or
  - (d) Proposals that may affect another registered place within the West End, and any land immediately adjacent to the West End.
3. Advice complies with the Council's policy titled "Delegation Framework v.2", published in July 2019

This delegation shall come into operation on the date this instrument is published in the Government Gazette. The Delegation Framework and its supporting documents can be found on the Department of Planning, Lands and Heritage website at [dplh.wa.gov.au](http://dplh.wa.gov.au)

Dated the 24th day of September 2019.

VAUGHAN DAVIES, Assistant Director-General,  
Heritage and Property Services,  
Department of Planning, Lands and Heritage.

## **PART 5**

### **Delegations from the Chief Executive Officer**

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5.1 Local Government Act 1995 - Conferences, seminars and training courses			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve attendance by employees at training courses, conferences and seminars within Australia, in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.41(g) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.41(g) and 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.41(g) and 5.44		
<b>Delegated to:</b>	All Directors All Managers		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. Directors can approve attendance at training courses, seminars and conferences where they are within the budget.</li> <li>2. Managers can only approve attendance at: <ol style="list-style-type: none"> <li>a. one day seminars/conferences</li> <li>b. training courses (one or more days)</li> </ol> </li> <li>3. Where they are within Western Australia and within budget.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



5.2 Local Government Act 1995 - Use of the City Logo and Coat of Arms			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve the use of the crest and logo, in accordance with:</p> <table> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 5.41(g) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44		
<b>Delegated to:</b>	All Directors Manager Economic Development and Marketing Manager Communications and Events		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.3 Local Government Act 1995 - Infringement notice - grant an extension of time or withdraw infringement			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to grant an extension of time to pay a modified penalty and withdraw an infringement notice:</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 9.19, 9.20 and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 9.19, 9.20 and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 9.19, 9.20 and 5.44		
<b>Delegated to:</b>	All Directors Manager Field Services Manager Infrastructure Engineering Team Leader Community Safety and Parking Team Leader Parking		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

5.4 Local Government Act 1995 – Release of electoral roll information			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve the release of information under section 5.94(m) and 5.94(s) of the <i>Local Government Act 1995</i>:</p> <ol style="list-style-type: none"> <li>any rates record</li> <li>any register of owners and occupiers under section 4.32(6) and electoral rolls.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Administration) Regulations 1996</i> </td><td> <b>Section</b>            5.44 and 5.96            Regulation 29B         </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	<b>Section</b> 5.44 and 5.96 Regulation 29B
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	<b>Section</b> 5.44 and 5.96 Regulation 29B		
<b>Delegated to:</b>	All Directors Manager Governance Revenue Team Leader Revenue Officer – Lead Rates		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>The request for the information must be made in the approved manner and form.</li> <li>The relevant officer must be satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



5.5 Local Government Act 1995 – Destruction of electoral materials			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to destroy electoral materials in accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Elections) Regulations 1997</i> </td><td> <b>Section</b>            5.44 and 4.84            Regulation 82(4)            s. 4.84(a)         </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i>	<b>Section</b> 5.44 and 4.84 Regulation 82(4) s. 4.84(a)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i>	<b>Section</b> 5.44 and 4.84 Regulation 82(4) s. 4.84(a)		
<b>Delegated to:</b>	Director City Business Manager Governance Revenue Team Leader		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The destruction is to be carried out by or under the supervision of the relevant Director or Manager Governance in the presence of at least 2 employees.</li> <li>2. The parcels are to be conveyed securely to a secure paper destruction company or placed in a locked bin provided by such a company, by or under the supervision of the relevant Director or Manager Governance in the presence of at least 2 employees.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



5.6 Local Government Act 1995 – Owners and Occupiers Roll - enrolments			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. accept owners and occupiers enrolments under section 4.32(4).</li> <li>2. make any inquiries in order to make a decision under section 4.32(5).</li> <li>3. decide that eligibility to enrol under section 4.30 has ended under section 4.35.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 4.30, 4.32, 4.35 and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 4.30, 4.32, 4.35 and 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 4.30, 4.32, 4.35 and 5.44		
<b>Delegated to:</b>	Director City Business Manager Finance Manager Governance Revenue Team Leader Revenue Officer – Lead Rates		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.7 Local Government Act 1995 – Local government employees			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. Employ a person in any position other than Director or Manager.</li> <li>2. Make arrangements relating to the persons employment</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 5.36(3) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.36(3) and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.36(3) and 5.44		
<b>Delegated to:</b>	Director People and Culture		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.8 Policy approvals	
<b>Chief Executive Officer makes the following direction:</b>	
<b>Date approved:</b>	30 June 2020
<b>Delegation:</b>	<p>The Chief Executive Officer makes a direction to determine approvals in accordance with the following policy position:</p> <ol style="list-style-type: none"> <li>1. Elected member professional development</li> <li>2. Elected member allowances and reimbursements</li> <li>3. Donations</li> <li>4. Attendance at events</li> </ol>
<b>Direction made to:</b>	Manager Governance
<b>Limitations on direction:</b>	<ol style="list-style-type: none"> <li>1. Any approvals that fall outside the provisions of the policies must be determined by the Chief Executive Officer</li> <li>2. Donations to a maximum of \$300 per occasion</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
<p>Use of this direction:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

5.9 Freedom of Information Act 1992 – Direction to make decisions			
Chief Executive Officer 'principal officer of an agency' makes the following direction:			
Date approved:	30 June 2020		
Direction:	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. Make decisions</li> <li>2. Review decisions</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Freedom of Information Act 1992</i></td> <td><b>Section</b> 39, 100 and 100(B)</td> </tr> </table>	<b>Legislation</b> <i>Freedom of Information Act 1992</i>	<b>Section</b> 39, 100 and 100(B)
<b>Legislation</b> <i>Freedom of Information Act 1992</i>	<b>Section</b> 39, 100 and 100(B)		
Direction made to:	Director City Business Manager Information Technology Information Management Team Leader		
Limitations on direction:	<ol style="list-style-type: none"> <li>1. The Director City Business and the Manager Information Technology may review decisions in accordance with Division 5 of the <i>Freedom of Information Act 1992</i>, but may not make a decision.</li> <li>2. The Information Management Team Leader may make a decision, generally, but may not review a decision.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this direction: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



<b>5.10 Local Government Act 1995 – Appointment of authorised persons</b>			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	9 December 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to appoint authorised persons.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 9.10(2)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 9.10(2)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 9.10(2)		
<b>Delegated to:</b>	Manager Governance		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Reporting requirements</b>			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

## **PART 6**

### **Delegations from Other Council Meetings**

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## 6.1 Ordinary Council Meeting - 22 August 2018 – Item SPT1808-2

## Fremantle Oval - Indicative Development Plan

Fremantle Oval - Indicative Development Plan	
<b>Delegator:</b>	Council
<b>Date adopted:</b>	24 June 2020
<b>Authorised function:</b>	<p>Authorises the Chief Executive Officer to negotiate a partnership approach with LandCorp, expressed through a Memorandum of Understanding (MoU) document, to further investigate the feasibility of developing the precinct in a manner that addresses the vision, goals, objectives and principles, with additional reference to:</p> <ul style="list-style-type: none"> <li>a. ensuring that any future development will be subjected to planning objectives and controls derived from extending the application of the Local Planning Scheme into the oval precinct, as opposed to a new Redevelopment Scheme being imposed;</li> <li>b. the importance of creating a great public realm within the redevelopment area that is connected, legible, safe and draws its pattern, form and character from the cultural significance of the site and its surrounds.</li> <li>c. the MoU to reference the existing Steering and Reference Groups established by the Council, and the ongoing consultative roles these bodies will serve during the next stage;</li> </ul> <p><b>Legislation</b> Local Government Act 1995:</p> <p><b>Section</b> 5.42</p> <p>For the purpose of effective management of the City of Fremantle.</p>
<b>Delegated to:</b>	Chief Executive Officer
<b>Limitations on delegation:</b>	Nil
<b>Power to sub delegate:</b>	N/A
Reporting requirements	
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

## 6.2 Special Council Meeting – 31 October 2018 – Item SCM1810-1

### Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Authorised function:</b>	<p>The Chief Executive Office is authorised to agree to any variation to the works under the construction contract entered into under paragraphs 3 or 4 of the Council Decision, provided that the single or cumulative upward adjustment to the contract sum does not exceed 5% of the contract sum.</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995:</i></td><td><b>Section</b> 5.42</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995:</i>	<b>Section</b> 5.42
<b>Legislation</b> <i>Local Government Act 1995:</i>	<b>Section</b> 5.42		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	Nil		
<b>Power to sub delegate:</b>	N/A		
Reporting requirements			
Use of this delegation: 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			



### 6.3 Ordinary Meeting of Council – 27 May 2020 - Item C2005-22

#### Fremantle Leisure Centre Roof Replacement

Fremantle Leisure Centre Roof Replacement			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Authorised function:</b>	<p>The Chief Executive Officer is authorised to accept a tender up to a value of \$950 000 for the works to replace the Leisure Centre Pool Roof.</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> Section 5.42</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.42
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.42		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>subject to suitable tender submissions and Council budget approval</li> </ul>		
<b>Power to sub delegate:</b>	Yes		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Table of amendments/review**

Delegation reference	Reason for change	Decision reference
All delegations	Annual review of Delegated Authority approved by Council	24 June 2020 OCM
All delegations	Annual Review of Delegated Authority approved by CEO	30 June 2020 Doc ID 5009538
3.22	Amended the title Senior Planning Officer – Delegated Authority to remove the words ‘Delegated Authority’ as this is an obsolete title.	3 July 2020 Doc ID 4091775
2.18	Amended to include Senior Strategic Planning Officer and Strategic Planning Officer as sub-delegates.	3 July 2020 Doc ID 4091775
2.3	Amended to make it clearer to delegated officers how much they may waive.	9 December 2020 Doc ID 5104803
5.10	New delegation from the CEO giving the power to appoint authorised persons to the Manager Governance.	9 December 2020 Doc ID 5104803
5.8	Amended to include the ‘attendance at events’ policy.	9 December 2020 Doc ID 5104801
2.19	Amended the title of sub-delegate Manager Customer Service and Visitor Information to Manager Customer Experience and Learning.	13 January 2021 Doc ID 5121456
2.14A	New delegation to the CEO to appoint 1 or more persons for the purpose of receiving and withdrawals of complaints.	24 February 2021 OCM
Various	Amendment of position title from “Team Leader Community Safety” to “Team Leader Community Safety and Parking”	15 March 2021 Doc ID 5155297

**SPT2105-1 SOUTH TERRACE, NO. 65 (LOT 12), FREMANTLE – SIX STOREY HOTEL, OFFICE AND SHOP (SDAU REFERRAL) – (NB/JK DA0111/21)**

**Additional Information 1 - Extract of Applicants Submission**





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**17 Mar 2021**

## THE TEAM



**Developer and Landowner**  
Yolk Property Group  
Contact: Pete Adams, Director

H – J A

**Architect**  
Harris Jenkins Architects  
Contact: Rhys Jenkins – Director



**Urban Planning,  
Economic Benefit Advisory**  
Urbis  
Contact: Megan Gammon –  
Associate Director  
Contact: David Cresp – Director



**Traffic**  
Flyt  
Contact: Amanda Scotland



**Waste Management**  
Talis  
Contact: Dilan Patel – Consultant



**Landscape**  
UDLA  
Contact:



**Acoustic**  
Herring Storer  
Contact: Tim Reynolds



**Sustainability**  
Josh Byrne and Associates  
Contact: Josh Byrne

### Urbis staff responsible for this report were:

Director	Kris Nolan
Associate Director	Megan Gammon
Consultant	Declan Creighan
Graphic Designer	Kelwin Wong
Project Code	P0027687
Report number	Final Lodged – February 2021

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## EXECUTIVE SUMMARY

This proposal presents an exciting collaboration between Yolk Property Group and Harris Jenkins Architects to deliver a boutique hotel and office development on the corner of South Terrace and Suffolk Street in Fremantle.

We are pleased to lodge this development application for what will be a welcome addition to Fremantle and together with the Kings Square redevelopment, the future redevelopment of the broader Fremantle Oval precinct and many other proposals, it will contribute towards its overall transformation. It will also contribute in creating an active gateway along South Terrace, between Fremantle and South Fremantle.

The proposals seeks greater development potential on site that the Scheme provisions currently provide for. However, based on a thorough contextual and urban design analysis and in considering both the existing and desired future scale and intensity development envisaged for the area, it is considered this proposal, at 6 storeys and achieving design excellence, is entirely suitable to the area.

The proposal presented in this application successfully delivers a vision for the site which:

- Has been developed and designed by a Fremantle based developer, Yolk Property Group, and architect, Harris Jenkins, bringing together a strong knowledge of the local context and character.
- Provides high quality accommodation for visiting tourists and locals, with direct synergies with the Fremantle Hospital to provide opportunities for accessible accommodation for visitors or outpatients that do not reside in Perth.
- Has been informed by ongoing design review by the City of Fremantle, which has resulted in a design that is locally responsive. Further the Design Advisory Committee has concluded that the proposed height, bulk and scale has considerable merit and is appropriate within this context.
- Reinforces the commercial and social viability of the Fremantle City Centre.
- Will deliver substantial economic benefit through the design, construction and operational phase, including employment and facilitating visitor expenditure in the local area.
- Promotes local and domestic tourism, which is a key goal of the State Government in COVID recovery times.

We look forward to continuing to work with the City of Fremantle, Department of Planning, Lands and Heritage and relevant Government agencies to successfully deliver this development.





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## 1.0 INTRODUCTION

This planning report has been prepared by Urbis, in collaboration with Yolk Property Group and Harris Jenkins Architects, in support of a development proposal at Lot 12 (No. 65) South Terrace, Fremantle (subject site).

Located on the corner of South Terrace and Suffolk Street, the proposal comprises a 6-storey development including a 100-room hotel, ground floor lobby, cafe/bar and two office tenancies on the upper level. The proposal reflects a highly resolved architectural outcome which draws on its location on South Terrace in proximity to Fremantle icons including Fremantle Oval, Fremantle Prison and newer dining and entertainment precincts such as the Old Synagogue.

This application outlines the rationale and merit for the proposal and specifically presents:

- An overview of the key benefits of the proposal, including its contribution towards economic and COVID recovery and its overall community benefit.
- A contextual description of the site in its immediate, local and broader context.
- A description of the design and architectural merit of the proposal, including discussion on the design evolution through the design review process and an assessment against the 10 principles of good design.
- A description of the technical elements of the proposal and compliance with relevant standards including landscape, traffic, heritage, waste management, acoustic and sustainability.
- An assessment against the relevant planning framework.

*Given the financial value of the proposal, this application is being lodged in the form of a Form 17B application through the State Significant Development Assessment Unit (SDAU).*

*It will therefore be assessed by the Department of Planning, Lands and Heritage (with advice from the City of Fremantle and relevant Government agencies) and ultimately determined by the WA Planning Commission.*



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## 2.0 ECONOMIC AND COMMUNITY BENEFIT

This project is shovel-ready and presents a substantial commitment to economic recovery by Yolk Property Group who have a proven reputation in delivering quality developments within Fremantle and beyond. The project will deliver a substantial contribution to local and regional economic recovery during both the construction and operational phase of the project.

To demonstrate this, Urbis has prepared an Economic Benefit Study report, included at **Appendix A**.

The report highlights that this proposal will:

- Inject over \$25 million into the City of Fremantle and State economy during the construction stage.
- Deliver an ongoing \$7.7 million per annum when the hotel is operational.
- Commence construction in September 2021 (subject to development approval) with an estimated construction timeframe of 16 months – demonstrating the project is shovel ready.
- Deliver 46 ongoing jobs per annum (directly and indirectly).
- Facilitate \$3.4 million total estimated visitor expenditure.

In addition to the above benefits to the WA economy, the proposed investment presents significant benefit to the local Fremantle area. This includes:

- Provision of a high quality architecturally designed and locally inspired landmark building.
- A landmark building in close proximity within Fremantle Oval precinct which has been earmarked for redevelopment.
- New and centrally located accommodation for tourist and other visitors coming to Fremantle, including those visiting patients at Fremantle Hospital or outpatients who do not reside in Perth.
- Attraction of further investment to the Fremantle area through improved accommodation, meeting room, and café/bar facilities.
- A substantial improvement to the South Terrace and Suffolk Street streetscape, creating street edge activation and increased passive surveillance.

## 2.1 COMMUNITY BENEFIT

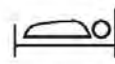
This proposal will deliver exceptional community benefit as illustrated below.



Additional high-quality accommodation in the local area, with opportunities for direct synergies for people visiting the Fremantle Hospital.



A diversity of uses including a hotel, office and café/bar uses.



High amenity within hotel suites, greater than standard requirements



Accessible accessways, with potential for rooms to be converted to accessible rooms during detailed design



Significantly improved streetscape at South Terrace and Suffolk Street.



A visually interesting and locally responsive design aesthetic that reflects local Fremantle architecture.



A significant uplift to the currently underutilised site, consistent with the City of Fremantle strategic framework.



Provision of 14 long term bicycle parking spaces with additional end-of-trip facilities for staff.



Rooftop PV system and various other sustainability strategies, targeted 4 Star Green Star



Greater passive surveillance to South Terrace and Suffolk Street



A contribution to the local tree canopy via the green spaces and amenity proposed.



Land Office 65 South Terrace



## 3.0 TRANSFORMING FREMANTLE

Fremantle is a unique and culturally rich city. It has a character referenced by its port city landscape, heritage, architecture, arts and culture as well as its dining, retail and entertainment scene which has collectively contributed to its unique village atmosphere.

Over the years however, attracting people to live, work, visit, shop and recreate in the core of Fremantle has had its challenges. This has prompted the City to have a renewed focus on sustainably revitalising the City Centre to reinforce its position as a destination of choice for people all over the Perth Metropolitan area, a key employment hub as well as a key tourist destination (attracting both local and domestic visitors in the current COVID environment).

The subject site is located on the corner of South Terrace and Suffolk Street. This is a short distance from the heart of the Fremantle City Centre and the colloquially known 'Cappuccino Strip'. The Cappuccino Strip (the north western portion of South Terrace) has historically been of the centre of activity within Fremantle. Centrally located, it is a comfortable walking distance to a number of local and regionally significant attractions and a gathering place for many.

The site is located in proximity to a number of recently established dining and entertainment venues. This includes the Old Synagogue development 80m to the north of the site which comprises a number of restaurant and bar uses housed within a heritage setting. The Warders Hotel on Henderson Street (200m north) has also recently been restored and redeveloped into a hotel with associated dining uses. Overall, it is clear there is a resurgence happening in Fremantle, with considerable investment occurring in commercial and dining/entertainment activity.

The City of Fremantle's renewed focus is articulated in the City's *Fremantle 2029 Transformational Moves* document, which articulates a strategic vision for Fremantle based on an extensive community visioning process. Of relevance to this proposal, this document highlights the extensive redevelopment of the Fremantle Oval precinct including the provision of high-quality affordable housing as well as new commercial and retail space.

This is shown at **Figure 1**, where the site is identified as a 'Potential Development Site' with substantial redevelopment anticipated east of South Terrace and extended street activation envisaged along South Terrace.

The proposed development on the corner of South Terrace and Suffolk Street is closely aligned with the strategic vision for the area articulated by the City of Fremantle. It is clear the area has been identified for substantial change and redevelopment in the future, accommodating intensity

of infill development and additional housing opportunities supported by retail and commercial space.

Change is already evident through the demolition of the Stan Reilly Centre for the purposes of a temporary carpark for the Fremantle City Council, adjoining the site. This will ultimately provide a significant redevelopment opportunity in the future, assisting in creating adjoining street edge activation along South Terrace and greater legibility through to the icons such as Fremantle Oval and Prison.

**Figure 1** Fremantle 2029 Transformational Moves





## 4.0 THE SITE AND LOCALITY

The subject site is located on the periphery of the Fremantle City Centre. It is directly opposite Fremantle Hospital, less than 100m from Fremantle Oval, approximately 150m south east of the Fremantle Markets, and less than 800m from Fremantle Station. A number of additional locally and regionally significant tourist attractions such as Fremantle Prison are also located within close walking distance.

The site is regular in shape with frontage to South Terrace to the east and Suffolk Street to the north. The site is surrounded by commercial, dining/entertainment, recreational and public land uses to the north and east and is surrounded by a diverse range of residential land uses to the west and south.

Located directly north east of the site on the adjoining side of South Terrace is Fremantle Hospital which is approximately 8 storeys in height. Directly south-west of the site is the Arundel Court apartment complex which is 8 storeys also. The former Stan Reilly centre site is located directly adjoining the site, to the north of South Terrace. This is currently a carpark associated with the City of Fremantle temporary administrative office.

**Figure 2** provides an aerial overview of the site and surrounds, and **Figure 3** illustrates the broader context of the site.

**Figure 2** Site Aerial





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Figure 3 Context Map



## 4.1 LOT DETAILS

The lot details for the site are noted in **Table 1** and **Figure 4** below (refer **Appendix B** for the Certificate of Title).

Table 1 Lot Details

Lot No.	Street Address	Plan	Lot Area	Volume/Folio	Registered Proprietor
12	65 South Terrace, Fremantle	29122	1,169 sq.m.	1744/378	65 South Terrace Pty. Ltd.

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Figure 4 Lot Details



## 4.2 EXISTING ACCESS

Vehicle access to the site is currently provided via two separate crossovers on Suffolk Street. Both crossovers are located on the north western boundary of the site. As the site is currently vacant, there are no existing carparking bays located on site.

## 4.3 HERITAGE CONSIDERATIONS

The site is listed on the City of Fremantle Local Heritage Register in respect of the limestone feature which exists on the western and south boundaries of the site. To inform the design process, advice was sought from Griffiths Architects in terms of the heritage significance of the wall to guide whether it would be retained or suitable for demolition.

This advice is included at **Appendix C** and confirms that the wall has limited heritage value and therefore is not essential for retention. On this basis, the proposed limestone wall is proposed to be demolished to facilitate the development.

Notwithstanding the above, it is expected that as a condition of development approval, the City will impose a requirement to undertake necessary archaeological investigations prior to construction and report any items or findings of note.

## 5.0 THE PROPOSAL

The proposal will deliver a bespoke, contextually inspired and uniquely Fremantle development. Specifically, the development comprises:

- A 100-room hotel comprising ancillary guest facilities including:
  - A lobby and reception area (60sq.m)
  - Gym (37sq.m)
  - Conference facilities with two rooms (totalling 82sq.m)
  - Managers office (10sq.m)
  - Storage rooms (20sq.m)
- An 82sq.m cafe/bar on ground floor (on the corner of South Terrace and Suffolk Street) predominantly servicing the hotel however available for public access.
- A 27sq.m tenancy on ground floor which is envisaged to be for commercial (office) or shop uses.
- Two office tenancies on Level 6 comprising a total of 210sq.m (with office lobby on ground level of 11sq.m).
- A total of 43 carparking bays across two levels.
- A total of 14 bicycle parking spaces.
- Required back-of-house facilities and servicing.

Access to the site for vehicles is via South Terrace approximately 60m south-east of the intersection of South Terrace and Suffolk Street. The proposed crossover will provide access to the ground floor parking area where a loading dock is located for commercial and service vehicles and waste collection as well as staff parking via a secure access-controlled roller door.

A second access point is located on Suffolk Street and provides access to the basement level where parking is provided for hotel guests via a secure access-controlled roller door.

Overall, the development proposes 43 parking bays over two levels. 31 bays are located in the basement level for hotel guests including one ACROD bay and associated adjacent shared space, and 12 bays are located on the ground level for staff parking. One loading dock is provided on the ground floor level for commercial and service vehicles and waste collection.





## **5.1 ARCHITECTURAL DESIGN STATEMENT**

*The proposal compliments the scale of development in the area including the Fremantle Hospital, Arundel Court and the envisaged plans for the redevelopment of the Fremantle Oval precinct. A contemporary reading of local context and built form character of the Fremantle City Centre has been merged with the functional requirements of the hotel, delivering a conceptually rich design that references its local context.*

*The building seeks to resonate with its surrounds, referencing local architecture in terms of scale and materiality while also presenting a contemporary building and shifting further into a finer grain and tactile reading of the wider surrounds. The prominent corner site presents an opportunity to fill a current void in the streetscape and create a node among a broader chain of social and commercial activity between Phillimore Street and Wray Avenue.*

*An overall restrained approach to the building design and material palette gestures towards a level of sophistication that represents the hotel brand while delivering a building which references the local heritage.*

*The façade depth articulates the built form and contemplates a sculpted, subtle moiré pattern that provides a formal response to the functional requirements of this type of hotel development. Facebrick work, mosaic tiles and filigreed metal screening elements give a sense of detail and close up reading to the building that provide a human scale. The southern approach to the site is restrained with the inclusion of patterned brickwork, with the approach from the north far more open, acknowledging its public front and corner presence.*

*The ground floor spaces create an active and animated street presence, with attention given to opening up the corner of South Terrace and Suffolk Street. Existing street trees along South Terrace that immediately front the site are retained and awning treatments are sympathetic to this. The top floor is set back from the street and provides the opportunity to create a landscaped edge softening the top of the building.*

*Service vehicle access and egress is off South Terrace whilst longer term vehicle access and egress are from Suffolk Street. This blend of parking will assist in dispersing vehicle movements to and from the site whilst also taking advantage of the natural fall along Suffolk Street to create basement parking facilities.*





## 5.2 DESIGN EVOLUTION

To inform the design evolution of the proposal, the Project Team presented to the City of Fremantle Design Advisory Committee (DAC) on the 14 September 2020 and 14 December 2020.

A summary of the design review process and DAC recommendations and an explanation of how the design has evolved is provided below.

### 5.2.1 DAC MEETING 1

The first DAC meeting focused on introducing the project, defining the site context and local character. The project team highlighted the strong sense of local character and the sites location in proximity to a number of iconic Fremantle landmarks including Fremantle Prison, Oval and Hospital as well as newer entertainment/dining venues and the Cappuccino Strip.

Given the additional development potential sought by the proposal, the Project Team presented a localised height analysis of the area, notably Fremantle Hospital and Arundel Court, demonstrating that the proposed height of the development, at 6 storeys, sits comfortably within its context.



DAC1 - Elevation view of proposed development from Suffolk Street



DAC1 - Elevation view of proposed development from South Terrace looking north



As a result of the presentation, the DAC (confirmed through minutes) concluded that the proposed height, bulk and mass of the development is considered an appropriate response to the site having regard to the context of the hospital and Arundel Court. The DAC was highly supportive of the active and engaged ground plane and inclusion of the office tenancy. A number of design recommendations were however provided. A summary of these, as well as a response to how the design was modified to present at DAC 2 is provided in the table below.

**Table 2** Summary of DAC 1 (14 September 2020) - Comments and Response

DAC RECOMMENDATION	DESIGN RESPONSE FOR DAC 1
<b>Ground Floor</b>	
<b>Ease of Movement</b>	
<ol style="list-style-type: none"> <li>1. The Hotel and Office entry lobbies are dimensionally constrained, lack generosity, legibility and potentially serviceability.</li> <li>2. Particularly in a post COVID climate, the inability for a guest to utilize the stair to access the floors from the ground floor should be reconsidered.</li> <li>3. Users of the ground floor parking area must navigate past the servicing area to access the ground from the parking area. This is not considered to be a safe and / or inviting pathway through the lobby for guest / visitors if they arrive by car.</li> </ol>	<ol style="list-style-type: none"> <li>1. Both the Hotel and Office Lobby areas were enlarged, space for congregation has been provided in the hotel lobby and visual integration between this lobby and café bar was improved.</li> <li>2. The fire stair was reconfigured to allow for access from the Hotel lobby.</li> <li>3. An external awning is located over the Hotel entry lobby, its design mirrors the other ground floor awning structures.</li> <li>4. The hotel entry was enlarged and lime plaster render has been selected as a wall finish to provide articulation to the entry.</li> </ol>
<b>Continuity and Enclosure</b>	
<ol style="list-style-type: none"> <li>4. Consideration should be given to enhancing weather protection to the Hotel entrance on South Terrace.</li> <li>5. The design of the ground floor (Hotel lobby and associated façade treatment) does not promote interaction with the street.</li> </ol>	
<b>First – Fourth Floors</b>	
<b>Legibility, Adaptability Diversity</b>	
<ol style="list-style-type: none"> <li>1. It is unclear if the Juliet balconies to the west facing hotel rooms are accessible.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Juliet balconies can be accessed for standing. The sliding door glazing arrangement of these rooms is primarily designed to capture sea breezes.</li> </ol>
<b>Fifth Floor</b>	
<b>Legibility, Adaptability Diversity</b>	
<ol style="list-style-type: none"> <li>1. The level 5 fire stair door and wc/amenities with the lift lobby could be co-located to facilitate more economic and flexible sub-division.</li> </ol>	<ol style="list-style-type: none"> <li>1. The level 5 wc / amenities area was replanned to allow for a more flexible subdivision. The kitchen area provides ocean views.</li> </ol>



### 5.2.2 DAC MEETING 2

The project team presented the updated design at DAC 2, highlighting the changes which had been made as a result of comments received at DAC 1. In particular the Project Team highlighted the changes made to the western façade on Suffolk Street (as shown), with changes made to the architecture and inclusion of a strong landscape response to soften this interface to residents.



As a result, the DAC concluded that the revised proposal was considered to maintain and/or enhance the development strengths and again reiterated its support for the proposed height, bulk and scale. It specifically noted the improvements to the western façade including the additional detailing and setback as well as inclusion of Juliette balconies. The palette of materials was supported as well as the proposed carparking and sustainability strategies.

**Table 3** Summary of DAC 2 (14 December) Comments and Response

DAC RECOMMENDATION	DESIGN RESPONSE
<p><b>Character</b></p> <p>The southern elevation lacks the attention to its external treatment that the other facades receive. As this façade will be visible from the public realm a treatment, similar to the articulated and detailed nature of the other facades, must be considered.</p>	<p>The south-eastern corner of the building has been softened, hotel rooms at this end now have a southern looking vista. Similar patterned brick work details are employed around the hotel passage window. The same high quality brick is used on this wall.</p>
<p>The treatment and finish of the roller door and adjacent section of wall should be reviewed to ensure the treatment is consistent with the quality demonstrated for the rest of the development.</p> <p>Similarly, the external treatment of the ground floor conference areas should be further considered to provide an outlook and surveillance of the street.</p>	<p>Due to the functional requirements of hotel operations a car park entry is required off South Terrace. The roller door material and colour has been changed to reflect the ground floor colour limed plaster.</p>
<p><b>Continuity and Enclosure</b></p> <p>Further consideration of the external treatments of the ground floor adjacent to both car parking areas will further enhance the improved pedestrian level appearance.</p>	<p>The ground floor materials along South Terrace are consistent and allow space for the café/bar to project their own image. Awnings and street trees provide good shading. Existing limestone from the site will be re-used at the Suffolk Street carpark entry.</p>
<p><b>Ease of Movement, Legibility, Adaptability and Diversity</b></p> <p>The office lobby remains constrained and consideration should be given to combining the Hotel and Office lobbies</p> <p>Users of the ground floor parking area will still be required to navigate the loading dock, including bin storage area to access the Office and Hotel lobby from inside the development.</p> <p>The proposal to connect conference area to the bar/café comes at the expense of natural light and ventilation access to the ground floor corridor.</p> <p>Overall Design Quality and Functionality</p> <p>The height, bulk and mass of the development is considered to be an appropriate response to the corner site having regard to the context of the hospital buildings and Arundel Court. Further analysis of the overshadowing impact on the Arundel Court courtyard is required to demonstrate the degree to which the scale of the development impacts on the amenity of this neighbouring development.</p>	<p>A glazed wall has been added to the conference entry that provides the visual connection and gives further daylight penetration into the conference rooms.</p> <p>Further analysis of the overshadowing of the adjacent Arundel Court has been provided as part of this development application. It can be demonstrated that the overshadowing impact of the proposed development is largely on non-habitable spaces and does not have an undue impact on the amenity of the neighbouring development.</p>
<p><b>Appropriateness of Materials and Finishes</b></p> <p>The conceptual pallet of materials including the latest refinements is supported. The same level of attention is to be given to the southern elevation and areas of blank wall on the ground floor level.</p>	<p>The south-eastern corner of the building has been softened, with hotel rooms at this end now have a southern looking vista. Similar patterned brick work details has been utilised around the hotel passage window. The same high-quality brick is used on this wall.</p>

Copies of the relevant DAC minutes are provided at **Appendix D**.



## 6.0 DESIGN ASSESSMENT

State Planning Policy 7.0 – Design of the Built Environment provides guidance on design quality and built form outcomes, setting out 10 design principles to inform assessment and design review. The design merit of the proposal is highlighted below against these various principles, with a more detailed design report included at **Appendix E**.

### 6.1 CONTEXT AND CHARACTER

*Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*

**Response:**

The development sits within a network of activity nodes and heritage places which deliver a uniquely Fremantle character. This includes the adjoining Fremantle Hospital, Fremantle Prison, Fremantle Oval and numerous dining and entertainment venues such as the Norfolk Hotel, Fremantle Markets and Cappuccino Strip as well as newer venues such as the Old Synagogue.

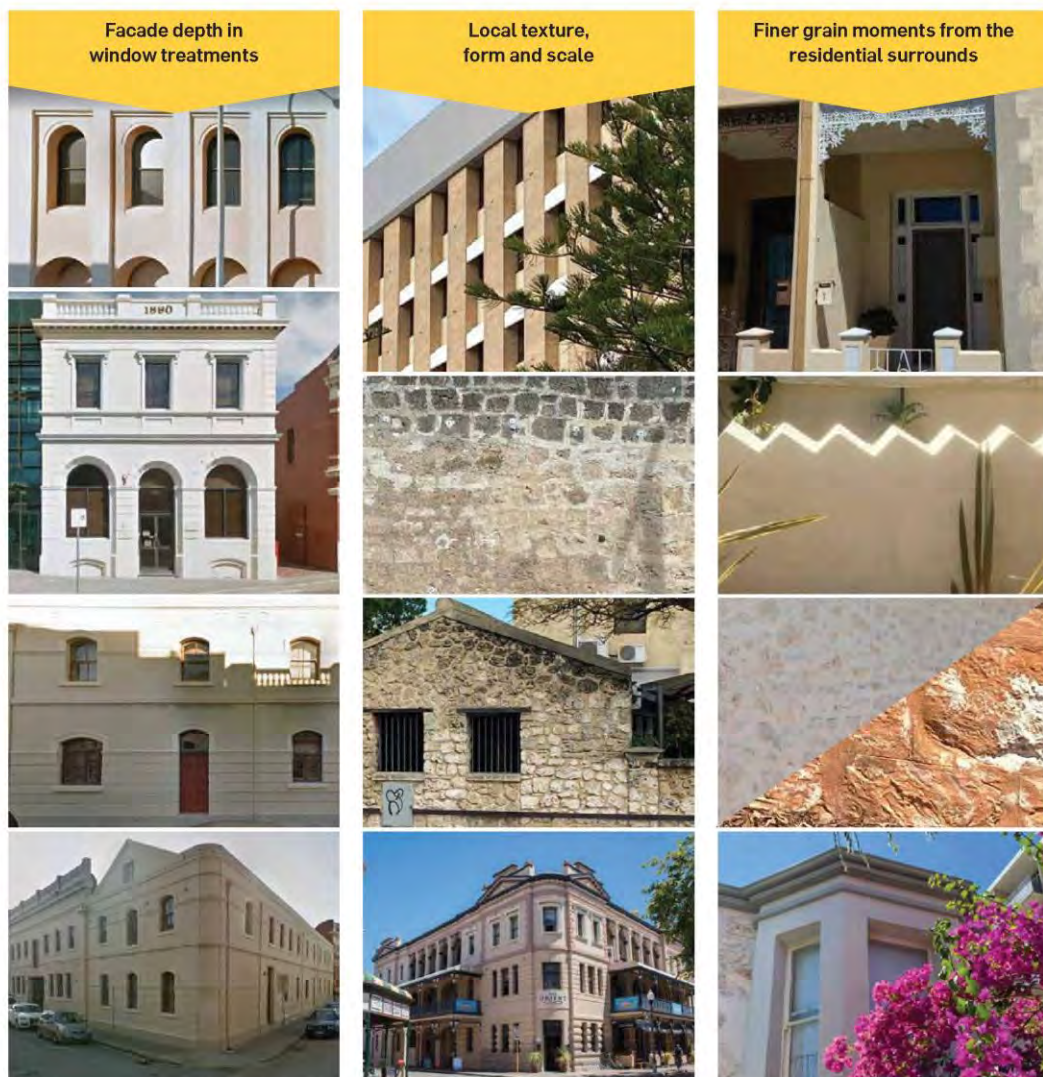
It also sits adjacent to Arundel Court, an 8-storey block of residential units and within proximity to single storey residences located on Suffolk Street. These various personalities of scale, as well as the local architectural character have been closely considered as part of this proposal.



More broadly, it is evident through a review of the Freo 2029 Transformational Moves document that there is a strategic aspiration for the Fremantle Oval Precinct (including the subject site) to be holistically redeveloped to create a more dense precinct and achieve greater street activation along South Terrace. The document indicates the subject site as a redevelopment site, in addition to the adjoining City of Fremantle carpark and vacant sites surrounding Fremantle Oval.

A comprehensive review of the local Fremantle architecture was also undertaken to inform the design outcome. This included consideration of the texture, form and scale of local heritage buildings, façade and window treatments as well as more contemporary and finer grain architectural responses from the surrounding residential areas as well as modern dining and entertainment venues.

All of these various contextual factors have been considered as part of the vision and design evolution of this proposal.







## 6.2 LANDSCAPE QUALITY

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*

*Outdoor and public spaces are important, they should be designed with people in mind, be attractive and comfortable, and create identity.*

### Response:

The overarching landscaping strategy aims to provide a variety of flora and attract local fauna to the area. Through the use of a predominantly native planting palette, soft landscaping reflects a contemporary Fremantle context – which includes an eclectic mix of both native and Mediterranean plant species that are waterwise and well adapted to local conditions. The landscape proposal for the development (prepared by UDLA) is included at **Appendix F**, with a brief description of the key ground and upper level landscape strategies provided below:

### Ground Level

The landscape response at ground level includes feature planting on the north-western edge which can be installed in a raised planter to gain additional soil depth. Spilling/cascading planting over the planter wall will be utilised to soften built elements, with a diverse range of native and exotic planting to reflect the local context.

Existing street trees along South Terrace, in front of the building will be protected and retained where possible, subject to further arborist and City of Fremantle input. The exception to this is the existing *Ulmus* sp. which will be required to be transplanted to allow for the construction of the crossover and basement access. Retention of the existing street tree on Suffolk Tree is subject to further arborist input however based on a preliminary review, its rootzone should not be impacted by the construction of the proposed crossover.

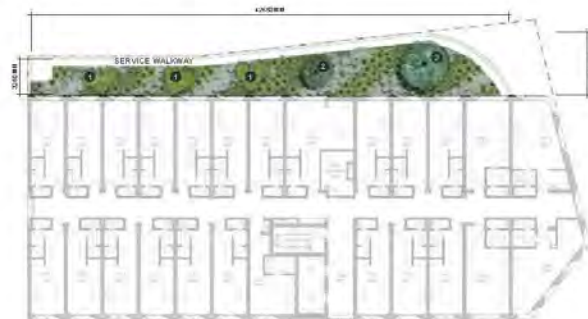
As part of the construction of the development, there is a desire by York to modify the paving around the perimeter of the building. It is acknowledged however this is outside of the scope of this application and will be discussed with the City of Fremantle through the detailed design stage.

### Upper Levels

The bulk of the soft landscaping is located on the western edge of the first floor and contained in raised planters. This planting area softens the scale of the building from Suffolk Street and provides an aesthetically pleasing outlook for the lower floor hotel rooms located on this western side.

Further soft and hard landscaping is located on the office (roof top) floor, again in raised planters and is to be used as amenity for office workers and their visitors.









## 6.3 BUILT FORM AND SCALE

*Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*

### Response

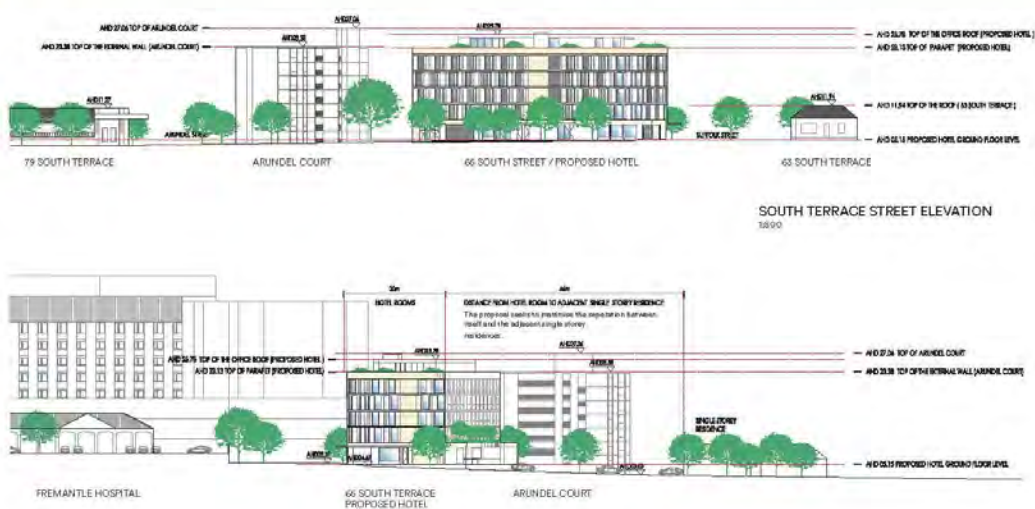
Based on extensive architectural and urban design investigation, the proposed built form, scale and mass responds to both the existing and future anticipated site and context which:

- Sits within an area identified by the City of Fremantle as a redevelopment area primarily associated with the Fremantle Oval Precinct, where greater scale and density is envisaged.
- Takes advantage of available views to Fremantle Harbour and other iconic sites.
- Together with the Fremantle Hospital, Arundel Court and the future redevelopment of sites adjacent to Fremantle Oval, will service as a gateway node between the Fremantle City Centre and South Fremantle.
- Is located an appropriate distance from residential properties on Suffolk Street, with setbacks and landscape utilised to soften this western façade.

The development achieves a maximum height of 20.63m. The additional development potential beyond the 7.0m Scheme requirement is considered to be entirely consistent with both the existing and planned future aspirations for the site and broader precinct.

As demonstrated by the cross sections below, both the Fremantle Hospital and Arundel Court offer an existing sense of scale in the area. Sitting both at 8 storeys, the proposed hotel development, at 6 storeys, will complement the existing and future intended scale of development in the area, creating a distinctive gateway precinct along South Terrace, between the Fremantle City Centre and South Fremantle.

This will be complemented by plans for the future Fremantle Oval Redevelopment as highlighted in the Fremantle Transformational Moves document, highlighted at Principle 1. While still at a business case phase, it is understood consideration is being given to additional density within the area, taking advantage of the desirable location and access to amenities.



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**These Plans Form Part of**

**DA0111/21**

**17 Mar 2021**

In terms of architectural design, the development maintains the contextual design approach evident within the Fremantle CBD of finer grain buildings with a strong emphasis on the development addressing and activating the street. It also acknowledges the high level of cross visitation that will occur between the proposed hotel and uses in the local area and therefore seeks to create high levels of pedestrian comfort and visual interest at street level. The development takes architectural inspiration from the surrounding residential building materials and colours with a consistent and neutral colour palette being utilised.

The development is cognisant that while there is a level of scale and density along South Terrace, that it must be respectful of the low-density residential neighbours. While located a measurable 46.0m to the closest residential dwelling on Suffolk Street, the development ensures areas of activity (and noise generation) are concentrates towards South Terrace and that the height is of a scale and orientation which minimises any impacts.

An aerial view of the proposed development looking west (and showing the scale of Fremantle Hospital and Arundel Court) is provided below.



Aerial view of proposed development looking West





## 6.4 FUNCTIONALITY AND BUILD QUALITY

*Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life cycle.*

### Response:

The functional nature of hotel accommodation allows for a range of unit types as well as commercial provisions (including grease arrestors and a vertical kitchen exhaust) and a commercial office layout that allows for flexibility in the commercial venture that can be accommodated. The building will offer an integrated building maintenance system that allows for routine façade maintenance.

Hotel passageways are cross ventilated and daylight penetration is taken to its full potential in each room. All hotel rooms will feature openable louvre style windows or sliding glass doors, providing occupants will access to air and light.

Through the design review process, both the hotel and office lobby areas were enlarged to provide space for congregation and improved functionality visual integration between the lobby and café/bar. An external awning is also located over the hotel entry lobby to provide for appropriate weather protection.







## 6.5 SUSTAINABILITY

*Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*

### Response:

The proposal is capable of achieving a 4 Star Green Star benchmark, as confirmed by the accompany Sustainability Strategy prepared by Josh Byrne and Associates. Consistent with State Planning Policy No.7.0, the proposed strategy includes:

- Highly efficient water fixtures and irrigation system, with 100% stormwater infiltrated on-site.
- Retention of existing trees where possible and increasing green coverage on site through planting on structure.
- Targeting NABERS energy 5.5 stars, with the building designed to optimise daylight capture.
- A rooftop PV system.

In addition, particular attention has been given to the electrical, hydraulic and mechanical services to underpin the engineering approach to sustainability. Mechanically the project will utilise a central fresh air pre-conditioning unit which uses heat reclaimed from the toilet exhaust stream to pre-heat or pre-cool the fresh air stream entering each hotel suite. Heat recovery air conditioning systems which can use waste heat from rooms which require cooling, to heat other areas of the hotel.

Hydraulically, a hot water plant will be selected to use either a heat pump or solar contribution to pre-heat the hot water. Then having a gas fired system for redundancy and make up.

Due to the site spatial, compliance and cost constraints rainwater harvesting and or grey water systems will be not be considered, however, depending in the geological conditions of the site soak wells could be utilised to replenish groundwater.



## 6.6 AMENITY

*Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*

### Response:

The proposal successfully integrates a hotel with commercial/office tenancies and a publicly accessible bar and café, delivering a wide variety of activities and employment opportunities. The development will contribute (and feed off) existing developments in the area, with opportunities provided for visitors to hospital patients or alternatively providing an informal 'out-patient' service directly accessible from the hospital.

In addition, the proposed development will have direct synergies with the surrounding entertainment/dining scene, providing accommodation for visitors (whether, local, domestic or not of international) close to amenities, as well as contributing to the vitality of the precinct at different times of the day and night.

With respect to internal amenity, the hotel lobby and facilities at ground floor include good levels of natural light to the conference areas and a strong visual connection to the street. There is a physical connection between the hotel lobby and café/bar and conference area, promoting integration of these functional spaces. Large areas of glazing are provided to the commercial tenancy, hotel entry and bar/café to promote interaction with the street and high levels of activation.

The hotel floors include internal passages with a window at each end which can be opened for cross-ventilation. The lift lobby has openable windows also and sits behind a brick screen wall to filter direct sun.

The hotel rooms provide a high standard of finish, above standard requirements (at the request of the hotel operator), maximising amenity for guests. The rooms provide floor to ceiling glass, and operable glass louvres on the eastern elevation as well as sliding doors to Juliette balconies on the west. On Level 1, the western hotel room has a slightly larger balcony that opens directly onto the raised planted garden area. Room Types B, D and E have the potential to be converted to accessible rooms (subject to minor design modification).

The office tenancy on the upper level includes operable windows, with sliding doors to the external terrace area. High quality end-of-trip facilities will also be available to staff.





## 6.7 LEGIBILITY

*Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*

### Response:

The corner location provides a significant opportunity for the development to provide a landmark and to deliver a continuation of ground floor activation which exists in the Fremantle City Centre however lacks currently in the area. The sites location provides walkable access to extensive bus and train routes, with bicycle parking facilities provided for the office and hotel guests to provide access to bikes should they wish to use them to explore the local area.

Hotel lobby areas have been designed to be highly legible, providing a visual connection to South Terrace. Lime plaster render has been utilised at the hotel lobby entry to provide articulation to the entry and a distinguishable and identifiable feature.

Communal spaces within the development are clearly identifiable from external areas. The ground floor corner of South Terrace and Suffolk Street is open and activity will be visible to passing vehicle and foot traffic, creating the street edge activation desired in this area. The external design of the ground floor façade is welcoming, ensuring that the café and bar reads as publicly accessible uses (not just for the exclusive use of hotel guests).

Movements inside the building have been considered to allow for hotel guests to access the fire stair to move from the hotel lobby to the hotel rooms.



## 6.8 SAFETY

*Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*

### Response:

The building design provides for enhanced passive surveillance, both internally and externally. It is also likely that once complete the immediate area surrounding the building will become safer, mainly due to the level of vehicle and pedestrian movements likely for a development of this nature. These movements would continue through the day and night.

The hotel itself requires a fully integrated security and alarm system that includes, zoning, CCTV and duress buttons. The style of security would also extend to the office, commercial unit and café/bar.



## 6.9 COMMUNITY

*Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*

### Response:

The development seeks to enhance the Fremantle as a tourist destination by providing quality accommodation in proximity to key destinations, icons and amenities. By nature of its diverse uses including a hotel, commercial space and a café/bar, it will attract a diversity of people. The design of the ground floor enables strong integration between uses to blur the lines between 'private' space (space for the enjoyment of hotel guests only) and public space to ensure the development presents as welcoming to all.

In addition to the envisaged future redevelopment of the broader Fremantle Oval Precinct, the development will provide a substantial and uplift and contribution to the area.



## 6.10 AESTHETICS

*Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*

### Response:

A reading of the local context and wider character of the built form of Fremantle has driven the conceptual approach to this project, in addition to the functional requirements of the hotel operator. Key details which have driven the proposed aesthetics include:

- Mosaic wall tiles.
- Curved corner windows and slab details.
- Glass Juliet balconies to the west elevation.
- Aluminium sunshade screen detail (single and double screens).

The overall restrained approach to the building design and material palette gestures towards a level of sophistication that represents the hotel brand while paying respect to existing local buildings such as the Fremantle Port Authority. Face brickwork, mosaic tiles and filigreed metal screening elements give a sense of detail and close up reading to the building that provide a human scale. The project recognises the volatility of weathering on external building materials and the material selection seeks to address this.



Curved corner windows and slab detail



Glass Juliet balcony (West elevation)



Aluminium sunshade screen detail (single screen)



Aluminium sunshade screen detail (double screen)



Mosaic wall tiles



## 7.0 SPECIALIST TECHNICAL REPORTS

A summary of key technical inputs into the proposal are included below, with full reports provided within as appendices.

### 7.1 HERITAGE ADVICE

Prepared by: Griffiths Architects

The site is listed on the City of Fremantle Local Heritage Register with respect to the limestone feature on site. To inform the design process, advice was sought Griffiths Architects in terms of its heritage significance to guide whether it would be retained or suitable for demolish. This advice is included at **Appendix C** and confirms that the wall has limited heritage value and therefore not essential for retention.

### 7.2 LANDSCAPING

Prepared by: UDLA

UDLA prepared a landscape proposal for the development which details the extent and type of landscaping proposed both within the development as well as within the verge area on South Terrace and Suffolk Street.

The key landscape strategies are explained in Section 6.2 with a copy of the landscape report provided at **Appendix F**.

### 7.3 TRAFFIC

Prepared by: Flyt

A Transport Impact Statement (TIS) has been prepared to undertake a traffic and parking assessment of the proposal which considers vehicle access, carparking, active transport and public transport opportunities.

The key components of the TIS are explained within various sections of this report, with a full copy of the TIS provided at **Appendix G**.

Overall, the key traffic, active transport and parking elements noted are:

- The proposed development provides adequate parking on-site for the proposed hotel, café/bar, office and commercial land uses. This is based on forecast peak AM and PM trips as well as a range of studies undertaken on CBD Hotels that demonstrate that adequate parking provision is generally around an average 0.25 bays per room. This proposal will provide 0.31 bays per hotel room.
- The development is forecast to generate 35 trips in the AM and 34 trips in the PM peak hours. A 30% reduction in trip generation has been included to account for the linked trips between the hotel guests and the conference rooms and café/bar.
- The Local Planning Scheme parking requirements are considered to be excessive given the contextual nature of the development. The development is located adjacent the Fremantle City Centre where venues rarely cater for on-site parking.
- Common practice is for visitors to make use of public parking bays, active transport, ride share and public transport to access a range of land uses within Fremantle.
- The traffic generated by the development is expected to have a negligible impact on the surrounding local and regional network.

## 7.4 WASTE MANAGEMENT

Prepared by: Talis

Talis has prepared a preliminary desktop review and assessment of waste management for the Hotel to inform the design of the development. The bin storage area, and waste collection methods have been designed to ensure that collection of refuse and recyclables can be efficiently and effectively completed from the Hotel, and to comply with the City's health local laws.

It is proposed that a private waste contractor will be engaged to service bins onsite directly from the loading dock, with the truck being capable of entering and exiting the Hotel in forward gear. The use of a private contractor will allow for more frequent bin collections than the City can provide under their waste service, and collection times would be flexible and could be arranged to a preferred schedule and suitable time required by the Hotel. This would also allow the Hotel to be serviced outside of normal operating hours to mitigate impacts on local traffic movements during peak traffic hour, if required.

Details surrounding waste collection methodology will be confirmed through the Waste Management Plan anticipated as a condition of development approval.

The advice is included at **Appendix H**

## 7.5 ACOUSTIC ASSESSMENT

Prepared by: Herring Storer Acoustics

A preliminary acoustic assessment was undertaken for the proposed development and is included at **Appendix I**. The assessment identifies that the main source of noise from the proposed development will be from mechanical services (air-conditioning plant and potentially carpark ventilation fans) as well as the proposed ground floor bar/café use.

The assessment concludes that given the location of the mechanical equipment and the assigned noise level of the surrounding area, compliance with the applicable noise levels is not considered to be onerous. A detailed analysis of the noise impact would be undertaken during the design development phase of the project, anticipated as a condition of development approval.

With respect to noise impacts resulting from the proposed bar/café use, this will need to be managed in accordance with Noise Regulations on the basis of the style/intensity of entertainment and number of patrons. It is highlighted that café/bar uses are typical within a hotel, and therefore it is highly unlikely it will result in any compliance issues. These management issues are proposed to be addressed during the design development phase also.

## 7.6 SUSTAINABILITY

Prepared by: Josh Byrne and Associates




A Sustainability Strategy (including indicative Green Star review) has been undertaken by Josh Byrne and Associates. The review, included at **Appendix J**, confirms that the project is capable of achieving a 4 star Green Star benchmark on the basis of the Green Star Pathways presented. Key sustainability initiatives are highlighted in Section 6.5.





## 8.0 STATE PLANNING ASSESSEMENT

The table below outlines elements of the State planning framework considered relevant to the subject site, with a more detailed assessment of key State Planning Policies provided in the following sections.

DOCUMENT/PLAN AND SITE RELEVANCE	COMMENT	COMPLIES
<b>Metropolitan Region Scheme</b> The site is zoned Central City Area in the metropolitan areas key statutory land use planning document	This zone provides for strategic regional centres – such as Fremantle which are for major retail, commercial and office facilities as well as employment, civic, business and residential uses. The proposal for a hotel is consistent with the intent of this zoning and is also compatible with and appropriate within the evolving Fremantle context.	
<b>Perth and Peel @ 3.5 million and Central Sub-Regional Planning Framework</b> Perth and Peel @ 3.5 Million is the supplementary document to Directions 2031, providing guidance for the future development of the metropolitan Perth and Peel region to facilitate an increase in population to 3.5 million people.	The proposal is consistent with the Central sub-region's economy and employment objectives. It seeks to contribute towards the broader revitalisation of the Fremantle City Centre which together with other development such as Kings Square and other initiatives, will contribute to the local economy and improve employment self-sufficiency.  Various employment opportunities will be created during the construction phase and the proposed range of land uses will generate diverse employment opportunities.	
<b>State Planning 7.0 – Design of the Built Environment</b> It is the lead policy that elevates the importance of design quality across the whole built environment. This State Planning Policy includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process.	While not a permanent residential development, the proposed development has had regard for SPP 7.0 and specifically the 10 principles of good design. It has also been through a design review process.  An overview of this process is provided at <b>Section 5.2</b> with a detailed design assessment based on the 10 principles provided at <b>Section 6</b> .	

## 9.0 LOCAL PLANNING ASSESSMENT

### 9.1 FREO 2029 – TRANSFORMATIONAL MOVES

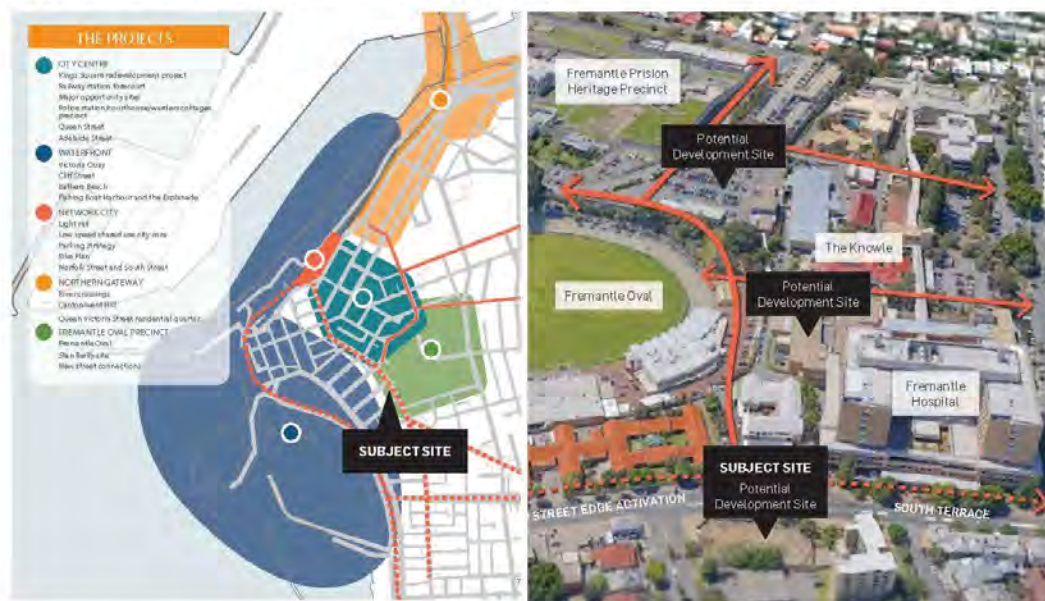
This document presents the City's strategic vision for 2029, based on extensive community visioning undertaken as part of the Fremantle 2029 Community Visioning Project. The document identifies unlocking the assets of the 'Fremantle Oval Precinct' as 1 of 5 transformational moves as shown in the extract below. This includes redevelopment of key sites surrounding Fremantle Oval (including the subject site), redevelopment of the Stan Reilly site (currently a carpark for the City of Fremantle) and creation of new street connections.

Specifically, the document highlights opportunities to increase the supply of affordable housing for seniors, key workers and students, particularly on the Stan Reilly site. Further, it identifies opportunities for commercial and community uses at ground level along the South Terrace frontage to provide an activated link between the city centre and hospital.

As highlighted throughout this report, the document highlights the subject site as having potential for redevelopment with improved street edge activation on South Terrace and improved connections and legibility throughout the precinct (refer extract below).

This proposal is directly aligned with the City's strategic vision articulated in this document. Together with the future redevelopment of the Stan Reilly site and other key sites surrounding Fremantle Oval, the proposal will redevelop what is currently an inactive and underutilised site, into an active and vibrant development, reinforcing the precinct as a gateway between the Fremantle City Centre and Fremantle Hospital, and through to South Fremantle.

**Figure 8** Fremantle 2029 Transformational Moves Extracts





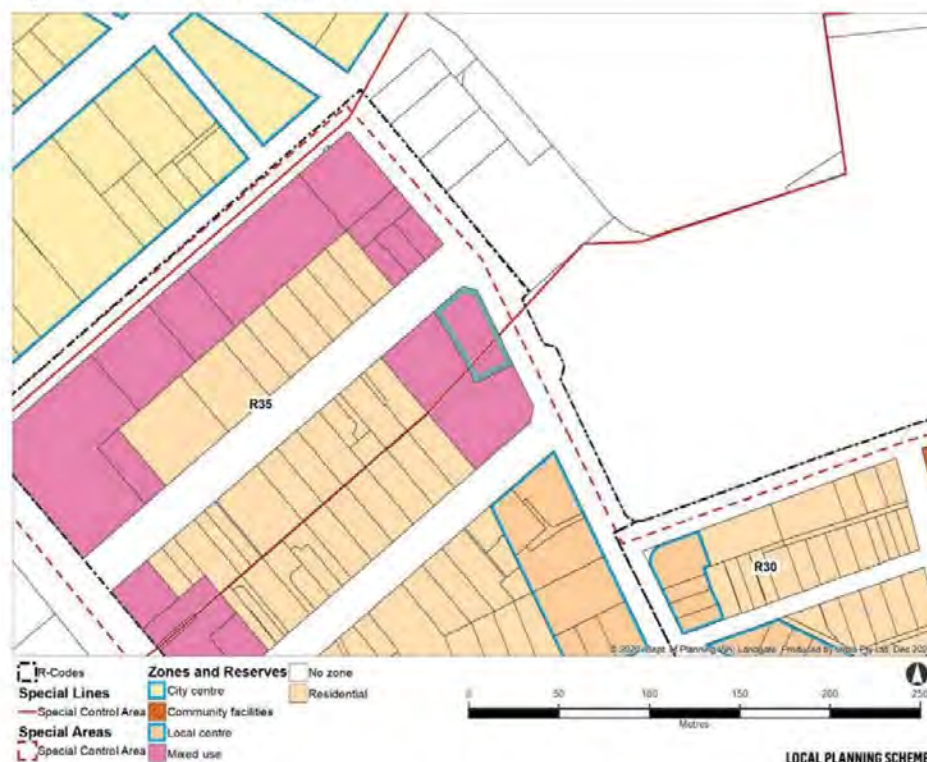
## 9.2 CITY OF FREMANTLE LOCAL PLANNING SCHEME NO.4 (LPS 4)

The subject site is zoned Mixed Use under LPS 4 as demonstrated in the **Figure 9**. The objectives of the Mixed Use zone are to:

- Provide for a mix of compatible land uses including light, service and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;
- Provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;
- Ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;
- Ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and
- Conserve places of heritage significance the subject of or affected by the development.

The proposal is consistent with these objectives in that it provides for a mix of land uses including a boutique hotel, commercial/office and café/bar aiming to contribute positively to an active public domain. In particular, the scale of development is sympathetic with the desired future character of the local area as highlighted within the section above, and seeks to ensure the development and its uses are not detrimental to adjoining residential properties from a noise, traffic and amenity perspective.

**Figure 9** LPS 4 Scheme Map Extract



### 9.2.1 LAND USE PERMISSIBILITY

The proposed uses fall into the land use categories of hotel, small bar, office and shop. Given Yolk is unsure whether the ground floor commercial tenancy will be for office or retail (shop) uses, both uses are being applied for as part of this application.

The relevant land use permissibility of each of the proposed uses is noted below:

- Hotel – A
- Small bar – A
- Office – P
- Shop – A

On this basis, all land uses proposed are capable of approval, noting a majority of uses are subject to public advertising.

### 9.2.2 LOCAL PLANNING AREA 4 CONTROLS

The site is located within Local Planning Area 4 – South Fremantle (LPA 4). The development controls specified for LPA 4 are outlined in the table below, together with a design response.

**Table 4** LPA4 Controls

LPA4 PROVISION	DESIGN RESPONSE
<b>Height Requirements</b> Mixed Use Zone: 7m.	The proposed height of the development is 20.63m.
<b>Matters to be Considered in Applying General and Specific Height Requirements</b> <ul style="list-style-type: none"> <li>• The proposal is consistent with predominant height patterns of adjoining properties and the locality generally,</li> <li>• The proposal would not be detrimental to the amenity of the area.</li> <li>• The proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and</li> </ul>	This represents a departure from the LPA 4 provision of 13.63m. A detailed justification for this variation in the context of Clause 4.8.1.1 of LPS 4 is provided at <b>Section 9.4</b> .

### 9.2.3 ADDITIONAL LPS4 CONTROLS

Additional controls specified in LPS 4 pertaining to the site are outlined in the below table.

**Table 5** Additional LPS4 Development Controls

LPS4 CONTROL	DESIGN RESPONSE
<b>Parking</b> Hotel use: <ul style="list-style-type: none"> <li>• 1 bay per bedroom.</li> <li>• 1 delivery bay per service/storage area.</li> </ul> Café/bar within a hotel: <ul style="list-style-type: none"> <li>• 1 bay per 2.5 sq.m.</li> </ul> Office use: <ul style="list-style-type: none"> <li>• 1 bay per 30 sq.m GLA.</li> </ul> Conference rooms: <ul style="list-style-type: none"> <li>• 1 bay per 5 people (assuming 1 person per 4 sq.m).</li> <li>• Commercial use: 1 bay per 5 people.</li> </ul> Based on the provisions of LPS4, the following parking standards apply: <ul style="list-style-type: none"> <li>• 146 parking bays.</li> <li>• 1 service delivery bays.</li> </ul>	Based strictly on Scheme provisions, a total of 146 bays would be required for this development. This proposal however provides the following: <ul style="list-style-type: none"> <li>• Parking bays: 43. <ul style="list-style-type: none"> <li>– Basement parking: 31 bays (predominantly for hotel guest use).</li> <li>– Ground floor parking: 12 bays (predominantly for employee use).</li> </ul> </li> <li>• Service bays: 1</li> <li>• Bicycle racks/ bays: 14</li> </ul> The proposed provision is based on a parking analysis of CBD areas and actual utilisation of the development. This is presented at <b>Section 9.4</b> .



## 9.3 RELEVANT LOCAL PLANNING POLICIES AND GUIDELINES

### 9.3.1 D.G.F29 SUFFOLK TO SOUTH STREET LOCAL AREA GUIDELINES

The site is located within 'Area B' of D.G.F29 – Suffolk to South Street Local Area. Relevant guidelines from this policy are described in the below table.

Table 6 D.G.F29 Guidelines

D.G.F29 GUIDELINE (SUMMARISED)	DESIGN RESPONSE
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Ensure that any new development in or adjoining the policy area contributes to the preservation and enhancement of the cultural heritage of the area. This includes defining the residential core (area A) and mixed use/commercial areas (areas B and C) and preserving the traditional building forms and streetscapes.</li> <li>2. Define permitted land uses for each policy sub-precinct (areas A, B and C) as a basis for determining applications for development in the policy area.</li> <li>3. Endeavour to meet the amenity expectations of residents concerning the quality of their environment including its pleasantness, character, beauty, harmony in the exterior design of buildings, privacy, preservation of views and security, noise and traffic movement (note this definition is based on TPS3).</li> <li>4. Recognise the land use and functional requirements of the adjoining local centre on the corner of South Terrace and Wray Avenue.</li> </ol>	<p>The proposal reflects the intent of Area B, which is for mixed use/commercial purposes. The design of the building has been based on considerable contextual and urban design analysis, seeking to deliver a contemporary hotel while reflecting the local character and material/colour palette.</p> <p>It seeks to enhance the street edge to South Street, and includes preferred uses as indicated by the Policy which promotes active uses at ground floor (café/bar) and residential (or hotel) uses above.</p> <p>All amenity expectations have been met from a noise, traffic movement, overlooking and overshadowing perspective. It is strongly considered the development will contribute positively to the area, redeveloping what is currently an inactive and underutilised site.</p>
<p><b>2.2 – Land Uses Area B - Inner Urban zoned properties along South Terrace</b></p> <ul style="list-style-type: none"> <li>• Uses will be assessed on their ability to contain impacts such as noise and car parking on site to protect surrounding amenity.</li> <li>• There is a general presumption against late night venues serving alcohol (nightclubs and restaurants with extended opening hours) due to the proximity to residential premises.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed uses (hotel, small bar, office) will have appropriate acoustic measures in place to mitigate any significant noise spill to adjacent properties as well as hotel guests. This is discussed in the Acoustic Assessment at <b>Appendix I</b>.</li> <li>• The application proposes basement and ground floor car parking and therefore will not impact on surrounding amenity. The Traffic Impact Assessment at <b>Appendix G</b> confirms that the traffic generated by the development is expected to have a negligible impact on the surrounding local and regional network.</li> </ul>
<p><b>3.0 Development Guidelines</b></p> <ul style="list-style-type: none"> <li>• Development should generally be in line with the scale, height, form and mass of existing buildings.</li> <li>• Development should contribute to traditional streetscapes and amenity.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development is consistent with the scale, height, form and mass of surrounding buildings.</li> <li>• In particular, the adjacent Fremantle Hospital and Arundel Court apartment complex are of similar scale.</li> <li>• The proposed development contributes to the traditional streetscape and amenity in the following ways: <ul style="list-style-type: none"> <li>– Development fronts South Terrace. This is consistent with surrounding development.</li> <li>– Consistent wall heights, roof pitches, building materials and colours are proposed where practical given site constraints.</li> <li>– Consideration has been given to minimising overshadowing and overlooking of neighbouring properties. Overshadowing during the Winter Solstice has been minimised so as to limit impacts particularly to the Arundel Court apartments to the south west.</li> </ul> </li> <li>• Passive solar orientation and energy efficient building design principles have been incorporated into the design.</li> </ul>

### 9.3.2 ADDITIONAL LOCAL PLANNING POLICIES FOR CONSIDERATION

Additional design guidelines and local planning policies applicable to the site are outlined in the below table.

**Table 7** Additional Considerations

PROVISION	APPLICATION RESPONSE
<b>LPP 1.6 Heritage Assessment</b>	
<p>This policy notes that all items on either the State Heritage List or municipal heritage list require a heritage assessment to be undertaken by a qualified heritage consultant.</p> <p>The limestone wall located on the subject site is listed on the municipal heritage list. Therefore, a heritage assessment is required.</p>	<p>As part of this application, a heritage assessment was undertaken by Griffiths Architects.</p> <p>This assessment concludes that the limestone walls on the subject site have little heritage value. Therefore, it is not essential to retain this as part of the development of the site.</p> <p>The Heritage advice and assessment is provided at <b>Appendix C</b>.</p>
<b>LPP 2.3 Fremantle Port Buffer Area Development Guidelines</b>	
<p>This LPP seeks to manage the impacts of the working port on potentially sensitive land uses. The policy outlines key areas that may be impacted and development requirements for sites located in key areas.</p> <p>The site is located in 'Area 3'. This area is noted to generally be considerably lower risk than other areas. The intent of Area 3 is the management of potential impacts as opposed to the control of development.</p> <p>There are no specific development controls for Area 3. However, the City shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.</p>	<p>Qualified sustainability consultants Josh Byrne and Associates have undertaken a sustainability investigation for this development. The sustainability Report produced as part of this assessment demonstrates that the proposed development achieves a 4 Star Green Star rating.</p> <p>Refer to <b>Appendix J</b> for the Sustainability Strategy.</p>
<b>LPP 2.7 Archaeological Investigation as a Condition of Planning Approval</b>	
<p>This LPP describes the circumstances in which Council may apply a condition of approval requiring archaeological investigation prior to the commencement of development.</p> <p>In order for Council to impose such a condition, there must be 'reasonable evidence' that an investigation is required. Reasonable evidence may be demonstrated if any of the following apply:</p> <p>There is an existing conservation plan applicable to the site</p> <p>A property is listed upon the State Register of Heritage Places, any Heritage Council of Western Australia assessment;</p> <p>Any documented evidence that appears upon the City's Municipal Heritage Inventory; or</p> <p>Expert advice available to Council supported in the form of maps, historic photographs, recorded past uses, past finds or documented oral history</p>	<p>The site is listed on the City's Local Heritage Register in respect of the limestone walls that exist on site. As highlighted in his application, a heritage assessment has been undertaken by Griffiths Architects to determine the significance of the limestone walls and whether they need to be retained as part of the proposed development.</p> <p>The conclusion from this investigation is that the limestone walls have little heritage value and are not required to be retained. Notwithstanding, it is appreciated that a condition of development approval relating to the requirement for an archaeological investigation may be imposed.</p>



**CITY OF FREMANTLE**  
**These Plans Form Part of**  
**DA0111/21**  
**17 Mar 2021**

PROVISION	APPLICATION RESPONSE
<b>LPP 2.10 Landscaping of Development And Existing Vegetation On Development Sites</b>	
<p>This LPP defines where a landscaping plan is required as part of a development application. Relevant to this application, the following provision requires a landscape plan:</p> <p>e) In cases where the landscaping of a proposed development is an integral part of the assessment of the acceptability of that proposal.</p> <p><b>Existing vegetation</b></p> <p>Where Council determines that existing vegetation is worthy of conservation, a condition of approval can be implemented for vegetation retention.</p>	<p>As part of the SDAU application process, landscaping considerations must be provided. As such, a Landscape Plan or Report has been prepared by ULDA as part of this submission. The landscape plan is considered to adequately satisfy the requirements of both the SDAU application process as well as the requirements of LPP 2.10.</p> <p>The landscape plan also details and justifies the retention and removal of any existing vegetation and trees. Where possible, trees have either been retained or relocated. The landscape plan demonstrates that reasonable effort has been undertaken for the conservation of existing vegetation.</p> <p>Refer to <b>Appendix F</b> for the Landscape Report.</p>
<b>LPP 2.13 Sustainable Buildings Design Requirements</b>	
<p>This LPP ensures that all applicable development shall be designed and constructed in such a manner so as to demonstrate:</p> <p>a) A rating not less than 4 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool, or its equivalent demonstrated through a report provided by a suitably qualified professional*.</p>	<p>Qualified sustainability consultants Josh Byrne and Associates have undertaken a sustainability investigation for this development. The sustainability Report produced as part of this assessment demonstrates that the proposed development is capable of achieving a 4 Star Green Star rating.</p> <p>Refer to <b>Appendix J</b> for the Sustainability Strategy.</p>

## 9.4 LPS 4 VARIATIONS

### 9.4.1 BUILDING HEIGHT

The proposed development achieves an overall height of 20.63m, representing a 13.62m variation to the building height limit of 7.0m. Discretion to vary this height limit is afforded by Clause 4.8.1.1 of LPS 4 which states:

*'Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in Schedule 8, Council may vary the maximum height requirement subject to being satisfied in relation to all of the following:*

- a. The variation would not be detrimental to the amenity of adjoining properties or the locality generally;*
- b. Degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality;*
- c. Conservation of the cultural heritage values of buildings on-site and adjoining; and*
- d. Any other relevant matter outlined in Council's local planning policies'*

As a result of detailed contextual and urban design analysis, this report has demonstrated that the proposed height, bulk and mass of the development, albeit a variation from Scheme requirements, is entirely suitable in considering both the existing and proposed future desired development in the area.

Having regard to Clause 4.8.1.1 above, the objectives of the Suffolk to South Street Local Area and the key objectives of the Significant Development Assessment Unit, the strong justification for the proposed height can be summarised as follows:

- The sites proximity to the Arundel Court units and Fremantle Hospital, both at 8 storeys, enables the decision maker to consider a variation to height requirements under LPS 4. While Arundel Court is set back from the street, this is a product of historical design drivers, with the current aspiration clearly defined as development fronting the street to enhance street activation along South Terrace.
- The proposed development sits 43.0m from the closest residential property. By nature of this distance, confirmed through relevant acoustic and traffic investigations, the proposal will not be detrimental to the amenity of nearby properties or the locality.
- The Scheme height requirement of 7.0m represents a highly dated provision which is inconsistent with the City's strategic aspiration for the Fremantle Oval Precinct as demonstrated by the Fremantle Transformational Moves 2029 document. This document clearly identifies the precinct (including the subject site) as having significant potential for redevelopment, including greater intensity of uses and scale.

- The proposal activates what is currently (and has been for 25 years) an inactive, underutilised prime site with a high-quality development.
- The western façade, closest to residential properties is stepped back, with inclusion of a raised planting area to soften this façade.
- The proposed height will not impact on surrounding heritage properties.
- The development addresses the relevant criteria outlined in clause 67 of the deemed provisions.
- The development delivers considerable community benefit through provision of high-quality accommodation uses close to tourist attractions and dining/entertainment areas.

Based on the above rationale together with discussion in Section 6.2.3.1 of this report, we are of the firm view that the proposed height variation is consistent with Clause 4.8.1.1 and the objectives of the Suffolk to South Street Local Area.

Further, through the design review process, the City of Fremantle Design Advisory Committee (reinforced through Form 17A advice from the Significant Development Assessment Unit) has indicated that the proposed height, bulk and scale has substantial merit in considering its local context.

### 9.4.2 CAR PARKING

In accordance with Scheme provisions, a total of 146 carparking bays would be required to service development, in comparison to the 43 bays proposed. This is based on the existing Hotel requirement of 1 bay per unit.

The Transport Impact Statement (**Appendix G**) investigates a range of factors that deal with forecasted trip generation and actual demand for parking that the proposed development will generate. This is based on extensive studies of hotel and short stay accommodation facilities within CBD. Importantly, the following has been identified:

- Based on extensive surveys in East Perth (CBD location), hotels in CBD areas generally provide parking ratios of between 0-0.5 bays per hotel room with an average of 0.25 per room.
- Average parking bay provision in the analysis is significantly less than the LPS4 requirement of 1 bay per hotel bedroom.
- The provision of 0.31 bay per hotel is higher than the average parking bay provision for CBD hotels.
- Forecasted trip generation for the development is expected to be 35 trips in the AM and 34 trips in the PM peak hours.
- Based on the forecast trip generation, LPS 4 requirements of 1 bay per hotel bedroom is far greater than demand and need for parking.



- The provision of 0.31 bays per hotel bedroom is therefore appropriate given the average provision of hotels in CBD areas is 0.25 and that AM and PM peak demands are unlikely to exceed 35 trips.

Further, it is highlighted that the City of Fremantle is currently progressing a scheme amendment (No.82) which proposes to amend land use definitions and carparking requirements within the Scheme area. Of note is the reference to a 'tourist development' – based on the definition, the proposed hotel could very reasonably fall in to this use class, which has a carparking rate of 1 bay per 4 units (compared to 1 bay per unit for a hotel).

This would have a substantial impact on the Scheme parking requirement for the hotel, reducing it from 100 to 25 bays. Further this would result in an overall requirement (in considering other uses) to 55 – which is 12 bays in excess of the 43 bays provided. Even in this context however, these 12 bays are a result of the high rate of parking demand for a café/bar which, could be argued is ancillary to the hotel and would attract a high percentage of hotel guests.

Further, the following arguments can be made with respect to the café/bar:

- It is highly unusual within the Fremantle City Centre for an individual café/bar to provide on-site parking for its exclusive use. The City Centre is serviced by numerous public parking facilities and experiences very high levels of cross visitation between uses.

- It is common practice for people to use public transport, use ride share platforms or park within the public parking locations and walk to their destination when travelling to the Fremantle CBD.
- The café/bar will be frequently used by hotel guests, thereby reducing demand for on-site bays to accommodate visitors.

Overall, the City Centre location of the development has a significant impact on the way in which people will travel to the development. Given the high degree of walkability, cycle access and the number of bus and train public transport options, the LPS 4 parking requirements are considered excessive. The City's progression of Scheme Amendment No.82 signals a shift in thinking and should be given due regard.

For the reasons outlined above and the reasons outlined in the TIS, the proposed number of parking bays is considered adequate and therefore it is requested this be approved (without a cash-in-lieu requirement).



## 10.0 CONCLUSION

This report demonstrates the overall merit of the proposal in the context of the existing planning framework and principles of good design, particularly in the context of the additional development potential being sought. The proposal is also closely aligned with the future strategic aspirations for the area as highlighted in the Fremantle Transformative Moves 20209 document.

The proposal provides a design response that is coherent, site responsive, and respectful of the local context. We strongly believe that this proposal will make an excellent contribution to the built environment in the Fremantle Oval Precinct, providing high quality accommodation uses close to tourist attractions, Fremantle Hospital and other amenities.

We assert that the proposal achieves a high level of design as documented by the City of Fremantle Design Advisory Committee and the additional height is both appropriate and warranted. We look forward to working with the Department of Planning, Lands and Heritage, City of Fremantle and other agencies through the assessment process.





## **SPT2105-2 SCHEME REVIEW: AMENDMENT 84 – NORMALISATION OF COMPLETED STRUCTURE PLAN AREAS - INITIATION**

### **ADDITIONAL INFORMATION 1. LPS4 Scheme Review Report 2020 Recommendations**

Council considered the report on 26 February 2020 and resolve to recommend that the Western Australian Planning Commission:

1. Approve this Scheme Review Report.
2. Pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that the City of Fremantle Planning Scheme No. 4 is satisfactory in its existing form, but should be maintained based on an agreed program of projects / scheme amendments including:
  - a. Short term:
    - i. Administrative updates to complete alignment with Model Scheme Text terminology (basic amendment).
    - ii. Review of and alignment of land use definitions with Model Scheme Text and centre nomenclature.
    - iii. Rationalisation of Development zones.
    - iv. Review of Schedule 8 development standards to ensure consistency in terms and potentially reconsider the allocation of controls between scheme and policy.
  - b. Medium term:
    - i. Establishment of Special Control Areas affected by noise (entertainment and transport and mixed use zones).
    - ii. Establishment of a Special Control Area to recognise areas at risk of long term coastal process impacts.
    - iii. Review of Mixed Use zoning and development controls.
    - iv. Review of parking requirements (pending completion of a Parking Plan currently under development).
    - v. Review of zoning/development standards around the Paddy Troy Mall.
    - vi. Review of zoning along and west of the South Terrace corridor in South Fremantle
    - vii. Suitable locations for higher density infill development in established residential areas as informed by strategic community planning and regional transport planning.
  - c. Longer term
    - i. Review of industrial buffer areas
    - ii. Review of signage provisions to rationalise these in relation to local laws.
    - iii. Review of Fremantle – Murdoch and Fremantle – Cockburn transport corridors (pending confirmation of alignment, mode and funding by state- discussions on going).
    - iv. Subject to the outcome of the Westport process, review of possible land use change in and around Fremantle Ports.
  - d. Periodic / recurrent / ongoing

- i. Regular (approximately biennial) consideration of zoning requests via omnibus amendment
  - ii. Policy review for the purpose of rationalising the policy framework.
  - iii. Structure Plan update
- 3. Pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that the City of Fremantle Local Planning Strategy be reviewed and updated to reflect the subsequent strategic direction and amendments progressed by the City through its integrated planning processes, including
  - a. Strategic Community Plan
  - b. Economic Development Strategy
  - c. One Planet Strategy
  - d. Integrated Transport Strategy
  - e. Draft Cultural Strategy (under development)

And include additional commentary on housing and activity centres to reflect the strategic approaches taken by the City consistent with relevant State Planning Policy.



**SPT2105-2 SCHEME REVIEW: AMENDMENT 84 – NORMALISATION OF  
COMPLETED STRUCTURE PLAN AREAS - INITIATION**

**ADDITIONAL INFORMATION 2.- WAPC DECISION ON LPS4 SCHEME REVIEW  
REPORT 2020**



Your ref: 218/088  
Our ref: TPS/2287  
Enquiries: Tristram French  
Email: Tristram.French@dph.wa.gov.au

Chief Executive Officer  
City of Fremantle  
PO Box 807  
Fremantle WA 6959

*Transmission via electronic mail to: [planning@fremantle.wa.gov.au](mailto:planning@fremantle.wa.gov.au)*

Dear Sir

**REVIEW OF CITY OF FREMANTLE LOCAL PLANNING SCHEME NO. 4**

I refer to your letter dated 5 March 2020 regarding the review of Scheme No. 4.

The WAPC has considered the report of review scheme under regulation 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and advises, in relation to the Report's recommendations, that the Commission:

1. agrees that Local Planning Scheme No. 4 is acceptable in the short term, subject to further amendment. However:
  - a. only amendments comprising updates and/or that improve the regulatory compliance of LPS 4 are to be progressed in the short term; and
  - b. the strategic intent for land use within the City is to be clarified through a local planning strategy process prior to other scheme amendments being progressed;
2. disagrees that the City of Fremantle Local Planning Strategy be reviewed and updated as proposed, and request the City prepare a new local planning strategy in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as a priority; and
3. foreshadows that the finalisation of a local planning strategy may trigger the need to prepare a new local planning scheme, notwithstanding point 1 above.

The following reasons are given in relation to the above:

- the strategic intent for land use within the City requires clarification, particularly given that many of the issues proposed to be addressed by the City through scheme amendments should be considered strategically in the first instance;
- the City's current local planning strategy is nearly 20 years old;
- it is a regulatory requirement that the City has a WAPC-endorsed local planning strategy for LPS 4; and
- an up-to-date local planning strategy will be instrumental in determining the longer-term suitability of LPS 4.

Pursuant to regulation 67(2) the City of Fremantle is required to publish the report and the Commission's decision on your website, and have a copy of both available at your office for inspection.

Once the information has been published on your website, please advise the WAPC of the date of publication, and provide a link to the published information to [schemes@dplh.wa.gov.au](mailto:schemes@dplh.wa.gov.au).

Please direct any queries about this matter to Tristram French on 6551 9340 or [Tristram.French@dplh.wa.gov.au](mailto:Tristram.French@dplh.wa.gov.au).

Yours sincerely



Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

16/09/2020

## SPT2105-3 AMENDMENT 85 TO LPS 4 – CORRECTION OF LOCAL & NEIGHBOURHOOD CENTRE NOMENCLATURE

### ADDITIONAL INFORMATION 1 - SPP 4.2 EXTRACT - HIERARCHY, ROLE & CHARACTERISTICS OF CENTRES

TABLE 3: ACTIVITY CENTRE FUNCTIONS, TYPICAL CHARACTERISTICS AND PERFORMANCE TARGETS

Typical characteristics	Perth Capital City	Strategic metropolitan centres	Secondary centres	District centres	Neighbourhood centres
<b>Main role/function</b>	Perth Capital City is the largest of the activity centres, providing the most intensely concentrated development in the region. It has the greatest range of high order services and jobs, and the largest commercial component of any activity centre.	Strategic metropolitan centres are the main regional activity centres. They are multipurpose centres that provide a diversity of uses. These centres provide the full range of economic and community services necessary for the communities in their catchments.	Secondary centres share similar characteristics with strategic metropolitan centres but serve smaller catchments and offer a more limited range of services, facilities and employment opportunities. They perform an important role in the city's economy, and provide essential services to their catchments.	District centres have a greater focus on servicing the daily and weekly needs of residents. Their relatively smaller scale catchment enables them to have a greater local community focus and provide services, facilities and job opportunities that reflect the particular needs of their catchments.	Neighbourhood centres provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services.
<b>Transport connectivity and accessibility</b>	Focus of regional road and rail infrastructure as well as radial bus network.	Important focus for passenger rail and high frequency bus networks.	Important focus for passenger rail and/or high frequency bus network.	Focal point for bus network.	Stopping / transfer point for bus network.
<b>Typical retail types</b>	<ul style="list-style-type: none"> <li>As per strategic metropolitan centres</li> </ul>	<ul style="list-style-type: none"> <li>Department store/s</li> <li>Discount department stores</li> <li>Supermarkets</li> <li>Full range of speciality shops</li> </ul>	<ul style="list-style-type: none"> <li>Department store/s</li> <li>Discount department store/s</li> <li>Supermarkets</li> <li>Speciality shops</li> </ul>	<ul style="list-style-type: none"> <li>Discount department stores</li> <li>Supermarkets</li> <li>Convenience goods</li> <li>Small scale comparison shopping</li> <li>Personal services</li> <li>Some speciality shops</li> </ul>	<ul style="list-style-type: none"> <li>Supermarket/s</li> <li>Personal services</li> <li>Convenience shops</li> </ul>
<b>Typical Office development</b>	<ul style="list-style-type: none"> <li>Major offices</li> <li>Commonwealth and state government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Major offices</li> <li>State government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Major offices</li> <li>Professional and service businesses</li> </ul>	<ul style="list-style-type: none"> <li>District level office development</li> <li>Local professional services</li> </ul>	<ul style="list-style-type: none"> <li>Local professional services</li> </ul>

TABLE 3: ACTIVITY CENTRE FUNCTIONS, TYPICAL CHARACTERISTICS AND PERFORMANCE TARGETS

Typical characteristics	Perth Capital City	Strategic metropolitan centres		Secondary centres		District centres		Neighbourhood centres	
<b>Future indicative service population (trade) area<sup>1</sup></b>	Greater metropolitan region	150,000–300,000 persons		Up to 150,000 persons		20,000–50,000 persons		2000–15,000 persons (about 1 km radius)	
<b>Walkable Catchment for residential density target</b>	N/A	800m		400m		400m		200m	
<b>Residential density target per gross hectare<sup>2</sup></b>	N/A	Minimum	Desirable	Minimum	Desirable	Minimum	Desirable	Minimum	Desirable
		30	45	25	35	20	30	15	25

**C2105-1        KINGS SQUARE – ‘WHAT’S IN A NAME?’ PROJECT FINDINGS**  
**Additional Information 1 – Supplementary Information**

**What’s in a Name? Supplement to engagement report**

**May 2021**

This information is intended as supplementary material to the ‘What’s in a Name? Exploring the idea of renaming Kings Square Engagement report final - May 2021’. It contains written submissions and raw comments only from stage two of engagement, which due to their volume could not be included in full. The comments in this report are counted and themed in the engagement report May 2021.

It contains:

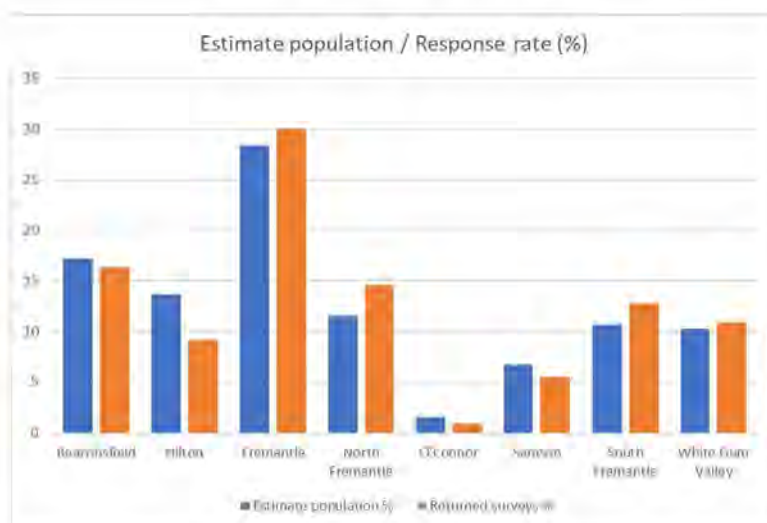
- Random survey returns
- Online comments – name threads
- Direct emails
- Surrounding businesses
- Discussion – WRAP meeting
- Discussion pack
- Hard copy surveys
- Direct submissions

Please note the comments in this report are reported as received directly by community members. Where names are published they are done so with permission of the author.



### Random survey returns

Suburb	% of CoF population	Valid surveys out	Surveys returned	% of all returns
Beaconsfield	17.25	129	18	16.36
Hilton	13.61	106	10	9.09
Fremantle	28.42	222	33	30.00
North Fremantle	11.56	91	16	14.55
O'Connor	1.60	15	1	0.91
Samson	6.65	53	6	5.45
South Fremantle	10.66	84	14	12.73
White Gum Valley	10.24	80	12	10.91
	100%	780	110	100%



	Overall, do you have a clear preference for naming this space? Refer to the discussion pack sent to you for detailed name meanings.	Can you tell us why you prefer this option for naming?	What do you think about these potential suffixes, either in this location or elsewhere?
1.	Dual name (using Kings Square)	Kings Square Walyalup Koort	Not impressed with suffix idea
2.	Walyalup Koort / Walyalup Karlup	Walyalup Koort (not Karlup) - Good descriptor of place - Acknowledges and respects Australia's first people - Relatively easy to say	I would like to see 'piazza' used elsewhere in Fremantle
3.	None of the above - participant wrote something else	Yes for renaming if it helps, any of the aboriginal names. But it won't change the ambience of the place. Make the town work again. Council should be looking at the big picture.	Not piazza, one of the Aboriginal names would be lovely
4.	Boya Karla / Boya Karla Koort	I like the play on words "koort/court" (place of connection) - but mostly the 'heart' of town and the 'good intentions' that will be evidenced by the sculptural creation that I see as a GIFT from the Noongah nation - good intentions, good aims, respect full history and people. I like that it is not time, date, person etc	Piazza - somewhere to do with fish and coffee culture. Koort - a very important word and plays into Court which is also a place of meeting and gathering. Gnalla - open minded on this one.
5.	Kings Square (current name)	I have read through your booklet 'what's in a name' which outlines the early history of Fremantle and the square. This gives the name of the square as being Kings Square. This should remain so as it is part of the history of Fremantle. Just because some people seem to... TBC (see submissions)	Forget them
6.	Walyalup Koort / Walyalup Karlup	"Heart space" has an application for each person entering that place	Not keen on piazza!
7.	Walyalup Koort / Walyalup Karlup	Also selected Midgegooroo Square. Always known it as St Johns Square. Kings Square is inappropriate and out of date with current thinking and the obvious church landmark. The name changed in 1929.	Koort or Gnalla are acceptable not piazza
8.	Kings Square (current name)	Categorically should not be changed. When/ what will be the next change?	As appropriate to new opportunities

9.	Kings Square (current name)	Due to its history	Prefer 'piazza'
10.	Kings Square (current name)	-	Piazza
11.	Kings Square (current name)	The aborigines have there culture. I being British have mine.	-
12.	Kings Square (current name)	The heritage of Fremantle and Kings Square should be respected by keeping the current historical name. Just because ratepayers money has been spent on council offices does not mean the historical name should be changed.	Nyoongar names and / or suffixes should be used for brand new roads or developments on unused land - not to change the name of existing spaces. Used piazza if the redeveloped Italian Club has a public outside space.
13.	Boya Karla / Boya Karla Koort	Piazza, together with Boya Karla will embody the history of Fremantle incorporating both the Italian and Nyoongar heritage	
14.	Boya Karla / Boya Karla Koort	We need to name it to unite and bring all people, the idea of Boya Karla is too good to pass on, ticks too many boxes and it is genius. Just Kings Square refers mostly to a male / man and it's not suitable for all to enjoy and come together and feel united.	Piazza definitely needs to be used at some point please, we need to recognise the Italian migrants and its very very important to have this in Fremantle soon.
15.	Dual name (using Kings Square)	For an overlapping period of 5-10 years. Any women? Midgegooroo Koort - It is completely Nyoongar. Kings Square could be underneath or smaller text, or in brackets. Walyalup refers to broader area but is also acceptable, and easier to say / remember!	Yes may have application in certain places but not to preclude other alternatives. Meaning and context important.
16.	Walyalup Koort / Walyalup Karlup	From the 'heart' accurate by describing the where - what - why of the place. It is a complete acknowledgement of the original occupant of aboriginal land. This is important.	Suffixes are very good, support their use in Fremantle.
17.	Kings Square (current name)	The area around the church was named Kings Square in 1833 and has kept this name for 188 years. The current aborigines do not respect the cities buildings (e.g. urinating and pooing on shops entrances) or the people who live or visit F'mantle (they use foul language and assault the inhabitants, sometimes to near death, as they did to one of my friends. Why would you name the square a aboriginal name?	Leave history alone. Let it stay as Kings Square for another 188 years.

18.	Dual name (using Kings Square)	Need to retain the historical name of Kings Square but I think we should also have a Whadjuk Noongar name besides Kings Square.	I don't agree with any of the suffixes.
19.	Walyalup Koort / Walyalup Karlup	Walyalup Karlup This is a good inclusive choice for future generations	Prefer Koort
20.	Walyalup Koort / Walyalup Karlup	All about the centre of Fremantle	Koort
21.	Dual name (using Kings Square)	It should retain recent history as well as original peoples history - relevant to all.	I think it has to potential to become confusing - make it simple to read for locals and tourists alike or else no one will know what / where it is!
22.	Kings Square (current name)		
23.	Kings Square (current name)	I prefer to acknowledge our history and not re-write it. It would be my preference to have named it after a person who contributed significantly to developing the rich, diverse Fremantle as it is today.	I would support Piazza however I do not support re-naming anything to acknowledge traditional land owners.
24.	Kings Square (current name)		Fremantle resembles a piazza well so I find that suffixes suitable
25.	Kings Square (current name)	Recognises the built heritage of Fremantle	The other names are not appropriate to this place
26.	Walyalup Koort / Walyalup Karlup	I prefer the idea of an indigenous name and leaned towards Walyalup Koort after reading the material.	I like the idea.
27.	Kings Square (current name)	7 houses!!!!!! Kings Square	No leave it alone
28.	Midgegooroo Square	Sounds beautiful as it rolls of the tongue	
29.	Walyalup Koort / Walyalup Karlup	It's way past time we recognised the original owners of this land.	Koort - perfect
30.	Walyalup Koort / Walyalup Karlup	Walyalup Koort. 1 - Walyalup is the Aboriginal name for 'Fremantle' the place koort is 'the heart' i.e. centre. The space is the administrative heart of the City so that's appropriate. I love the Boya Karla art idea for the space too. 2 - I dislike the name Kings Square for its damaging links to	Koort and Gnalla are ok. Piazza is Italian and Walyalup / Fremantle although influenced by Italian migrants has Aboriginal heritage 50,000 years pre-dating it. The use of piazza



		colonialism and English monarchy. 3 - Dual naming is cumbersome.	elsewhere in Fremantle could be appropriate.
31.	Midgegooroo Square	Would like to see more indigenous names used in WA	
32.	Boya Karla / Boya Karla Koort	I understand "Boya Karla" to mean a fire surrounded by rocks - the fire in the evening that 'called the people home to sleep'. It's easy to say and therefore easy to say (and explain) as symbolic of a meeting place or a place where people meet to make plans, to discuss to share ideas.	Interesting how 'koort' and 'heart' are similar sounding. Boya Karla is long enough to say without Koort / heart being added to the end.
33.	Walyalup Koort / Walyalup Karlup	It is more inclusive in its recognition of Noongar ownership of the land as it includes all (not just men as per Midgegooroo) people.	Koort is good.
34.	Kings Square (current name)	I believe that the history of Fremantle is important and we should not rename any parts of Fremantle and I especially believe that we leave the name of Fremantle alone. I have lived here all my life 58 years.	Kings Piazza would keep history and also honour the strong Italian community that help build the diversity of Fremantle.
35.	Kings Square (current name)	This is the name adopted by the people who founded, constructed and paid for Fremantle. It is the name recognised by the people who will, by a vast margin, pay for the redevelopment. The name is in the language of the vast majority of the people of Fremantle.	The present suffix of square is the most appropriate.
36.	Kings Square (current name)	Let's keep it historical and royal. We change too many names to pacify indigenous people - enough is enough. I am a royalist.	Don't like them.
37.	None of the above (participant wrote something else)	Whadjuk Koort	
38.	Dual name (using Kings Square)	Walyalup Koort / Kings Square to me is clearly the best choice as it recognises the original inhabitants and preserves the colonial history. It is also the most appropriate in meaning (heart of Fremantle) and pronunciation (Koort / Court).	See comment above re Court.
39.	Dual name (using Kings Square)	Keep all happy I suppose	?

40.	Midgegooroo Square	-	
41.	None of the above (participant wrote something else)	Gnalla Koort. "Our Heart" every city needs a heart. Keep it short and simple or it will shortened i.e Freo.	Portrayed by two animals / lions at the entrance way to the building (the animal being the animal on the City of Fremantle shield). As you see I've used them, gnalla koort.
42.	Dual name (using Kings Square)	Inclusive. Aboriginal peoples name first followed by appropriate street name i.e. 'Crescent' where it is a crescent, lane, road and street in order of 'business', avenue if lined by trees etc.	Piazza (includes Italian involvement)
43.	Dual name (using Kings Square)	Using Walyalup Koort. The historical connection with both British settlement and earlier Aboriginal association should be reflected in this important square at the heart of Fremantle. My clear preference is for the dual name as indicated above.	My wife likes Piazza because of the Italian connection with Freo. I prefer Square and Koort.
44.	Dual name (using Kings Square)	Incorporates all of our history	
45.	Kings Square (current name)	It reflects the visual and historical development (European) of the location. No specific name for this location is known. The area is heritage listed. It is a token feel good gesture that cannot make up for the injustices of the past perpetrated against the Aboriginal people .	These suffixes may be appropriate for locations elsewhere but not in this instance.
46.	Walyalup Koort / Walyalup Karlap	We like the meaning and that it's in Nyoongar language	It depends; it has to fit the location.
47.	Boya Karla / Boya Karla Koort	Very much in favour of public art and this concept sounds like it will be an attraction and centre within the square.	I like the suffix Koort for this location
48.	Kings Square (current name)	Leave our history alone you woke haters of Australia	You have already destroyed much of Kings Square so at least leave its name alone
49.	Kings Square (current name)	Historical. The square itself is not indigenous, it was originally a town square created by the colony for the community. It has historical significance as one of the only town squares in WA which bares no relevance to the Aboriginal culture, and for that reason it should remain as it is as a british derived name.	I have no comment to this. We are changing the name for what reason?

50.	Kings Square (current name)	It's historically and culturally accurate and appropriate.	Koort: Would be appropriate in a location which was/is an aboriginal heart place. Gnalla: Would be appropriate for places which were/are entirely aboriginal places. Piazza: Would be appropriate only for places in Italy.
51.	Kings Square (current name)	It's not appropriate to change it	
52.	Kings Square (current name)	Kings Square and its name is part of the intrinsic heritage of Fremantle and should not be messed around with	All rubbish
53.	Kings Square (current name)	I like it as it is. There is no reason to go changing things just for the sake of it.	Don't like any of them. The giant council building has ruined the place and it can't be called Piazza at all anyway.
54.	Kings Square (current name)	It has meaning to me and to my heritage in Fremantle	No, Don't want them
55.	Kings Square (current name)	Do not want to destroy history.	None, leave it as kings square
56.	Kings Square (current name)	It's what it's always been known by.	Don't like it. Too long
57.	Kings Square (current name)	Historical name	Worth considering
58.	Kings Square (current name)	Its a good name with alot of history	At another location would be ok
59.	Kings Square (current name)	Known as this for a long time and no reason to change	Dont like them for this location, maybe for another
60.	Kings Square (current name)	The current name most accurately reflects the history of the location. Recognition of the indigenous community is best achieved by not hijacking current European names. Rather it is better to name landmarks that predate Europeans as these carry great direct links to the indigenous history.	Given the preference to retain Kings Square non are appropriate. For other locations all could be considered. In particular the beaches and parks are likely suited to the Nyoongar words.

61.	Kings Square (current name)	We prefer the Kings Square name because of its significant history.	We prefer the "Piazza" suffix to recognise the contributions of Italian migrants to the development of Fremantle.
62.	Walyalup Koort / Walyalup Karlup	I will start with why I believe the name 'Kings Square' ought to be changed. While of course, we cannot change history and neglect the fact our history is entrenched with the British Monarchy, Australia's stern attachment to this institution has been weakening for decades. In short, names and references to the institution are from a different era, specifically, one that is not compatible with the era we find ourselves in. I believe 'Kings Square' should be allowed to come up to speed with the people for whom it is there for: the people of Fremantle, and those whom grace us with their visit. Secondly, I believe 'Walyalup Koort' or 'Walyalup Karlup' is the most fitting title, as the current Kings Square really is the heart of Fremantle - 'our place'. This name indicates the sentimental value of the area and the most clearly - in my opinion - expresses what the area of Kings Square literally is to Fremantle and it's citizens - the 'heart' of Fremantle.	'Piazza' is not a bad suffix, however it is outshone by the beauty and relevance of the Nyoongar language. I would wholeheartedly support the word 'Koort' (the meaning of which is beautiful) or the word 'Gnalla' (which also has a very wholesome meaning) being integrated into regions of Fremantle.
63.	Walyalup Koort / Walyalup Karlup	Walyalup is the name of the place and was potentially in use for thousands of years. Koort meaning heart, as in the centre of Walyalup. eg. Centre of Fremantle. Perfect.	Good. It is and was a culturally diverse place, at least in the last 200 years.
64.	Walyalup Koort / Walyalup Karlup	It recognises aboriginal history and place	Really like Koort and Gnalla
65.	Kings Square (current name)	Shouldn't change names. It loses cultural context.	Good to use these names, but use them somewhere that needs a name. Particularly like koort but use it somewhere it has relevance to indigenous Australians.
66.	Midgegooroo Square	Cultural truth telling	Koort or Gnalla - consistency of Nyoongar language used on Nyoongar Country



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67.	Boya Karla / Boya Karla Koort	I like both walyalup koort/karlup & boya Karla. These both have a sense of place & warmth & community. I think it should be a noongar name & I think it shouldn't be named after a person.	I like Koort the best. Gnalla second. I think there is enough homage to Italians in Fremantle.
68.	Boya Karla / Boya Karla Koort	I like theme of bringing together the Nyoongar clans and having a beautiful way of educating visitors about the different clans....plus the art installment with rocks from different regions would look amazing. I also feel its a name tourists can more easily pronounce and then remember to tell people about.	Koort feels like it fits well..
69.	Dual name (using Kings Square)	A dual name recognises both histories of the land. I am not in support of cancelling out the elements that formed the type of country we live in today. White man's role in colonising this country happened, hiding it will not change that, it's our history, let it be that and lets move forward in co-existence.	I like Koort and Gnalla equally although Gnalla expresses the spirit of co-existence in language. I would choose this suffix, I would not choose Piazza.
70.	Kings Square (current name)	It's simple, everyone knows the name, and it doesn't tax payers money to change it.	I prefer to stay with the name, King
71.	Kings Square (current name)	Makes the most sense and easy for everyone	I think Piazza suits fremantle well
72.	Kings Square (current name)	The name reflects the historical aspect that should not be changed nor devalued. The square area was designed to be significant in the planning of the city by John Septimus Rowe. That's the culture that prevails for this space. Let's utilise Walyalup more frequently and name places of significance to aboriginal history elsewhere in the city.	The Nyoongar word Koort is my preferred option, but not for this location. I would like to see the naming of other culturally significant places for aboriginal history especially Midgegooroo and could see this as being a wonderful name for the place of entry to the city when the new bridge is constructed.

73.	Dual name (using Kings Square)	shows the history of the place as well as the future. We need to embrace indigenous culture more and incorporate it in the full history of a place.	I agree about recognising Traditional Owners and like Koort, Karla and Gnalla. I'm not a fan of Piazza at all - we have a long way to go recognising Traditional Owners and we're already looking to recognise Italian migrants - doesn't sit well with me. Why are you looking to change the name from King's Square if you feel that's about the past and then recognise Italian migrants for their historical contribution.
74.	Walyalup Koort / Walyalup Karlup	Seems most relevant to the heritage and is also a pleasant name	Koort
75.	Kings Square (current name)	History and what's the logic changing a well known name, which is well known to be in Fremantle. Why would you waste the money changing a well known name, councils cut services, laid off staff and you have the money to waste on this, it's disgraceful. Whom ever is driving this should be ashamed. Its been called Kings Square for decades why change it? It was changed once before and that failed. Learn from history and don't repeat the mistakes. Considering all the other issues Fremantle has, its amazing you are wasting time and money on this. Why would we change a well recognised place and name seems like a waste of time and money. Don't see a reason to change king square, it's not aboriginal heritage, while I agree with places like Booyeembara park been given indigenous names. Why rename it go good reason has been given, surprised its even been considered. Seems like a waste of money, how about reinstalling the Cat bus instead of wasting money on rubbish like this. It has a name everyone knows why confuse people to achieve nothing, well apart from confusion, isn't their more important things to spend our rate money on. I can tell u if that councilor is running again, I wont be voting for her in beacie.	Not relevant to Fremantle and it's history, it will confuse people. They don't make sense, the average person is not going to understand this daft agenda, you have a well known, recognise nam, stick with it, unless the plan is to make Freo a less attractive destination. How bout spending the money on fixing all the damaged footpaths or broken seats and tables in our public parks

76.	Kings Square (current name)	It's well known, the cost to rebrand a well known area in a tourist precinct is a waste of money and counter productive to attracting a visitor	Pointless as Fremantle was a British colony and these names have no meaning to visitors and will be confusing with the wealth of data on line that already exists
77.	Boya Karla / Boya Karla Koort	Boya Karla Koort best describes this place originally and should not be lost.	Very supportive of suffixes like Piazza recognising the Italian contributions as well as other groups like the Portuguese etc for future places
78.	Kings Square (current name)	I see no need to change this name to fit the current fashions and trends	I am not in favour of these suffixes or pandering to the re-writing of history and re-naming to fit the current agenda pushed by the mainstream media.
79.	Walyalup Koort / Walyalup Karlup	I think it's imperative that we bring importance to the original aboriginal culture which was present for 45,000 years. Walyalup is the aboriginal place name for Fremantle and Koort denotes it as the central part of the place name. Using Walyalup would give prominence to the original naming of Fremantle even if we still call the city itself a dual-name "Fremantle-Walyalup". Boya Karla sounds nice but would better suit the actual ceremonies themselves.	Where else in the world could we hear Koort used? I think it's important to maintain aboriginal culture and be original in our place naming. Piazza is way too Italian. Despite their being a large Italian population here, it's not appropriate.
80.	Midgegooroo Square	Recognises important aboriginal cultural heritage combined with settlement history.	Alright...Midgegooroo Piazza sounds fine.
81.	Walyalup Koort / Walyalup Karlup	It's in the heart of Fremantle and as a country becoming more aware of our past, I think more aboriginal names should be used over colonial names.	Well we are not Italy nor do we have Piazza's, go to Rome for those. Koort makes sense as this place is in the heart of Fremantle and respects the Aboriginal heritage.
82.	Kings Square	Why change it now? I am born and bred Fremantle, 88 years old. Why do we have to change it now, changing everything into Aboriginal names, leave it when it's natural. Only a name?	
83.	Walyalup Koort or Walyalup Karlup	It's a great name on both counts, one that recognises First Nations peoples by adopting their language into "everyday" language and it's the City Centre, the heartbeat of Fremantle, an area that promises vitality, energy, strength and unity	

84.	Walyalup Koort or Walyalup Karlup	I like the idea of 'the heart of Fremantle', which it is. However will take time for it not to be called Kings Square by locals.	Like these suffixes especially Koort (heart) as Kings Sq is heart of Freo. - Kings Koort - Karlup Piazza. (Karlup - home/heart country.)
85.	Kings Square	The square has been around since the 1800s, and is an important part of the story of the people who built Fremantle (from nothing) and lived in it, including my own ancestors. It was, and is an important place for community and worship, and I don't want a living part of my ancestry erased to suit a political agenda.	I don't believe any of the potential suffixes are appropriate unless a specific location was built/created by that particular ethnicity, concentrated in a small locality (for example, 'Piazza' would be appropriate nomenclature for a square in an Italian ethnic enclave). 'Square' was the nomenclature used by the vast majority of the people and the culture that built Fremantle.
86.	Boya Karla or Boya Karla Koort	Boya Karla. / (Boya Karla Koort) because: - we need more Aboriginal named landmarks around Walyalup/Fremantle - when asking/giving directions people refer to landmarks, not names of places/streets... e.g. turn right at Boya Karla.... - the concept for the artwork incorporating peoples' stories from all over VWA is wonderful - don't replace one King with another 'King' of old days - Walyalup is the word for the Fremantle area as a whole. I would not like Fremantle Square in Fremantle, hence no Walyalup Koort in Walyalup. - Boya Karla just sounds much nicer than Walyalup. :-)	Koort - if we need to make it that long. - places like Booyemberra work as stand-alone. Calling the square a Piazza would risk dropping the Aboriginal reference altogether again because people would simply call it "The Piazza".
87.	Dual name	i feel we have to honor both heritages, the noongar leader at the time is very appropriate and also kings square. don't discount one and not the other. heritage has two sides, pre and post settlement. lest bring them together.	koort - i feel is great and would be very appropriate for a central meeting place in freo. piazza would be great reference to the italian heritage of fremantle. not sure on gnalla it is a bit individual for me i feel.
88.	Walyalup Koort or Walyalup Karlup	Best of bad bunch.	Not a lot



89.	Walyalup Koort or Walyalup Karlup	It is important to have a Nyoongar name, as they are the traditional owners of this country. I like Walyalup Koort - heart of Fremantle in Nyoongar as that is what we want the new development to be.	I like Koort or Gnalla
90.	Walyalup Koort or Walyalup Karlup	I believe traditional place names are an important way to recognise, respect and celebrate traditional cultures. Somehow, most people in Fremantle do not know its traditional name. Boya Karla koort seems like an appropriate name for the artwork. And while I like the meaning behind Koort, verbally it sounds like 'court', so maybe not really achieving the intent. The square is more than the artwork, so it deserves its own name(s). I think Walyalup should be in there to increase general awareness and mark this as the civic heart of the city. Dual names represents the inclusive aspirations for the space and modern integration of two cultures. So I think Walyalup Karlup is the best choice. I would expect some resistance to change from the community with comments like 'two names is confusing, or too hard to say'. I would note those were the same excuses for whitewashing these names in the first place. People will learn and adapt quickly and we will all be richer for it.	Keep it simple. Freo Piazza has a nice ring to it. Although may get confused with the piazza nearby (which isn't really a piazza)
91.	Walyalup Koort or Walyalup Karlup	It is the heart of Fremantle, therefore it makes sense to name it Walyalup Koort.	It doesn't make sense to call it piazza as we aren't Italian. Koort makes sense as it is the heart of Fremantle
92.	Dual name	I think we should retain the historic link with King's Square while acknowledging the Aboriginal heritage as well.	I like Koort.
93.	Midgegooroo Square	Simpler to have a single name. Also in favour of honouring Aboriginal heritage connected to the site.	Don't have an opinion
94.	Midgegooroo Square	Easiest to pronounce. Visitors, especially Asians will have a lot of trouble with the other names. If we have a Noongar name it is fitting that with Yagan Square in Perth, his father should be acknowledged in Fremantle.	Don't like any of them. I think Koort and Gnalla are divisive. Retain the "Square" as it is easier to pronounce and more obvious to locals and visitors. Other communities not just the Italians made valuable contributions to Fremantle. In fact Fremantle was founded by the

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			British or is history to be re-written and their contribution swept under the carpet?
95.	Walyalup Koort or Walyalup Karlup	It respects the Traditional Custodians of the land, and also captures that it is the Heart of Freo	Love them all
96.	Midgegooroo Square (name of the Whadjuk leader at the time of European settlement)	Clearly the intention was made clear "leave this land" from even before Cook had even set foot ashore (Cooks log, Beaglehole, J.C, The Life of Captain James Cook) As aggrieved as Cook may be in resorting to violence against the first nations peoples, the intention was clear and there was no turning back as there is now, We are taking this land from you. Midgegooroo's struggle is as noble as any and his name needs to be recognised by future generations, as it was almost wiped from our memory. Yagan square (Perth) his fathers name had better be worthy of 'ypur square'. Be careful of the art you lay down upon it such as Curtin with his fly swat.	
97.	Midgegooroo Square	Hate the royals and any reference to them.	Recognise traditional owners
98.	Walyalup Koort or Walyalup Karlup	It recognises the traditional owners of the land on which Fremantle is placed	I love the word koort and it's meaning
99.	Dual name	to acknowledge the confluence of different cultures.	Great idea
100	Midgegooroo Square	Because Midgegooroo deserves recognition. He was cruelly executed in 1833 by firing squad in Perth and his legacy as the main traditional owner at the time of settlement has never been properly recognised. Like his son Yagan being recognised in Perth, Fremantle needs to do the same for Midgegooroo.	I would prefer the Noongar word 'Koort'
101	Dual name	Never heard of Midgegooroo until now although i was familiar with Yagan. Wikipedia came up trumps so this is why i chose Midgegooroo	Support Koort and Piazza for use elsewhere
102	Midgegooroo Square	It's important to acknowledge the traditional land owners and the culture and history of the place. Changing the name to something that acknowledges Indigenous Australians will increase the awareness of their culture and its significance to visiting international tourists.	Potential suffixes would be appropriate at other locations, but not Kings Square.

103	Kings Square	It is an established name. is relevant to the people who live in the area. is historically relevant to the whole community	The Italian "Piazza" is no more especially relevant to Fremantle than other important migrant groups, or the founding of the colony. The prescribed introduction of indigenous terminology would likely be disruptive/unwelcome/counterproductive to the social capital of the neighbourhood. The Whadjuk Noongar terms would certainly be a welcome consideration to all new locations and especially to places of particular significance.
104	Kings Square	I prefer this name. I understand but don't agree with the rationale behind re-branding current place names and historical markers.	King's Square is appropriate as it was an overwhelmingly British not Italian Settlement. There is also more than enough recognition of the later's contribution anyway, it would be disproportionate to go further. It would also be absurd to name the end design a piazza, as it is so far removed from the architectural and design principles of one. The current design is an incredibly ugly concept which cheap building materials that will also continue to be a haven for largely unchecked anti social behaviours, the like's of which would shock most visitor's to a real Italian Piazza.
105	Kings Square	I don't want to see a name change purely for the sake of change. no more names that people can't pronounce. Please leave it as it is in the tradition that gave the square its name. Not for noisy minorities to try and re write history in a manner they see fit. Please stay with the tradition that existed since 1833.	meaningless in the extreme

106	Boya Karla or Boya Karla Koort	I like the idea of an indigenous name that is new, and also celebrates indigenous culture and art	I like the idea of also honouring our Italian forbears, what about the women??
107	Midgegooroo Square	To further reconciliatory gestures	The inclusion of 'Piazza' continues to create divisive naming arrangement perpetuating European colonialism. Why include other European languages in naming schemes which aren't representative of the population? If going down that route why not include Irish "an bhaile" or Mandarin "guǎngchǎng" which populations also contributed to the building of this city. Stick to English for shared commonality and/or Nyoongar in recognition of the local colonised population
108	Midgegooroo Square	It seems fitting that the Indigenous leader at the time of settlement be recognised. The English monarchy is past its use-by-date. And the name Midgegooroo is easy to pronounce for us white fellas.	I would love us to have some piazzas elsewhere but it doesn't go with Midgegooroo. My preference is Koort - lovely meaning and it sounds a bit like 'court'.
109	Kings Square	Fremantle is one of the very few places in WA to have a heart, soul and history. We, as a town live for two things : 1. the working port 2. tourism to visit our lovely historic town To destroy either is to destroy the very reason for our existence.	They are all they are all nonsensical or patronising in the context of Kings (or Queens Square). Whilst we have a substantial Italian influence in our town, Kings Square is not a Piazza if you have ever been to Italy and seen one in its real context.
110	Walyalup Koort or Walyalup Karlup	My preference is for Walyalup Karlup. It is the central meeting place of this wonderful city. Home and Heart of the city.	I dislike them, however if I had a preference it would be Gnalla.



**Online comments – name threads**

From 15 March to 18 April 2021 the My Say Freo page was visited by 2,000 people. Each name option had its own discussion thread, with Kings Square (as the current name) placed at the top of the list. A variety of background information was provided on the page, including a detailed discussion pack, Q&A and the results of stage one engagement. There were 182 unique participants that made 275 comments and 647 votes on others comments. All comments are available to view online at [mysay.fremantle.wa.gov.au/ks-name](https://mysay.fremantle.wa.gov.au/ks-name) but the below includes general statistics and comments. In the community engagement report multiple comments by the same person were counted as one.

**Kings Square name thread (first in list)**

Visitors	219
Comments	86
Participants	76
Votes	330

	What do you think about the name Kings Square? Tell us below...
1.	Leave the name as is 'Kings Square'
2.	Keep the name as Kings Square.
3.	Please keep some tradition for the centre of Fremantle and don't rename King's Square.
4.	Kings square is Kings square! We can't rewrite history and undo the wrongs so by changing a name that is our history is totally unproductive and childish
5.	No. Boring. What did any King do for Freo?
6.	Love that we have history in Fremantle, that's why we have so many visitors. The name, being part of our history, should stay the same.
7.	strongly opposed to calling its Kings square, it is outdated and colonialist.
8.	Dear All1. Please stop this consultation and leave the name as it is.2. This is a profound waste of ratepayers resources at a very difficult time financially for the council and ratepayers.3. The resources devoted to this process should be used to address the massive fiscal hole that Fremantle council has.4. Other more pressing council issues could be argued to include the upgrading of dangerous traffic blackspots which by reducing the threat to life in Fremantle would be a better use of staff time and rate payer money..regardsTashi
9.	Kings Square acknowledges our colonial history, is a name everyone is familiar with and is easily read and pronounced.

10.	Leave the name as it is. Cheers
11.	Sounds a bit outdated. With the new development seems like a good opportunity to change the name.
12.	Keep the name. Everything else is having a Nyoongar name, it would be nice to keep a little of the past.
13.	And Kings Square it should remain. Its part of what makes Fremantle Fremantle part of the history and the very fabric of the city
14.	Cultural reinventions in line with current political views are too close to annulling our British heritage. Freo has a grid plan given it by the British. There would be no square here without the British. I like that we are honouring the indigenous heritage with art and artwork and encourage knowledge of the Noongar language, but keep King's square.
15.	Keep the name Kings Square. Sentimental and historical significance - myself and others in my family have been married and christened in Kings Square. History helps us to remember the past - renaming these landmarks is only covering up the past instead of learning from it.
16.	Leave the name as Kinds Square. You've already received an overwhelming number of votes in favour of this so just move on.
17.	Why would anyone want to change the current name? It seems to be yet another divisive and unnecessary action, perpetuating the already existing division between the indigenous and the remaining majority of the population, instead of healing it. As you show above the name of Kings Square is part of the heritage value of historic Fremantle as designed, drawn and surveyed in 1833 by John Septimus Roe. Naming it the Aboriginal name even though it was built by the settlers as a heart of the evolving city only because it is located on the geographic area historically frequented by the native population would simply be an inaccurate reflection of both, the area and the square's histories. And the reality of what the square has become - it is not any more pristine, natural landscape. Certainly naming it after Midgegooroo, the Aboriginal leader who was killed for the alleged killing of the settlers, would be perpetuating the painful memories of the past conflicts, which the heart of the contemporary city does not deserve. So what is the real purpose of changing the name? The original, historic name should remain!
18.	Leave it as this although I very much doubt the councillors will take any notice of what people want
19.	This name harks back to colonial rule that was often cruel and unjust, particularly for first nations people. About time it was relegated to the history books.
20.	As Australia remains part of the Commonwealth, as it was in 1833, there is no need to change the name. We can celebrate the original owners and our wonderful indigenous peoples without removing history and feeling guilty about our ties to Britain.
21.	Although not in love with the monarchy, with the civic building having a Nyoongar name, I think it would be confusing and detrimental to the prominence of the civic building. Retaining Kings Sq acknowledges the other heritage, perhaps Kings Piazza. Thus having three cultures represented.
22.	Kings Square is a potent sign of the colonists and all their genocide and sins. The area should have an appropriate Nyoongah name with no reference to a colonial name.
23.	It seems like a non-event name - a token gesture to a ruler from a foreign country, from a foreign time - it doesn't adequately reflect Fremantle's nor W.A.'s pre-colonial or post-colonial history

24.	The name Kings Square is no longer relevant, especially since it's inevitable that Australia will become a republic in the not too distant future.
	DUPLICATE The name Kings Square implies this part of Fremantle belongs to the British Crown. Perhaps with the opening of the new buildings and public facilities in the Centre of town we should acknowledge the traditional owners in the name...
25.	Sometimes I think I am living in a parallel universe to Fremantle Council. You are the most in debt Council in Australia and you are still wasting money on employing staff to undertake polls such as this. We do not have to rename every landmark just for the sake of political correctness. Suggestions such as Midgegooroo are a waste of time because the majority of West Australians could not even pronounce it, let alone remember it. Yes, the indigenous are an important part of our heritage but so are the non-indigenous settlers. Let's just keep something the same for once....move on, and invest staff time in trying to find some leaseholders for the new buildings who can pay rates. The whole Kings Square development is rapidly turning into a white elephant, even before it is opened. Perhaps you should have polled ratepayers at the outset on whether they even wanted the eyesore development. A park might have been more welcomed and cheaper.
	DUPLICATE Kings Square is a well known, and is easily marketed, changing the name in a time when Fremantle is trying to attract business, would be very counter productive. The cost to rebrand such a well known location in freeo, would be expensive and more than likely fail, as rebranding has in the past. Surely council has better things to spend rate payers money on, than another futile rebranding exercise, This is poorly known about in the community and the vast majority of residents I speak to, ask why would you?Keep Kings Square.
26.	A bit out of date tbh. Colonialism bad. Also doesn't really have that much significance to remembering history in my opinion, I've lived in Fremantle nearly my whole life and had never even heard which king it was named for.
27.	As a side issue, I would like to see more recognition in Fremantle of former business names like Pellews. Pellews was a Fremantle institution that should not be forgotten. Pellews actually made a huge contribution to the vibrancy of the Kings Square/ High/ Adelaide Street corner for many decades. Much of Fremantle's success as a retail hub was due to the contribution of key businesses like Pellews.
	DUPLICATE Please explain what gives Fremantle Council ultimate authority over naming rights. I'm genuinely interested. Why not rename the Indian Ocean to represent something more inclusive?
28.	Kings square keep it.its well known It has a well known reference and attachment to Fremantle. Kings Square and Fremantle/Freo go hand in hand. Freo needs to attract more visitors not less, with confusing unknown name changes. It will be expensive to rebrand such a well known location. Surely COF has better places to spend rate payers money than wasting it on political stunts for Councillors wanting to run for mayor.How about fixing up the markets, its a disgrace to the city and its operators.Keep Kings Square
	DUPLICATE How many times does this council need telling that we, the actual ratepayers, of this town do not want them messing around with our town any more. They are there to run the town in the best interests of us, the ratepayers, and not to exercise their personal political beliefs. This is Fremantle. This is Kings square - if you councilors don't like it then get out of our town.

29.	I don't like the name as it reminds me of invasion times. Yes it had a place then for the reasons mentioned above. But I don't like it as I find it insulting to First Nations Peoples. I like any of the 3 top list suggestions in Noongar Language . Thank you for the opportunity to share my view.
	DUPLICATE This is Kings Square in Fremantle. We, the ratepayers want to keep it as is. How many times do you need telling this.
30.	To continue to use the name Kings Square is totally inappropriate and insulting to Indigenous Australians.
31.	I would rather associate Fremantle with the 'convicts' than a King of England, as the prisoners gave us a bigger Australian piece of history & contributed to a lot of the construction & character of our beautiful city. We are our OWN country & referencing the 'mother' country & its King is an embarrassment to most Australians. I really feel strongly about this, it is time to remove our 'shackles' & move on to our own identity & history.
32.	It's changing shape - why not change with it and give it a good intention
33.	Not inclusive enough.
34.	Iconic, memorable, historical.
35.	Kings Koort
36.	Leave it at Kings Square.
37.	Rename it to Walyalup Koort. Kings Square is disgusting and not inclusive.
38.	I wish the Fremantle Council would spend less time renaming things and pay more attention to getting their various departments to work more efficiently. Have a look at Cockburn if it needs to know how. If the square does need re-naming then I suggest O'Connor Square
39.	How about King's Koort? A little bit of both cultures!!
40.	As the renaming of Kings Square debate hots up, my choice would be Walyalup Karlup, or if you must, Walyalup Square. Easy for all to say and remember. Avoid "Koort" - it sounds too much like "court" with penitentiary connotations, or a food-court! Midgegooroo is too difficult for English speakers to say with ease at this stage. DEFINITELY, please, AVOID dual name "bilingualism". We need to move on from the old monachal/colonial name. We need to get everyone familiar with and speaking the name of Walyalup. Let's own this new heart of our city, united together and looking to the future whilst paying due respect to the traditional owners. Always was, always will be, Aboriginal land.
41.	Please stop wasting money on nonsense and leave the name as it has been for decades, there are way better things to spend the money on. People know King Square and it will only confuse tourists and locals alike. If it would become double named (and then only the translation of Kings square) then don't make it prominent as it will be to hard and confusing to pronounce for the majority of people, eg leave it as a background as a second translation only for the WVA tribes and don't use it to advertise etc
42.	What I would really like is something simple that people will use. Midgegooroo Square - no-one will be able to pronounce it! Koort/ Gnalla - how are they pronounced and would people use these words? Piazza while a lovely word I don't think really reflects the space. After a lot of thought I think a Noongar name would be best suited. NOT an English name and NOT a man's name
43.	It's a simple easy name and already recognisable to West Australians. The Aboriginal names are too long and unfortunately difficult for many people to pronounce therefore unlikely to be remembered.



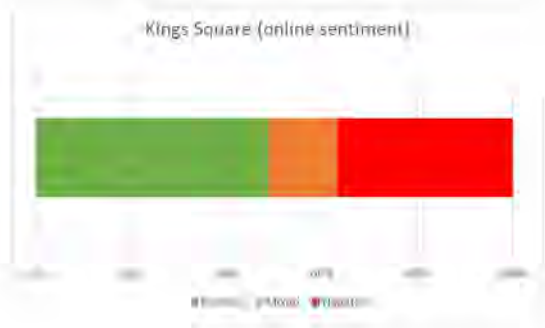
44.	Kings Square nomenclature is archaic and jingoistic. We requested a renaming for all, not for Royalty nor the burgeoning Tea Merchant clans. This space needs to be equated with all local histories-indigenous, seafaring, wool and fishing industries. Show respect for those who came before us- the workers who made this place. Lisa
45.	Kings Square refers to our colonial past. It does not reflect Australia's future as a vibrant multicultural, independent country. It also ignores the fact that this place already has a name that is probably 60k years old.
46.	Interestingly, I have known it as St John's Square since the 1980s when I moved to Fremantle. Kings Square by itself would not be my preference.
47.	Kings Square is the most appropriate name to consider as this name is embedded in our Fremantle history and culture. Any change of name would be foolish to consider and leave us multi generational residence who still live in Freo very dissapointed with any change of name. Regardless it will always be referred to as Kings Square. Ross
48.	<p>Hi, Please do not change the name until funding to more serious issues is allocated.</p> <p>The council should have its finances in order, re-direct funds to more important issues, stop dividing community and start being accountable. As per previous, i have stated that change is not a bad thing, but only at a time after council addresses current issues that should take priority with its residents.</p> <p>For example: I was nearly on the other end of being stabbed at the wool stores shopping centre last week. I emailed council, and received an email but no call from the person on the email reply after being advised a person from the city would call me (not including your security team). These are the issues we should be diverting funds to, before someone ends up fatally wounded. There are so many current problem to address that should be a priority over this. This is not just my view, but a view of many.</p> <p>As a resident, please also provide the process/sampling size/people at council involved in the kings square rename idea.</p>
49.	I would prefer the existing name is retained as the location has a European origin
50.	The name should be kept. There are other nationalities who live in Fremantle apart from the indigenous population and other nationalities who built up Fremantle and settled here and developed it, so we should keep our history going.
51.	I would like to keep it as Kings Square. Why do names have to be changed?? I grew up with Kings Square. I also remember it as St Johns square. Which I like too!
52.	You've started off on the wrong foot because you haven't even provided any justification for "Exploring the idea of renaming Kings Square" in the first place! 🤔🤔🤔
53.	Kings Square is fine. Leave it alone. Council should do what it should be doing more effectively and stop with the woke window-dressing and building expensive white elephants like the new civic building in Kings Square. PS I strongly suspect that this is an empty PR exercise and that the square will be renamed - almost certainly with one ongoing the Nyungar options - regardless of what the majority of residents and ratepayers say they want.
54.	Yes! Familiar and respectful to the ones who suffered hardship and built Fremantle in the name of the monarch. Changing it now would disrespect that important part of our history. Save new names for new areas.
55.	The name Kings Square is culturally appropriate. It's always been kings Square and should remain so.

56.	Leave it as this although I very much doubt the councillors will take any notice of what people want
57.	I think this can be change to include a suffix
58.	Can we please not rename the redeveloped Kings Square after yet another man? Not a historical drama, deed or event!! Move on! Or a specific culture either ... Indigeneous, Italian, Portuguese, Chinese, British, Scott's, Irish or otherwise. All were here... and we're so much more multicultural now!And wasn't Midgegoroo executed as a murderer??Only name that resonates is 'Koorat' because it means heart.We all have one heart ...and even more...spirit has no colour, culture, creed, sex or nation and isn't this, in this day and age, about trying to come together, to save our city, and to respect nature and environment being essential to future wellbeing for all peoples...across the planet!!ALL PEOPLES KOORAT
	DUPLICATE Keyen Koorat (One Heart)Walyalup Koorat (Fremantle Heart)
59.	I consider this to be inappropriate, as the area is no longer a square.If one wants to remain in the past, a "square", let's revert to St John's Square
	Hi @robgue2110 your comments on other issues are noted. In terms of this process, this is explained elsewhere on the page but has involved several stages since 2019, with broad engagement commencing in 2020. This has included a stakeholder group made up of a range of reps - I suggest you look through the discussion pack information on this project page as it has all of these details. There is an online discussion (this one), a discussion pack (referred to above) for self-led discussion by community groups, local precinct groups and schools, as well as two types of random sampling sent to 800 households. This input, return rates, participation and the findings will all be reported in a public engagement report, you can find plenty of examples of these on My Say Freo. There is also an example of one from stage one of engagement on this page. These findings and a report will go to Council, which is also open to the public. Any future steps depend on this decision, however if it is about dual naming or renaming Landgate would be the decision maker, if no change then no further stage. - City of Fremantle
60.	Naming after a monarchical bludger who was not even english is not on Dont commemorate the genocidal english invasion
61.	I think this is a bit dated. There is an opportunity for something new and fresh to go with a new and fresh location. There's no point staying still as everything else moves forwards.
62.	Out dated. We need to recognise our aboriginal heritage in at least one name in freo
	Hi @Dugite have you read the Q&A and / or the discussion pack provided? Both provide background information to understand the process. - City of Fremantle
	DUPLICATE '@CETeam regarding the 800 random households, I'm hoping these aren't random friends of councillors. How are the households selected?
63.	Let's change the name please! We have enough streets named after British monarchs in Fremantle, I definitely think we should go with a more inclusive option that reflects the Noongar people.
	Hi @robgue2110 the random sample was generated by our GIS team who used a list of all residential properties in Fremantle and made selections using a random number generator. The sample was taken proportionally by suburb, and by proportion of owners or occupiers within that suburb, using Australian Bureau of Statistics data. - City of Fremantle.

64.	I think in the modern political context a connection to empire is not ideal, and even damaging especially considering the prevailing stigma and oppression against indigenous people.
65.	Born in WA aged 65 and as a permanent long time resident of Fremantle and a lifetime of working with Aboriginal youth and adults since I was 22, (teaching up north in South Hedland for 6 years, Coord of TAFE Aboriginal Preparatory courses in Perth, Justice system for 12 years in the metro area my substantive position being Fremantle district through to Mandurah as Education Officer, iwould love to have My Say about Fremantle renaming Kings Square. I believe that as a wadjella here, that Aboriginal history should be shown, that MIDGEGOOROO should definitely be recognized and the Square named after him!!! Give Midgegooroo recognition!!!
66.	Dual naming would be great. I think the Ken Adams article in the Freo Herald (9/4/2021) - sums up the argument for retaining the current name - dual naming takes it slightly further. <a href="https://heraldonlinejournal.com/2021/04/09/whats-in-a-name-2/">https://heraldonlinejournal.com/2021/04/09/whats-in-a-name-2/</a>
67.	The name Kings Square should be retained. To remove the names of royalty whilst vaingloriously retaining those of past councilors (Wilson Park being one example) would constitute a disappointingly wrong-headed show arrogance. The land is one thing; the entirely European designed and constructed (give or take any aboriginal labour) Square is another. Therefore to change to an aboriginal name would not only be destructive of its vital European heritage, but also appallingly condescending to descendants of the original inhabitants.
68.	Please retain the name 'Kings Square' (now a triangle!) and stop discounting history. Disregard the dual naming option .
69.	We believe the name Kings Square should be retained. It is the first recorded description of this particular Lot of land in Fremantle. It may well reside in a region described in the Indigenous historic record however it represents the historical development of Fremantle which cannot be overlooked.
70.	Does it need to be named at all? What purpose does the name actually serve? If I'm meeting outside the Town Hall that's what I say, likewise Libby, the specific shops etc. Instead of renaming lets remove the name altogether, and in doing remove the connotations the current name implies.If the Fremantle Aboriginal community have agreed they want this place to have a specific Noongah name, that is worth considering. But, for white fella's who think they are doing the right thing to make Noongah suggestion seems highly inappropriate.
71.	Old historic English name that doesn't relate to Fremantle.
72.	I am in favour of retaining the name Kings Square because it has always been called that since the beginning of Fremantle as an original colonial settlement. While it seems to be popular at present to rename everything and get rid of anything that harks back to white settlement in Australia, I am altogether sure it is the way to go with such an historic part of our early city.
73.	It has been known as king square for this long so leave the name alone. There is no need to change it.
74.	Please change the name.I'm a professional historian and I still think the current name is inappropriate.Not a square and I would lay odds most Fremantle residents know nothing at all about William IV.Hint: there is not much to know.My simple preference would be St Johns Square in spite of its not being a square, but that is past history (tried and rejected).Dual naming is fine for something we don't say often but in this case we need something short, easy to remember/say AND meaningful (hey we all learned Matagarup Bridge).Koort fits the brief and I prefer Gnalla to the alternatives.It is what it is: the HEART of OUR town. Nothing at all to do with a particularly mediocre monarch.



75.	<p>Fremantle would not have existed without the enormous/courageous efforts of the early settlers - it would have remained a sandy expanse of scrub inhabited by indigenous nomads eking out a precarious existence. Why is FCouncil wasting desperately-needed funds by joining the Woke/PC/Cancel Culture Brigade? All countries have been invaded/occupied since time immemorial and eventually the cultures have merged/assimilated. Some more successfully than others. The proposed stone artwork acknowledges the indigenous people &amp; we are all aware of their descendents in Princess May Park &amp; under the beautiful Moreton Bay tree opposite Target.</p> <p>Fremantle is an amalgam of European cultures and their contribution to this part of Australia so King's Square should be unchanged as it is part of history even if those who seek to deny their origins are keen to become republicans. Possibly reverting to St John's Square would be more neutral. I would have preferred O'Connor Square or Place but apparently that has been rejected by the Committee. I am as concerned as many others who have submitted their opinions that renaming a square &amp; getting involved in politics is not the role of Council and is the least of rate- payers worries.</p>
76.	<p>Can you imagine the British renaming Trafalgar Square because some weak woke sentiment against militarism got traction? Fremantle Council - our history is not yours to dispose of. You have already destroyed most of King's Square and neglected our heritage since Mayor Pettitt was elected. For almost 200 years King's Square and Queen's Square have been fulcrums around which the streets of Fremantle were laid out and by which people find their way around. It is called 'way finding' much as the Aboriginal people would define it. And King's Square and Queen's Square go together. Perhaps you hate the Queen as well? Leave history alone. There is no Aboriginal history in this area, and respect for Aboriginal culture has already been shown by naming the new Administration building (the one we don't want and cannot afford) Walyup Centre, and with a large expensive Aboriginal public art work in King's Square you had designed by a white man.</p>





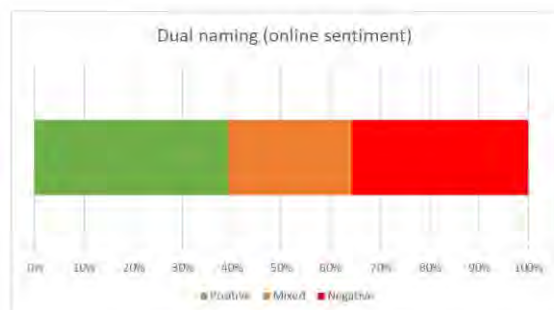
## Dual name thread

Visitors	95
Comments	31
Participants	28
Votes	66

	What do you think about the idea of dual naming (adding a name and retaining Kings Square)? Tell us below...
1.	I think it should stay as Kings Square.
2.	I like the idea of a dual name
3.	I agree with sarahde, for the reasons she gives. The City of Albany recently adopted a second, Aboriginal, name for the City, and that decision appears to have been well received. It is a more inclusive choice than any of the others. I also think that Walyalup Koort is easier for English-as-first-language speakers to pronounce and remember than the other new name options.
4.	I don't like the idea of a dual name. I agree with Ash below. I think that most people would just continue to use Kings Square. It's easier to say and remember. A dual name makes the Noongar name seem tokenistic. I think CoFreo should commit wholeheartedly to the cultural heritage and take on a Noongar name.
5.	Do not agree with keeping the name for a long forgotten monarch who no one has any connection to. Time to leave them behind in the history books.
6.	Retaining Kings Square is insulting to the progressive spirit of Fremantle - so strongly oppose retaining and preserving this awful unnecessary and colonialist insulting name, including in dual naming.
7.	After reading the What's in a Name discussion pack 2021 I think dual naming would be ideal with Walyalup Koort as the Nyoongar name with Kings Square. The dual name brings two names together. The indigenous name speaks to the heart. Kings Square references a point in time and appeals to those who think it should stay the same.
8.	I think that this option would make it hard for people to embrace the new name as a lot of people are already in the habit of calling it Kings square. It's likely people would choose to say Kings square because they find it easier instead of putting in the effort to learn Noongar words. There's a risk that the new name would be mostly symbolic.
9.	Much more respectful idea
	DUPLICATE It seems a little pointless really, the only advantage would be to appease people who are angry about the change of name and I don't know if this option would even satisfy them.

10.	Nope ! What a mouthful!
11.	Koort will be heard aa Court n constantly miss-spelt n misunderstood Karlup is betterOne name is best. Keep it simple. Just need a Noongar name that sounds nice
12.	If you need to be inclusive- go with this one. The other names are to hard to pronounce and remember on their own
13.	No Kings square , hopefully we will have a republic soon .Stay with St John's Square
14.	Absolutely an abhorrent name for Fremantle's Centre, does NOT reflect the Italian flavour or our Aboriginal history. Royals in the UK don't represent Australia, let alone Fremantle. They do little for anyone but give us UNAustralian POMP & bizarre clothing! There is absolutely NOTHING that reflects the 'heart' of Fremantle in King. Please, please do not put this name anywhere near Fremantle's 'heart' because it may stop beating!!
15.	For consistency it would be great to adopt a dual name.
16.	Keep Kings Square.....The expense of rebranding is unjustifiable especially with councils financial mismanagement and its success of rebranding highly unlikely therefore too risky.About time we saw some financial common sense from this council, not its constant emotive agendas with no real basis of broad support by rate payers. This idea is as bad as the Australia Day debacle they created. Wake up these party political agendas aren't helping Fremantle, its whats driving it down.
	DUPLICATE Kings square keep it.Its well knownIt has a well known reference and attachment to Fremantle. Kings Square and Fremantle/Freo go hand in hand. Freo needs to attract more visitors not less, with confusing unknown name changes. It will be expensive to rebrand such a well known location. Surely COF has better places to spend rate payers money than wasting it on political stunts for councillors wanting to run for mayor.How about fixing up the markets, its a disgrace to the city and its operators.Keep Kings Square
17.	Really not a fan of dual naming.
18.	I support this approach - it enables retention of an established name and link to history as well as an opportunity to link to a more inclusive name that reflects current day
19.	Dual naming is my preferred option - retaining Kings Square
20.	If dual naming is decided, then the Aboriginal name should be first, it has been ignored for too long.I am against dual naming of non Indigenous names
21.	Leave it alone. Why do you keep trying to airbrush our history?I can't see the Brits renaming Trafalgar Square. If you must change it I would suggest O'Connor Square after the brilliant engineer who did so much for this state.
22.	I would prefer a joint name as I think it acknowledges the traditional owners as well as non traditional owner history

23.	I think that the Aboriginal name and Kings Square, which reflects the history of settlement, should both be used. Also that this format should be used for other historic buildings and places around Fremantle
	Hi @Bobbin thank you for your comment. I just want to clarify that C.Y. O'Connor was suggested in stage one however did not meet the WA guidelines. As well as the locality of O'Connor nearby, he has previously been honoured via C.Y O'Connor Beach, C.Y O'Connor Reserve, C.Y O'Connor Lake and a statue at Victoria Quay. - City of Fremantle.
24.	Dual naming is the absolute minimum, we should not and cannot have a purely colonial name for this space.
25.	Dual naming seems like a good idea at first, but it would become confusing and a single name would become the most used. It is a device that is useful when trying to transition historical names to something better. Since there is the opportunity to name the location afresh, a single forward looking name is better.
26.	I do not favour re-naming the square. It is not a place of demonstrated Aboriginal significance apart from the whole of Fremantle being one such, in which case re-naming every street and place in Fremantle could be justified. As a compromise I would support dual naming, retaining Kings as the primary name with a supporting Aboriginal name. Bear in mind, however, that Midgegooroo seems to be a contested figure in history and it might be better to use an Aboriginal word for a place of meeting or other importance.
27.	If there needs to be an Aboriginal and a non-Aboriginal name, then Kings Square retains a sense of history.
28.	Dual naming is fine in principle. In this case however I think we need to aim for simplicity. That said if people want to continue to call it Kings Square it is no big deal.





**Walyalup Koort thread**

Visitors	227
Comments	84
Participants	84
Votes	127

What do you think about using the name Walyalup Koort (or alternative suffix Kartup)? Tell us below...	
1.	This name gets my vote! A welcome change that is community minded, literal in meaning, in keeping with the time, respects our local Noongar heritage & is positive.
2.	I think Koort is the best name for it, and now knowing the background of Walyalup, I think Walyalup Koort is the best option by far!
3.	Yes this is fantastic! The best by far.
4.	This one gets my vote!
5.	This one is my favourite
6.	I really like this name - it speaks to Fremantle's pre-colonial history (Walyalup) and its sense of incredible community and vibrancy (Koort). I also like that if it is named Walyalup Koort it will act as a nice counterpoint to Fremantle's post-colonial history (St John's Church) and its modern aspirations in the new Civic Centre
7.	Walyalup Koort gets my vote - the new heart of Fremantle.
8.	Walyalup Karlup. I love this.
9.	I think Walyalup Koort is perfect
10.	This is my favourite. It honours the beautiful Aboriginal tradition of naming places in terms of connections to the land. This has more meaning rather than naming places after particular people. I would like to see a name that has support from local elders so I am glad to see that use of Walyalup has been supported by the WRAP elders. Its use for the square also aligns with the new name for the civic centre.
11.	I vote this name! Perfect for the location and finally a name that pays respect to its traditional owners and Noongar culture
12.	"Walyalup Piazza" acknowledges both Aboriginal and Italian heritage of fremantle ...



13.	I like Walyalup Koort, it's recognisable, user friendly, very Freo, and it has heart and soul.
14.	I like this option. Freo needs to get its heart back and this could be the way to do it.
15.	This is the best option and gets my vote
16.	I think Walyalup Koort is the best option of those presented. I think Walyalup is becoming better known as the Noongar name for Freo. Also Koort is becoming better known as more Aboriginal businesses and organisations may include it in their title and the kinda spiritual meaning of it being heart of the place resonates.
17.	I prefer Walyalup Karlup as it cements the word Walyalup for Fremantle (many still dont know this) and Karlup is better than Koort as that could be confused with english "court" which may cause trouble with wayfinding.
18.	I love the meaning of Walyalup Karlup, it also sounds beautiful. I love Boya Karla too, but it looks like this has more votes ❤️
19.	I love the name Midgegooroo, I think Walyalup makes more sense to cement the recognition and understanding of the use of Walyalup for Fremantle and to respect the support of elders. I think Koort might be easier on the tongue and has a lovely meaning.
20.	this is my preferred option. Place naming continues the story and the songlines in relation to place. If this is supported by the WRAP elders and other Whadjuk Noongar people who speak for this area, this should be the name. Get rid of the colonial overtones that have wrought such destruction. While you're at it, how about some endemic native species, instead of imports from around the world...PLEASE.
21.	Of all the names, I prefer Walyalup Koort. With the Civic Centre having the name Walyalup, it ties in beautifully, and since it is to be a main focus in Fremantle, it covers the whole area as it was intended by Yagan in 1832. It is easy to pronounce and to remember. I also think that the reference to the English should for this new place should now be dropped - we will most likely become a republic once our Queen dies.
22.	Another excellent name and has the advantage of having been already discussed and supported within our community. Has geographic significance as well.
23.	I support this name. It truly reflects the space and respects the noongar culture and language
24.	This is the one!
25.	This is a great choice
26.	Walyalup Koort works for me. Walyalup Karlup is nice too!
27.	Walyalup Koort gets my vote.
28.	After reading all the background info, this is definitely my choice. I want to recognise the original custodians of the land and I love that 'heart' is part of the meaning as that's what I feel about Freo - it has heart. I have a slight preference for Koort.

29.	I like Walyalup Karlup!
30.	As I wrote above Koort is too near Court n will be miss spelt n miss understood Walyalup is fine on its own w Square. Karlup with it is good too.
31.	Walyup Koort has my vote. This is the heart of Fremantle
32.	Yes happy with either. It gives a great opportunity for even more locals to learn the local language and history.
33.	I think this is a great name but I would add piazza instead of koort to include the Italian heritage.
34.	I agree with Sofie De Meyer : Not only does "Walyalup Piazza" refer to Fremantle's Aboriginal heritage, but also to its Italian heritage.
35.	I like Walyalup Piazza or Walyalup Koort Piazza as it is inclusive of at least two of the contributors to Fremantle's heritage and history and is relatively easy for people of all backgrounds to pronounce and the meaning when translated to English is relatable and fits well with what the space represents.
36.	That word Koort is cool and I think used alone we could really incorporate it into our society..So my suggestion is Kings Koort so people can still pronounce it and use it.
37.	I prefer Karlup, only because Koort may be confusing if it sounds like Court
38.	<p>Andrew. My choice: Walyalup Karlup, or if you must, Walyalup Square. Easy for all to say and remember.</p> <ul style="list-style-type: none"> <li>• Avoid "Koort" - it sounds too much like "court" with penitentiary connotations, or a food-court!</li> <li>• Midgegooroo is too difficult for English speakers to say with ease at this stage.</li> <li>• DEFINITELY, please, AVOID dual name "bilingualism". We need to move on from the old monachal/colonial name.</li> </ul> <p>We need to get everyone familiar with and speaking the name of Walyalup. Let's own this new heart of our city, united together and looking to the future whilst paying due respect to the traditional owners.</p> <p>Always was, always will be, Aboriginal land. Sent via email and posted with permission.</p>
39.	Walyalup Koort, not dual naming because it's a new name for this newly built area. Kim and Reenie
40.	I think this name is a great option
41.	Prefer Karlup to Koort. Koort sounds too much like court.
42.	This is my preference - it acknowledges history and speaks to the intentions of this pace and a new beginning
43.	My preference

44.	Relatively easy to spell & say; is Yagan's name for this area.... equates to Fremantle's HEART... you can't get better than that! Yep, great name to represent Fremantle & Yagan's involvement also gives it a subtle link to that other place .... eerrhh Perth I think it's called.
45.	Also agreeing with other comments to incorporate piazza into this. Koort Piazza, Walyalup Piazza. Karlup Piazza
46.	Walyalup Koort is my preference; acknowledges connection, supported by elders, easy to pronounce.
47.	Wonderful name. Replace the colonial, outdated name of Kings Square with this beautiful one ❤️
48.	Excellent name; the land has always been here, the people haven't. If the first custodians of the land called it Walyalup, then that's good enough for me. Koort adds the "middle" theme which is good.
49.	I like the idea of just using "Walyalup Square", to incorporate the the traditional Nyoongar place name with the traditional english speaking connotation of a "Town Square". This would also help avoid confusion to visitors and tourists by referring to a town square and directly linking the Walyalup Square to the Walyalup Civic Centre.
50.	Koort is lovely and it reminds me of court, which has royal plaza type connotations.
51.	I am all for Walyalup Koort - I love the double entendre of 'Koort' and it is easy to pronounce, and has a beautiful meaning behind the name.
52.	This name feels like the perfect choice! The layered meaning and phonetic coincidence with 'court' is so lovely. Any final decision should be in consultation with local the Nyoongar community though.
53.	Walyalup koort is respectful to the traditional owners. It also has a great meaning as the heart of fremantle.
54.	I really like this idea, because it has a touch of an English naming convention, and an even stronger meaning behind it - the heart of Fremantle. It also seems very in line with Fremantle's vibe and progressive approach.
55.	I like the name and think it has a nice sentiment but I'd prefer something with a more interesting meaning.
56.	Both Walyalup Koort and Walyalup Karlup are great options.
57.	Love this ❤️
58.	I like this one best of teh ones you've allowed me to choose from but what about Fremantle Koort?
59.	Walyalup Koort is the perfect name! It is inclusive and exactly what this area will be, the heart of Fremantle. The name Kings Square needs to go!
60.	Love it, this is a name inclusive of everyone, and makes sense for the location.
61.	See my comments regarding Modgegooroo Square - let traditional owners come to a consensus first before the rest of us agree

62.	I prefer Walyalup Karlup for reasons already given by others. If not, in this order of preference: Walyalup Piazza Walyalup Square Walyalup Koort
63.	I absolutely love this choice as it reflects the Indigenous heritage of Fremantle and places it at the forefront of this exciting new precinct in Fremantle!
64.	Yes this one fits perfectly. We don't have a king.
65.	This is excellent and not only is respectful but also teaches non Noongar speaking people Noongar
66.	I would vote for this name.
67.	Walyalup Koort, the heart of Fremantle! Perfect!
68.	I think this is a beautiful choice. It's inclusive and descriptive.
69.	Walyalup Karlup sounds right to me.
70.	This option seems great to me, using the indigenous names and terms for heart/centre to show the importance is great.
71.	This is my preferred by far - Walyalup Koort followed by Walyalup Karlup
72.	I personally love this name the best, it's inclusive and also reflects the area beautifully. Perhaps we should also ask local Noongar elders their opinion on the most appropriate name for the area?
73.	I love it. If it was good enough for Yagan...
74.	Walyalup Koort gets my vote!
75.	Walyalup Koort for its beautiful meaning. Perfect.
76.	We need a Nyoongar name to pay respects to the traditional owners on whose land Walyalup/Fremantle sits. Walyalup Koort translates as heart of Fremantle and that is what we want the new square to be.
77.	LET'S all go for Kings Square to be renamed MIDGEGOROO
78.	This is such a wonderful blend of old and new past and present, it pays respect to our first Australians, with the double meaning of koort so suitable. All coming together- The heart of Fremantle!
79.	Divisive, patronizing, unnecessary, arrogant and wasteful of resources and ratepayers' funds. Walyalup Civic Centre may be OK, but keep the name Kings Square.
80.	Tony C This is a wonderful name. Walyalup is more and more becoming known as the Wadjuk name for Fremantle (just as Wadjemup is now commonly known as the name for Rottnest). Koort ("heart") is also great and could be well known in the future. This would be an inspired choice.
81.	This name, please!
82.	Love this original name. Renew the old ! Appropriate for what is happening in Fremantle now



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83.	Really like Koort but preferably without the Walyalup because we already (for better or worse) have the new Civic Centre (Walyalup Civic Centre In Walyalup Koort???)
84.	I really like Walyalup Koort (heart of Fremantle) because it describes what it is and makes sense with Walyalup Civic Centre and Walyalup Koort - I don't think it is too much repetition. "Koort" also sounds like "court" to English speakers (although I know pronounced differently and koort is nicer in my opinion!), so that works, too. All the best with the decision!



#### Midgegooroo name thread

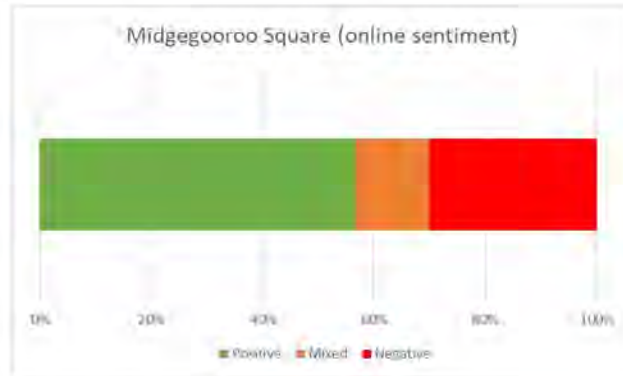
Visitors	131
Comments	31
Participants	30
Votes	62

	What do you think about using the name Midgegooroo Square? Tell us below...
1.	Not a fan of naming the square after any particular person.
2.	Too many syllables for a wide range of English speakers to easily pronounce it.

3.	This is my favourite, its important to highlight strong Aboriginal leaders and a side of history that it usially sidelined. I also like waylup koort. Why on earth should it be named after a king who's meaningless to contemporary freeo?
4.	Midgegooroo Koort - representing both the heart and essence of the elder to protect his people whose land the area is on and to be the heart of a vibrant Fremantle.
5.	No..put up a statue of him ...be much nicer
6.	Midgegooroo is a great name and helps remedy the blatant racism and lie that is part of Fremantles heritage.
7.	I understand why this is an option but would be my last choice of the indigenous names.
8.	It would be great to remember Midgegooroo through naming the square after him. Something I would be concerned about though is the square being too commercialised. For instance, an issue that I have with Yagan square is that it is a very commercial and profit oriented space which I suspect Yagan himself might not have liked if he were alive today.
9.	Midgegooroo Piazza - to highlight strong Aboriginal leaders and Piazza as opposed to Square - a place where people gather to socialise.
10.	The most compelling and relevant name - May I suggest 'Midgegooroo Place',Square and Piazza are European constructs which do not resonate with the greater site of Walyalup. This new civic 'heart' simply must include and reference a Whadjuk nomenclature. This is so, so important as we walk together towards the future. Healing and truth telling begins by naming.
11.	I like this option the best. It has significant relevant meaning and rolls off the tongue pretty well
12.	The best name Please use the name that were already in use by the people before colonisation
13.	Inevitably shortened to Midge Square or Goo Square..... Neither very nice!!!
14.	Very happy to use Midgegooroo Square. It is about time all Australians goth their tongues around the original language of the country we live in. This is a good first start.
15.	This one should be discarded as it speaks to a sad and historically divisive time. I note murder is never a good thing, by any tribe or people. It would be wrong to celebrate death by murder.
16.	My preferred option is Midgegooroo Place (instead of square)
17.	Like Yagan Square, I think naming after an elder is powerful and feels most significant. It has a great ring to it and encourages people to learn more about the man himself, as Yagan square has done. I like them all, but this one gave me goosebumps. Also, I don't think dual naming should be done here. It's a significant place and warrants a single name. A great step towards reconciliation. Well done City of Fremantle!
18.	no please keep it as kings square
	Hi @SusieP and @Tom thank you for your comments. I just want to clarify that (as above) we've been given advice that 'Place' would not be accepted for use in this location under the VWA guidelines. It can only be used in specific locations (e.g. cul-de-

	sac). We have therefore provided 'Square' here as the suggestion, however there are other suffixes that can be considered as well. - City of Fremantle
19.	Although I love the idea of commemorating the leader Midgegooroo, I worry that its a long word, and difficult to spell.
20.	Having read this blurb and the support for it from traditional owners, I would be equally happy with this or the next option - perhaps traditional owners could choose their best option before the rest of us make a final decision?
21.	I agree with increasing the use of Indigenous place names for the areas we live and work within. Before now, I hadn't heard of Midgegooroo, and I think that's a shame. Not long ago, I hadn't heard of Yagan either. It sounds like there's a lot we can learn about the way we used to live and interact with the Noongar people, and what we can do going forward. A name can be more than just a name, and also be an opportunity for us to learn. Also, who really cares if some king that doesn't rule our country any more and possibly only ever came here once, if ever, isn't the name of some square in Freo. I doubt even he would care. Move on.
22.	Should be all aboriginal, no need for square
23.	Midgegooroo was an inspirational figure. He deserves to be commemorated in a major place name in this area. I reckon the main town square is that place.
24.	I like the name Midgegooroo Square. It pays tribute to an Aboriginal elder and owner who strived to save his country.
25.	To me this feels too similar to English naming conventions using an individual leader's name. I'd rather have a place or communal name to represent all of Fremantle. We can celebrate leaders with statues instead that can mention their significance (and can we have some statues of actual women around Freo please?).
26.	Midgegooroo Square would be my choice
27.	A little divisive perhaps, unnecessarily reminding the Nyoongar people that we whites shot one of there folk. Midgegooroo is already commemorated with an avenue in Cockburn Central, The name is too long and difficult for visitors. Keep the name Kings Square and try to slow down on the waste of much needed ratepayers' funds.
28.	Tony C. This is my second choice. I think the place of Midgegooroo in our early colonial history is very important. However, the name Midgegooroo might be controversial and unacceptable to some people, I don't think Walyalup Koort would be controversial as Walyalup is now quite commonly used and has (to my knowledge) no negative connotations.
29.	I'm opposed to this name as it looks too much to a sad past. It is also difficult to say. And definitely not with "square".
30.	I think this name is good, in my opinion it should be this.

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**Boya Karla / Koort name thread**

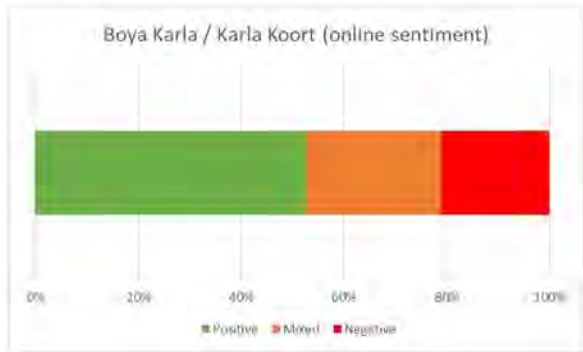
Visitors	87
Comments	19
Participants	19
Votes	27

	What do you think about using the name Boya Karla (or Boya Karla Koort)? Tell us below...
1.	I'm just a white guy, but I think this option sounds the best!
2.	This name wouldn't be my first choice but I love the art concept. Such an inspiring idea. At first the practical side of me was concerned about the stones being a hazard or blocking the view from the grassed area, but now realise their significance is too important. I so love that it brings in the Milky Way and the Dark Emu. So excited by this. Well done to all.
3.	I love this name, It's probably my favourite out of these. Having the artwork be a central part of the square is a fantastic idea and this name highlights that. It has a lovely sound to it and reflects the themes of culture and land expressed in the work.
4.	Love this. In full Boya Karla KoortYaaas!!!



5.	So sad to see my hard earned money paid in rates to the FCC being wasted on pointless escapades. If you feel so passionate about righting wrongs change your own name and go back to the country of your family's origin.
6.	Too similar to the new Perth museum name
7.	A good name but I prefer either of the other two Indigenous names, given their significance to people and place. If used, I prefer to add Koort to bring home the significance of place issues.
8.	I really like this name in full - to speak to and notionally give full power to the sculpture; as it will be manifest within it's own vast space , creating another potential within the 'business mind' and all who come to Fremantle .. it will be a place that is spiritually/physically real .. and a generous acknowledgment from the Noongah Nation. Amazing. Thankyou to all Elders across the Nation and to the Peoples ; and of course Egan/Gilby and City of. And of course to the places where rocks will come from. They will become a reciprocal part of us all. I would like the 'naming' of 'the centre' to NOT focus onto any 'particular' Person/Time/ Event - to be more 'round' than 'square' ; nor really to be from somewhere other than this Noongah Nation. The concepts and possibilities of well intentioned heart felt direction - speak across all time. Piazzas and squares can be somewhere else in their own full splendour. I think we can learn new words - like we're in a place of destination
9.	I love this name and it's meaning but feel that's it's a call for local Aboriginal people to make not me.
10.	Boya Karla is my favorite aboriginal type name, its easy to pronounce and fast to say.
11.	Love this
12.	I like this but I am not sure if it would be memorable enough.
13.	Yes, I think this is fine as a joint name with King's Square
14.	I love the potential name Boya Karla. Not only does the artwork reference the 14 Nyoongar clans, for those of European heritage, it brings to mind neolithic standing stones such as Stonehenge in England and Callanish in the Outer Hebrides of Scotland. These stone circles were thought to be meeting places (think Piazza, or town square), and also places for religious ceremonies (think St John's Church) That the easily pronounced Boya Karla means rock fire is an added bonus. All we need is a central fountain (for when the fire is not lit), blessed by the air of the Fremantle Doctor, and we have all the elements.
15.	I love this name. So contemporary and reflects the local cultural group
16.	Short , contemporary and Nyoongar, sounds perfect:)
17.	Tony Cl am not keen on this name. There is nothing here for most people to immediately recognize.
18.	What if the proposed art work never happens? Name is beautiful (as is proposed artwork) but does not get my vote at present.
19.	Hoya Karla or a variation I find the most inspiring and poetic of the choices

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### Direct emails

- Two emails (one from South Fremantle, one from the Fremantle area). Both supported the retention of Kings Square for its heritage value and cited that their family has lived in the area for 100 or close to 150 years.
- One email (Fremantle) that the colonial name Kings Square is no longer suitable and should be called Koort only to include content such as warmth, love, central place of meeting and meaning for community.

### Surrounding businesses

Surrounding businesses (fronting onto Kings Square) were visited prior to stage two engagement and several businesses which expressed an interest were visited again prior to closing to collect forms or remind them about the closing date. Four surrounding businesses submitted written input and two verbal only. Their comments are summarised below.

Queen Street:

- Kings Square – *"Keep as is. History is to learn from not to change."* (written)
- Have other issues at present (e.g. antisocial behaviour) and think it would make sense to look at naming once the new place is established. (verbal)

William St:

- Midgegooroo Square – *"Definitely my favourite, paying respect to an almost forgotten leader is a good way to bridge the gap."* (written)
- Dual name – *"Practical reasons, respectful of both, with Midgegooroo (but Koort as suffix)."* (written)
- Walyalup Koort – *"Love this. Recognises first nations, love the use of 'heart' concept which is what we want the area to be."* (written)
- Would like an Aboriginal name (verbal).

For suffixes, there was broad support for the use of Koort but no support for Piazza, seeing its use in this location as artificial or over-used generally in Perth.

### Discussion - WRAP meeting

Comments from a discussion at the City of Fremantle WRAP meeting resulted in 4 written submissions with comments below:

Name	Comment
Kings Square	<i>"We are living in 2021 not 1833!"</i> <i>"No"</i>
Dual name	<i>"Too long"</i> <i>"No"</i>
Midgegooroo Square	<i>"I agree to name."</i> <i>"Support."</i> <i>"Yes – 1<sup>st</sup> pick."</i>

	<i>"I feel we should have this name because it would make us proud to know we have been acknowledged for our Whadjuk/Noongar people."</i>
Walyalup Koort / Karlup	<i>"I agree." "Yes – 2<sup>nd</sup> pick." "Yes." "No."</i>
Boya Karla / Karla Koort	<i>"Fremantle is significant for limestone and should be based upon significance, not rock fire." "Yes – 3<sup>rd</sup> pick."</i>

### Discussion pack

One discussion pack was returned, which was a family discussion held in North Fremantle. The thoughts / comment on each name was:

- Kings Square – *"no need for mention of royalty"*
- Midgegooroo – *"he was a murderer"*
- Dual name – *"not necessary to have dual name at all"*
- Walyalup – *"way to go but prefer Whadjuk Koort"*
- Boya Karla – *"too generic"*

### Hard copy surveys

There were 3 hard copy surveys received across the submission box locations. The respondents were from White Gum Valley, Fremantle and Coogee. The comments are below:

Name	Comment
Kings Square	<i>"Is colonial, not appropriate" "I think this is outdated and inappropriate"</i>
Dual name	<i>"Gutless and confusing." "Unnecessary for a town square – dual naming great for place name."</i>
Midgegooroo	<i>"Hard to pronounce. Does recognise Whadjuk history could be seen as tokenistic." "Agree with this option."</i>
Walyalup Koort / Karlup	<i>"A compromise" "I like this one best." Preferred Koort. "I like Walyalup Koort."</i>
Boya Karla / Karla Koort	<i>"Easier to pronounce and remember – keep Koort." "Not relevant enough or a place name."</i>



## **Direct submissions**

### **Submission by Ken Adam**

King's Square - What's in a Name? [Ken Adam LFRAIA, LFPIA, FAIUS Architect (Retired) and Urban Planning Consultant]

What's in a Name? The question put by Shakespeare, and thousands of others over thousands of years, remains of paramount importance. The answer is: plenty, indeed everything. The names we give things, or beings, are the most potent signifiers of their intrinsic meaning, and what they mean to us. Names tell stories. Names, therefore, should never be carelessly, or falsely, or accidentally, or maliciously attributed. And because names endure, for hundreds if not thousands of years, they should never be given, or changed, out of short-term ideological or political advantage.

Inevitably, the question arises as a serious one when a prominent place, like Kings Square, that has played such a significant part in the history of its city, becomes the subject of suggestions that its name be changed, a change that would nullify its history, and perhaps supplant it by another.

Like many people I'm more than happy with the principle of renaming distinctive features and places of Aboriginal significance – those that have been part of the Aboriginal environment, natural or man-made, for thousands of years – with their traditional Aboriginal names. In fact I would strongly argue for that principle to apply universally as public policy, especially in the case of features that are held, by the Elders, to be sacred to Aboriginal culture. Uluru is a prime case in point. The same principle should apply to places that are or were of importance to the traditional cultural life of Aborigines – middens, waterholes and the like, and of course to ceremonial places. Respect for the cultural relationships and stories attached to a place is paramount to naming them.

However, in the case of non-Aboriginal, post-settlement, development the application of the same principle, of respect for the relevant cultural relationships and stories, demands the opposite outcome. In these cases the identical principle demands the retention of British- or European-inspired names that properly reflect the historical/cultural origins and life of that place.

Importantly, we should not be making these name-change decisions on an ad-hoc basis. They need to be informed by a clear policy based on deep consideration of the principles and sensibilities involved and broad consultation with all parts of our community.

Place names for man-made places should, in my opinion, always be reflective of the socio-historical-cultural values that relate to that time and place. Names should continue to respect that principle, even when the associated underlying values may have changed, unless they were badly misrepresented in the first place. For example to rename the Leopold Ranges was obviously appropriate on two counts: first, they represent an age-old landscape with deep significance for Aboriginal people and, second, there was never an appropriate connection between the tyrant Leopold of the Belgians and those ancient ranges. The permanent attribution of the names of explorers and navigators, and sometimes their vessels – even their emotional responses – to natural features of our Western land and coastline may be more complicated. After all, the names given are reflective of those stories of

exploration, which have become part of our collective history, and often recognise significant achievements. Over time, no doubt it will be appropriate to consider whether some such features might best be renamed, or given dual names, in recognition of their meaning to Aboriginal people.

However, it must be said that to give an Aboriginal name a place whose history is overwhelmingly one of development in accordance with European/British cultural traditions is deeply disrespectful to both traditional Aboriginal culture and to Western culture. The name Kings Square is appropriately reflective of the time and the associated cultural values. Even if we no longer subscribe to those values they are still part of our collective story. Aboriginal culture had no place in the origins of Kings Square, nor should Aboriginal people be burdened by giving it an Aboriginal name. Some might say that Aborigines should not have to bear any guilt by association for the travesties of the past few decades.

To rename Kings Square may simply be seen as a totally misguided and unnecessary attempt to negate the heritage value and principles of one group of citizens in favour of creating an impression that Council cares about another group of citizens. That, I would suggest, is just virtue-signalling. It has even been suggested by some, out of a genuine but misplaced respect for the Italian migrants who have contributed so much to the city, that this fragmented place be relabelled as a "piazza". An unintended but laughable insult to Italian civic values if ever there was one.

The name of Kings Square is an intrinsic part of the heritage value of historic Fremantle as designed, drawn and surveyed in 1833 by John Septimus Roe. The recently butchered Kings Square is immediately adjacent to the State Heritage-listed West End and forms an inherent part of the Fremantle's urban architecture and street layout, designed to become the heart of the city of which West End forms an inherent part. The suggested change of the historic name would be in contravention of and an insult to this significance as defined by the State Heritage listing.

Ultimately, to give Kings Square an Aboriginal name is in fact an insult, a patronising insult at that, to Aboriginal people. In this case the traditional, and culturally appropriate, name for the place has always been Kings Square. Kings Square it must remain. Revised 23 March 2021

#### **Submission from Mike Lefroy**

*Mike is a great, great grandson of John Septimus Roe, who laid out Fremantle's first Town Plan and named several of its features. Roe is commemorated in a plaque outside the Town Hall main entrance.*

It is a very logical document and well argued, highlighting the historical danger of using people's names for places — particularly dead white males!

Naming places after local activities or geographical features has much more relevance. Uluru is a great example as Ken says — the Aboriginal name reflecting the sacred nature of the place for thousands of years, rather than Ayers Rock after the former chief secretary of South Australia.

Here in Perth we have a great example with the new Martagarup Bridge. The name, which means 'leg deep' in the Noongar language, reflects the importance of this part of the river for crossing and for people without boats to fish in shallow water.

Regarding King's Square, I've never liked the name — it's a bit lazy — but John Septimus Roe must have been under the pump to come up with lots of names in a short time in 1833. It's interesting that he also designated a Queens Square nearby, on the corner of High and Parry streets. Did he predict the Victorian era?

I think the discussion about renaming Kings Square presents an important opportunity for reconciliation. Perhaps a dual name should be considered, similar to Manjaree (meeting place)/Bathers Beach (for obvious reasons) which reflects the ancient and modern uses for the space under the Roundhouse. Dual naming recognises that this place had significance well before European settlement, as a focal point for some of the oldest oral history on the planet, going back to the last ice age when the coastline was west of Rottnest.

In the end, any consideration about name changing or dual naming must be approached with empathy and wide consultation, and not just European logic.

Appended:

- Submission from Fremantle History Society.
- History Council of Western Australia.
- Articles on Marion Bell, a name suggested in stage one.



### **Kings Square renaming**

The Fremantle History Society supports the retention of the name Kings Square but encourages the City of Fremantle to consider a range of interpretive programs, in Kings Square and across the whole Fremantle/Walyalup area, in close consultation with Whadjuk Noongar cultural custodians, which helps to strengthen all the cultural heritage values of our shared history.

The Society's thoughts are summarised below and further expanded in the attached paper.

Recognising and celebrating the layers of our past are fundamental to good heritage practice and to the nurturing of a strong, respectful resilient community. This requires an holistic approach which considers a broad range of views and will involve a multi-faceted program for the whole of the Fremantle/ Walyalup area to conserve and interpret its rich heritage values.

Conveying the length and strength of the Whadjuk people's connection to the land should be the starting point or basis for all discussions about how to best conserve and interpret the sum of the natural and cultural heritage values attributed to Fremantle. Superficial gestures (no matter how well meaning) are unlikely to foster either the intended public awareness or the type of engagement that will lead to a deeper understanding of Aboriginal culture and connection to the place that the proposed re-naming of Kings Square intends. Neither do they reflect a commitment to good heritage practice which the City of Fremantle (and the Fremantle History Society) aspire to.

Kings Square is a central element in the JS Roe's 1833 town plan of Fremantle illustrating his understanding of the latest innovative thinking in urban design at the time by responding to the topography of the place rather than imposing a grid plan on the landscape. The naming of adjacent streets also reflects the origins and timing of the settlement. This should not be lost.

Simply renaming Kings Square with the name of a prominent Whadjuk person of that period does not acknowledge in a meaningful way the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area. It is therefore unlikely to significantly increase in the community's knowledge of the Whadjuk people's connection with the greater Fremantle/Walyalup area.

Working with local Noongar cultural custodians to develop a range of interpretive programs, which may also include elements within Kings Square such as indigenous plantings as well as the wider Fremantle/Walyup area, will have much stronger, richer legacy.

One such way could be reinforcing the strong correlation between Fremantle's topography and its urban form. This provides an opportunity for a multi-layered reading of the co-existing heritage values that helps in defining the identity of Fremantle. Topographical features and other natural landmark elements that had a recognised Noongar name are well suited to renaming or dual naming. Public art, public programs and events, commitment to inclusivity in consultation and planning and interpretive material in the forms of signage, publications and the like are further examples. Importantly these need to be planned, interlinked programs which are developed in conjunction with cultural custodians.

If a dual naming approach is taken, names such as Walyalup Koort (Heart) meaning a place in the heart of Fremantle or the variation, Walyalup Karlup meaning Fremantle heart-country / home is indicative of what this place is but would have to be agreed to by Whadjuk Noongar Elders and Traditional Owners



### **Preamble**

Fremantle has a dynamic history of adapting to changing circumstances that have sometimes transformed it, which is why the history of Fremantle can be described in terms of its periods or phases of development.

The heritage of Fremantle is what we have inherited from that dynamic history. The distinctive characteristics of these various layers of history embody the aspirations, knowledge, beliefs, skills, traditions and investment of successive generations of diverse communities. Each significant part of Fremantle's heritage is both a finite resource and an irreplaceable asset which plays a defining role in enriching the fabric of Fremantle's townscapes and landscapes in ways that provide the community with an attractive environment with a sense of continuity with the past, as well as the context for its continuing evolution.

How people feel about a place can have a significant impact on its economic and social vitality and consequently the community's sense of connection to the place. It is why Fremantle's heritage should not be treated as a stand-alone subject; it should instead be recognised and promoted as a social and economic asset that is also a cultural resource for learning and enjoyment. As such it should be sustained for the benefit of present and future generations.

People value heritage places for a range of often inter-related reasons; for the knowledge or learning that is inherent in it, for the story it can tell them about its past, its connection with notable people or events, because they find its landform, flora and fauna beautiful or inspiring, or for its role as a focus of a community's identity. Although these expression of a place's heritage values can be appreciated simply as a spontaneous, although culturally influenced, response, people's experience of the heritage values associated with a place can be enhanced through education.

Learning and experience can raise the community's awareness and understanding of the importance of a place and help them to refine and articulate the varied ways in which its co-existing natural and cultural values are perceived by different generations and communities. This brings with it the potential for reconciling the diverse and sometimes contradictory associations that people can have with a place. Differences that are often a consequence of what happened in the different phases or periods of this areas we now know as Fremantle's history. This type of comprehensive understanding of heritage tends to grow in strength and complexity over time as knowledge deepens, and people's perceptions of it evolve. It has the potential to prompt a greater sense of community ownership and an increased awareness of the importance of conserving heritage.

Conservation actions like restoration, preservation and reconstruction have the potential to reveal the significance of a place and aid in the understanding its various values. However, the reasons places are listed as being of heritage significance is not always readily apparent to the general public. The purpose of interpretation is to communicate these reasons by means that are accessible and inclusive. Sometimes interpretation needs to take the form of a creative exercise, particularly when the place may have a range of co-existing tangible and intangible values and meanings for different people.

Interpretation is most likely to enhance understanding and engagement if the place expresses those attributes which help to communicate what is important about the place. Interpretation includes, therefore, protecting the place from the adverse impact of intrusive interpretive infrastructure, visitor pressure, and inaccurate or inappropriate interpretation.

To identify the cultural and natural heritage values of a place, its history, fabric and character must

first be understood. The range and relative importance of the relationships between a place and its heritage values will normally emerge from an understanding of its origins and the social and cultural circumstances that caused its landscape setting and fabric to change over time. Articulating the nature of these relationships provides an informed basis for making decisions about the most appropriate methods of physical conservation and interpretation. It may, for example, provide insights into:

- the fabric and evolution of the place
- who values the place, and why they do so
- how the significance of the place relates to its fabric
- whether associated objects make a contribution to its significance
- the contribution made by the setting and context of the place
- how the place compares with others sharing similar values.

This type of comprehensive analysis of the place's history is the starting point for decisions on how best to conserve and interpret the sum of the heritage values attributed to a place. Tension usually arises when there is a perceived need to diminish evidence of certain heritage values in favour of others. In these cases, it is important to be alert to the co-existence of heritage values by not automatically assuming that only one set of cultural or natural heritage values must prevail over all others. Such dilemmas are usually best reconciled through dialogue, based on knowledge, mutual understanding and respect for the place's multi-layered identity.

It is to be expected that places of natural and cultural significance that are the result of centuries of history, will have a range of co-existing, and sometimes apparently contradictory, natural and cultural heritage values. It is also likely that these will be considered to be of different levels of importance to different individuals or groups. If a place comprises evidence of fabric and uses that are associated with different periods and aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out does not substantially diminish the understanding of the significance of the place.

We need to get better at embracing and celebrating the diversity and complexity of the city's history. Our historic environment contains a unique and dynamic record of human activity. Opportunities for the interpretation, commemoration and celebration of these associations should be investigated and implemented. Opportunities for the continuation or revival of these meanings should also be investigated and implemented. Only in this way will it be possible to get a true understanding of the richness and complexity of Fremantle's history.

The co-existence of natural and cultural values that derive from significant associations between people and the city should be respected and retained; and should not be obscured. Maintaining legibility helps people to decipher these associations and their contributions to the layers of history that have led to the present identity of the city. This layering of history gives the city its uniqueness and a thought-provoking sense of authenticity and complexity. The more the city acknowledges the complexity of its history and the resulting co-existence of heritage values, the more inclusive will be the awareness of the contributions made to the multi-layered identity of Fremantle by its various communities. Achieving this legibility sometimes requires conservation to embrace such activities as interpretation and the compatible use of places.

Decisions on achieving what at the time seems to be the optimum outcome often depends on achieving an appropriate balance based on a comprehensive understanding of the range and relative importance of the heritage values involved, including what is necessary (and possible) to conserve and interpret each of them. These decisions should be based on the application of a systematic and

consistent process which is guided by expertise, experience and judgment, applied in a manner that is appropriate and proportionate in scope and depth to the importance of the place and its contribution to society as a whole. However, it needs to be realised that this 'right balance' is rarely achieved at the first attempt, if at all. Indeed, in many cases it will need to be continually reassessed as understandings change as a result of new information and learning, or changes of attitude within society, including a greater appreciation of the reasons for the evolution of Fremantle's multi-layered identity.

To summarise: communicating the natural and cultural significance of a place to everyone concerned with it, particularly those whose actions may affect it, is then essential if all are to act in awareness of its heritage values. Only through understanding the significance of a place is it possible to assess how the qualities that people value are vulnerable to harm or loss. That understanding should then provide the basis for developing and implementing management strategies that will best sustain the heritage values of the place and its setting. Every conservation decision should be based on an understanding of its likely impact on the significance of the landscape and fabric and other aspects of the place concerned.

#### **Urban form of Fremantle**

John Septimus Roe, the first surveyor-general of the colony, and was responsible for choosing and planning the sites for the towns of Fremantle, Perth and Guildford. In 1829 Roe set about making preliminary surveys of Fremantle, the river and the surrounding land. The first town plan of Fremantle was submitted for approval to the Lieutenant-Governor, Captain James Stirling, in March 1833. Additional surveys were undertaken in 1833 and in 1836.

The planning of Fremantle did not derive from the imposition of a single planning grid on the landscape but instead it was planned in response to the constraints of the town site, including the shape of the peninsular and its topography. The plan can be described as consisting of distinct areas arranged to suit the broadening of the peninsula and the consequent change in direction of the shorelines and constraints imposed to the east by the hills and limestone ridges.

Topographical features such as Point Marquis, Ferry Point, Obelisk Hill (now monument Hill), Cantonment Hill and Church Hill (now the site of the prison) are named on the 1833 town plan and their influence on the urban layout is evident. The plan shows High Street aligned with Point Marquis (and the Roundhouse) on the promontory at the western tip of the peninsular running in an easterly direction through the town and interrupted by Kings Square. It then skims the northern edge of Obelisk Hill (now Monument Hill) and terminates just beyond it, at the east end of the town site. The town plan spread out from the confines of the peninsular along the line of Market Street/South Terrace. Market Street is set at right angles to High Street and aligns at one end with Ferry Point (the river port). At the other end it joins South Terrace, where it runs against the limestone edge of Church Hill. Kings Square is the pivotal point for the convergence of areas inland of Market Street.

The original plan remains legible. The ability to read the early town plan is aided by the way in which from these beginnings these areas evolved and can now be seen as having their own distinct identities derived from a combination of their locations and the influence of the changing patterns of use and activity within them, together with their contributions to both the adjoining precincts and the overall development of the City.

it is relevant to make the point that The Adelaide Park Lands and City Layout is being considered for inclusion on the National Heritage List and that the documentation supporting registration includes the following:

*The Adelaide Park Lands and City Layout is the physical expression of the 1837 Adelaide Plan designed and laid out by Colonel William Light.... It is an exemplar of a nineteenth century planned urban centre.... regarded throughout Australia and the world as a masterwork of urban design.... Designing the city layout to respond to the topography was highly innovative for its time with the northern sections of the city located and angled to take advantage of the rising ground while retaining the Torrens River as a feature within the parklands....It is substantially intact and reflects Light's design intentions with high integrity.*

it is important to recognise that the 1833 town plan of central Fremantle not only shares these characteristics with Adelaide but that it also pre-dates it by several years. Its significance should be acknowledged, and its heritage values afforded that same level of protection as being sought for Adelaide. The name King's Square together with the other street names shown on the original plan should be included on the list of items to be protected.





The first town plan of Fremantle submitted by the Surveyor-General to the Lieutenant-Governor for approval in March 1833.

King's Square is named on the original plan to commemorate the British monarch at the time, King William IV. The plan also shows the square edged not only by William Street but also by Adelaide Street, the name of King William's wife and Queen Street. King William IV was on the throne between 1830 and 1837. He was succeeded by Queen Victoria. Adelaide the capital city of South Australia was named after Queen Adelaide.

The name, King's Square stands as reminder of the date and origins of the British settlement of Fremantle. It is in effect an historical record. The foundation of Fremantle is obviously an important part of history of Western Australia and this link between the name of the square and the foundation of the colony and it is important that this evidence be retained and not diminished.

The fact that these very strong connection between the naming of the square and the streets around it, and the founding of Fremantle does not seem to be common knowledge highlights the importance of the role that education needs to play in communicating the natural and cultural heritage values linked to places in Fremantle to the community, particularly those who are making decisions about its future.

#### **Effective recognition of the Whadjuk people**

Every e-mail sent from the City of Fremantle includes the following statement:

*The City of Fremantle acknowledges the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.*

This declaration should serve as the guiding principle in regard to any judgements in regard to the perceived benefits brought forward to justify the renaming of Kings Square.

Whadjuk people have lived, for around 40,000 years, on the land where Fremantle now stands. Consequentially the history of Fremantle forms only a small part of the history of the greater Fremantle/Walyalup area.

Conveying the length and strength of the Whadjuk people's connection to the land should be the starting point or basis for all discussions about how to best conserve and interpret the sum of the natural and cultural heritage values attributed to Fremantle. Superficial gestures (no matter how well meaning) are unlikely to foster either the intended public awareness or the type of engagement that will lead to a deeper understanding of aboriginal culture and connection to the place.

Simply renaming Kings Square, which is a piece of British town planning dating from 1833 with strong connections to the British settlement of Fremantle, even if it is name after a prominent Whadjuk person of that period. This gesture does not acknowledge in a meaningful way the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area. It is therefore unlikely to significantly increase in the community's knowledge of the Whadjuk people's connection with the greater Fremantle/Walyalup area.

The 'phases' of the city's history are expressed in its landscape, townscapes, buildings and public areas. They are the physical evidence of how different areas have been affected by the cycles of change that are part of Fremantle's history. The care of these various cultural and natural heritage values should be managed in parallel to foster close working relationships between their co-existing and interrelated

heritage values. Conserving and interpreting the evidence of all these layers of Fremantle's history will heighten the understanding of its origins and how and why the landscape and the city have changed over time.

The first phase in the interpretation of the history of Fremantle must be of the 40,000-year phase before the arrival of the British settlers. The underlying need is to make the community aware in a tangible way of the longevity and nature of the Whadjuk people's interaction with the landscape. The Whadjuk 40,000 year connection with the land on which Fremantle was built provides the foundation and setting for Fremantle's multi-layered identity. Although the Whadjuk people's association to Fremantle does not end there, it is considered right that this fundamental fact be emphasised and recognised.

The strong correlation between the Fremantle's topography and its urban form (see map above) provides the opportunity for a multi-layered reading of the co-existing heritage values that help in defining the identity of Fremantle. Topographical features and other natural landmark elements that had a recognised Noongar name are well suited to renaming or dual naming. It is strongly recommended that this be considered and implemented.

Recognising that for the Whadjuk people the natural and cultural values of a place are indivisible should be the starting point for decisions on how best to conserve and interpret the cultural and heritage beliefs that the Whadjuk people attached to these landscape elements.

Interpretation is most likely to enhance understanding and engagement if place's natural features help in communicating its natural and cultural values. Natural features include rivers and streams, wetlands, ponds and lakes, hills, trees and flora, wildlife habitats and rock outcrops. Conserving a place's natural features provides for a better understanding of the relationships between its natural and cultural values. The way these attributes combine all contribute to creating a more tangible sense of the place's importance. These attributes could include the character and appearance of the land, including its shape, form, ecology, natural features, and elements. Intangible cultural heritage values may be reflected in cultural practices that:

- Relate to the use of a place.
- relate to the paths that connected places with their surroundings
- relate to a place as a whole or to particular spaces within the place.
- are specific to the place, have modified the place or have been modified by the place.

Combining the care of the natural environment with the conservation of the natural and cultural values that the traditional owners attribute to Fremantle provides a rationale for guiding an integrated approach to the conservation of Whadjuk cultural heritage in ways that would sustain its heritage values by protecting and enhancing the quality of the natural environment in urban areas. Taking this opportunity to learn lessons from the Whadjuk people on how to care for our natural environment and in so doing improve the quality of life of for present and future generations of the community. Hopefully it will also help make connections and provide insights which encourage a sense of shared identity that promotes a spirit of respect, reconciliation and integration within the broader community.



5 November 2020

Dr Brad Pettitt  
Mayor  
City of Fremantle  
PO Box 807  
Fremantle WA 6959

Dear Brad

**What's in a Name? The future of Kings Square**

Thank you for the opportunity to comment on the City of Fremantle's current discussion regarding the naming of Kings Square.

The History Council of Western Australia supports Fremantle's engagement with traditional owners and other members of our community as part of the Kings Square renewal project. We agree that the project presents an ideal opportunity to achieve desirable outcomes of the Walyalup Reconciliation Action Plan and the Aboriginal Place Name Initiative, both of which we enthusiastically support.

We also commend Fremantle's engagement in the dual naming of significant sites and the leadership the City provides in this practice to other Australian communities.

Given this precedent, the History Council **recommends the City considers the dual naming of Kings Square**, adding a Whadjuk Noongar name considered appropriate by traditional owners, while also retaining the current place name, 'Kings Square'.

A dual name, especially in two languages, points to the multiple histories that a single place might have. The dual naming of Kings Square will help our community see how history is made and remade over time; it will reveal a trajectory of change from our past to our future. Furthermore, dual naming of the site will give expression to the idea of co-existence that is articulated in the Uluru Statement.

Fremantle was at the heart of the nineteenth-century, frontier experience of the Swan River Colony. That frontier is a critical matter in the state's historical record and a powerful influence on our cultural heritage. Dual naming Kings Square would both acknowledge and remind us of that complex story.

Thank you again for considering this submission by the History Council. Please do not hesitate to contact me if you would like to discuss this further.

Yours sincerely

A handwritten signature in dark ink that reads "Deborah Gare". The signature is written in a cursive, flowing style.

Prof Deborah Gare  
President  
History Council of Western Australia



Fremantle Herald 27 March 2021 & 16 April 2021

# Miraculous Marion



by STEVE GRANT

REMARKABLE adventurer and businesswoman Marion Bell didn't make it through to the second round of the Kings Square renaming process, but her feats caught the committee's eye and she's been earmarked for possible recognition elsewhere in Fremantle.

Ms Bell became an international sensation in 1925 when she set out with her 11-year-old daughter (also Marion but dubbed Maid Marion by the press) to drive around Australia.

It was the first time a woman had attempted the feat, and like the Square renaming, there were those who deemed it a rash venture, as the *Sunday Times* noted just days before her departure: "However much the courage or foolhardiness of Mrs Marion Bell may be admired, the fact that she is taking her 11-year-old daughter with her on her motor drive to the east, via the north of this state, is causing a lot of unfavourable comment," the *Times* editorialised.

Members of parliament weighed in on the debate, while the police commissioner groaned that his only power to intervene was to offer a warning.

Ms Bell's "she'll be right" attitude also raised eyebrows, particularly when she admitted just a week out that she hadn't decided whether to head north or east first. In the end she discovered another small convoy had just headed north, so she decided to follow their path.

As mother and daughter headed towards Broome via the inland route, the roads turned into sandy tracks and the heat increased, but they came across another adventuring motorist, Mr JK Warner, and together they helped dig each other out of each scrape and get through.

"The heat was most trying, and sometimes we used to stop the car and crawl under it to get a little shade," Ms Bell recounted when she reached cooler climes.

THIS is the first part of our story on Marion Bell, unearthed as part of the Kings Square renaming as possibly worthy of recognition elsewhere in the city. It was quite a colourful life, so it might take a couple of editions to get through it; but trust us, it's worth the ride.



Portion of the large crowd which awaited their arrival at Perth at luncheon time two hours later.

"...but once insect pests and snakes were so troublesome that we camped on the hood of the car."

The journey almost ended in disaster near Fitzroy Crossing when she cracked the clutch housing of her Oldsmobile Six, which she'd purchased for £325. A local motoring enthusiast had a similar model and attempted to cannibalise his own car to repair hers, but when that didn't work he offered her the use of his own car.

This episode was to later cause some controversy, first when Ms Bell claimed that Warner had abandoned her for five days (a claim he strenuously denied with statements from other witnesses) and later when Smith's Weekly reported that the owner of the car, Jack Carey, accompanied the pair to Toowoomba and took the wheel on many occasions. If true, it undermined her claim to fame.

It was also near Fitzroy Crossing where the Bells had their first significant encounter with Indigenous people still living a relatively traditional lifestyle, coming across a group in full war regalia after a local conflict.

Hilariously, newspapers reported on the women's terror at the meeting, mirroring their previous tone about the recklessness of driving through "uncivilised" lands. But she scotched that on her return, reporting that the tribe actually helped pull her car out of a bog

and they'd had a great time exchanging mirrors and tobacco for spears, boomerangs and shields before she continued her journey.

In fact, Ms Bell said she was treated wonderfully by people of all creeds throughout the adventure.

The next stage, whether it was with or without Mr Carey as passenger, was eventful.

"I was just in time to catch some heavy storms between Dillmore and Woolloo, and was bogged several times, but succeeded after hard labour in getting through to Katherine, where I replenished my petrol supplies and made off to Cammowear Queensland," she later reported.

When the rain stopped, the sun beat down and the travellers had to lay branches across the sandy tracks in scorching 49C temperatures.

"Arriving at Brisbane tired out; burnt almost black, with eyes sore and my little girl equally as exhausted, we were the recipients of a wonderful welcome," she said.

The remainder of the journey was far less hazardous and was notable for the adulation she received in each town and city, with her fame spreading fast.

She arrived back in Perth on Wednesday April 7, 1926.

The *West Australian* reported: "An enthusiastic crowd thronged Forrest Place and the steps of the GPO."

• Continued next week



This week we finish our story about amazing Fremantle businesswoman and adventurer Marion Bell, who was a suggestion for the renaming of King's Square, but has instead been identified by Fremantle council as worthy of consideration somewhere else in the city. As we pick up the story, she's just returned from her journey around Australia - the first by a woman driver and certainly the first with an 11-year-old daughter in the passenger seat.

by STEVE GRANT

She arrived back in Perth on Wednesday April 7, 1926.

The West Australian reported: "An enthusiastic crowd thronged Forrest Place and the steps of the GPO. Scores of persons craned out of windows or leaned over the balconies of nearby buildings to watch the cars arrive shortly after 1pm."

While Ms Bell's decision to take her daughter on the trip may have worried others, she probably drew on her own adventurous youth for inspiration.

She was born in New Zealand and grew up on her grandmother's station in the Bay of Islands district of the North Island, later moving to Whangarei on the west coast.

One day as a 10-year-old she decided to take one of her father's racehorses and visit her grandmother - a distance of some 580 kilometres - without telling anyone. She wore the horse out about 150 kilometres short of her destination, but found shelter in a Maori hut and pushed on the next day to safety.

Apparently her most prized possession as a child was an atlas, and as a young woman she once rode the full length of the South

# Marvellous Marion



• A rare photo of Marion and one of her ambulances.

Island and travelled through the South Sea Islands and the Americas.

Ms Bell apparently had great business acumen; she ran a furrier's business in Sydney after moving to Australia, and even when it hit hard times and she lost £6000 she reportedly found other means to refill her bank account with £7000.

Arriving in Fremantle in 1924, she started a charabanc business (something between a bus and a taxi) with just one vehicle offering trips up and down to the Perth CBD. Eighteen months later she'd expanded it to a fleet of five.

She's not the only entrepreneur capitalising on the state government's inability to run it trains on time, and they face open hostility from authorities who, when word leaks out, the backlash

from a public which has finally got used to the idea of being able to turn up to appointments on time, is so strident that they back off.

By 1929 Ms Bell and her husband bought out the Fremantle Taxi Service, which operates opposite the railway station and tram terminus, adding her sedans known as the Fremantle "De Luxe" Sedan Taxi.

It has been claimed Ms Bell set up Fremantle's first taxi service, but her adverts in contemporary newspapers revealed that she "took charge" of the Fremantle Citizen's Ambulance when she purchased the taxi company.

She did reform the service significantly, hiring ambulance officers with first aid training

- something relieved columnists noted hadn't always been the case. They also noted that she wasn't above jumping behind the wheel herself if there wasn't anyone else available in the bustling business - and apparently "there was no speed limit".

Although her name was mentioned with reverence in newspaper articles and journals for many years as a result of her trip around the country, she didn't escape without some controversy.

A Fremantle publication, The Weekly Herald, reported that her husband Tom was charged with common assault after knocking out a rival conductor "over starting times and priority of place at the charabanc stand". Mr

Bell's defence of being too timid to have instigated the fight wasn't washing with the judge who knew of his boxing experience, so he offered up that Mrs Bell was so displeased with his lack of pluck that she'd "roared him up" so he'd put up a decent fight.

She was also told off by Fremantle council for not putting up a fence around her home in Queen Victoria Street "as promised", while in February 1927 she was walking along Market Street to when seaman Joseph Olsen grabbed her by the throat. Her screams scared him off, and when Tom drove up moments later they went after him, holding him until police arrived for an arrest.



• Not quite a horse-drawn cart, not quite a bus and not quite a taxi, but Marion Bell's Char-a-bancs were very popular with passengers sick of the trains arriving late.