



Agenda

Ordinary Meeting of Council

Wednesday 11 December 2024 6:00 pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 11 December 2024** in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

A handwritten signature in black ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

4 December 2024



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Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge 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.

Attendance, apologies and leave of absence

Apologies

There are no previously received apologies.

Leave of absence

There are no previously received leave of absence.

Applications for leave of absence

Elected members may request leave of absence.

Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO or at the meeting.

Responses to previous public questions taken on notice

There are no responses to public questions taken on notice at a previous meeting.

Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time. Further guidance on public question time can be viewed [here](#), or upon entering the meeting.



Petitions

Petitions may be tabled at the meeting with agreement of the presiding member.

Deputations

A deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 27 November 2024.

Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.



Reports and recommendations from officers

Planning reports

C2412-1 SOUTH STREET, NO. 1/364 (LOT 4), O'CONNOR - CHANGE OF USE TO RESTRICTED PREMISES AND SIGNAGE – (JD DA0325/24)

Meeting date:	11 December 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Development Plans - Restricted Premises
Additional Information: <i>(viewed electronically)</i>	2. Applicant Cover Letter - Restricted Premises
	3. Main Roads Referral Response
	4. Schedule of Submissions
	5. Site Photos

SUMMARY

Approval is sought for a change of use from a Bulky goods showroom to a Restricted premises at No. 1/364 (Lot 4) South Street, O'Connor.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- **Land use**
- **Parking**
- **Signage**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use from Bulky goods showroom to Restricted premises and signage at No. 364 (Lot 4) South Street, O'Connor (subject site). The proposed works include:

- Internal fitout of the premises for the retail sale of products.
- Installation of an internal partition wall.



- Installation of signage to the existing roof façade and windows on the south and west aspects.
- Installation of opaque adhesive film to the remainder of the window area.
- PA (personnel access) door and roller door indicated on plans are existing.

Development plans are included as Attachment 1.

Site/application information

Date received: 17 October 2024
Owner name: Elias Jiries Majrouh, Rita Assall Majrouh
Submitted by: Exurban Rural & Regional Planning
Scheme: Commercial Zone
Heritage listing: Not Listed
Existing land use: Bulky Goods Showroom
Use class: Restricted Premises
Use permissibility: A

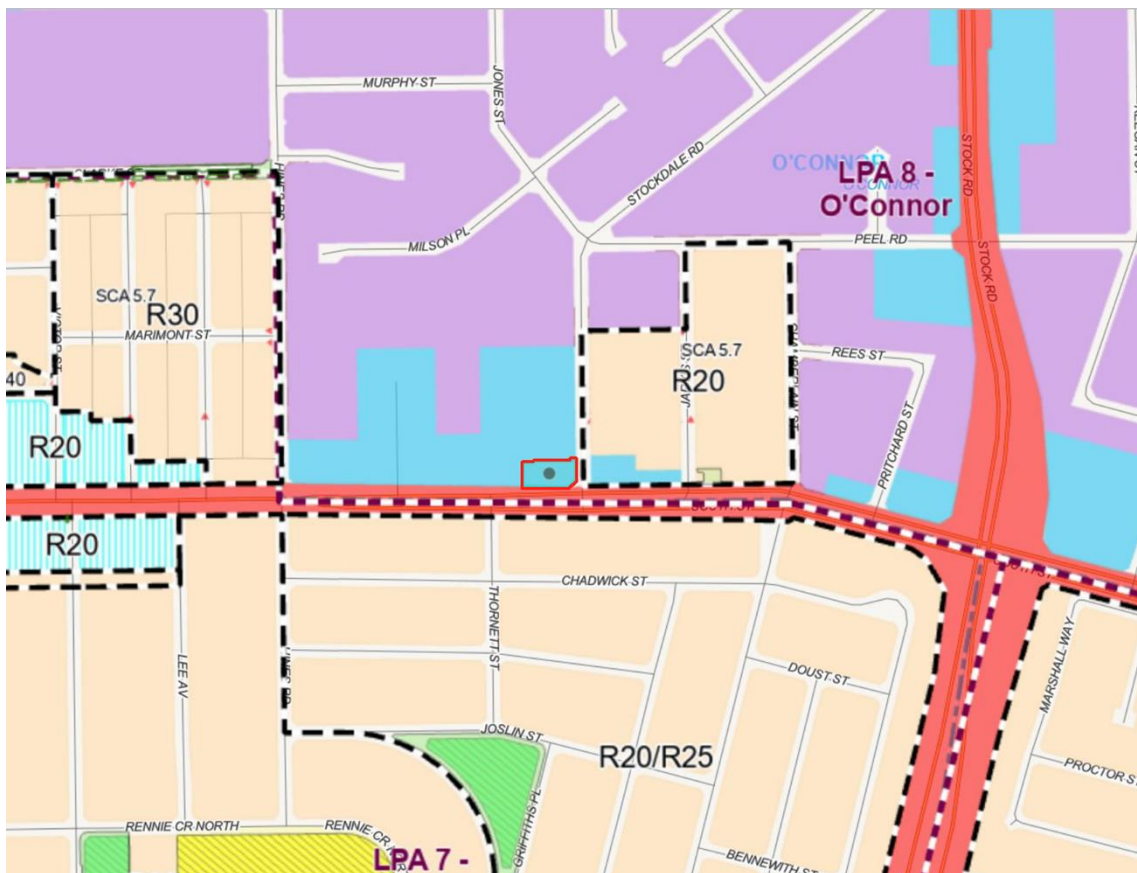


Figure 1 – Planning context map (subject site outlined in red located in the Commercial zone).



Figure 2 – Premises 1/364 South Street outlined in red.

CONSULTATION

External referrals

Main Roads Western Australia (MRWA)

The application was referred to MRWA for comment as the site abuts a Primary Regional Road reservation. MRWA have advised that they have no objection to the proposal subject to the following conditions and advice notes:

Conditions

- 1. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.*
- 2. The signage must not contain fluorescent, reflective, or retro-reflective colours or materials.*

Advice

- a) Main Roads agreement is to be obtained prior to any future modifications.*

The Main Roads referral response is included as Additional Information 3.



Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme. The advertising period concluded on 27 November 2024, and twelve (12) submissions objecting to the proposal were received. The following issues were raised (summarised), with verbatim submissions included as Additional Information 4 to this report:

Issue	Officer Comment
Proliferation of inappropriate uses (sales of drug paraphernalia and massage shops), citing the family driven and unique community that lives nearby.	<ul style="list-style-type: none"> • While a vape store was previously in the adjoining tenancy, this is no longer in operation. • Assessment of the land use is addressed in the Officer comment below. Moral considerations are not applicable.
Concern regarding the activity (crime, antisocial behaviour) that may result and demographic that could be attracted to the zone.	<ul style="list-style-type: none"> • Illegal activity is a police matter. • The applicant has proposed standard, day time opening hours and a condition of approval is recommended as such.
Deterrent to new residents who may want to move to the area and make it difficult to sell and/or depreciate property values.	<ul style="list-style-type: none"> • The effect of the land use on the real estate market is not an applicable planning consideration. • The appropriateness of the land use with consideration to the objectives of the Commercial zone, and impact on the amenity of the area, is discussed in the Officer comment.
Use is not appropriate for suburbia.	<ul style="list-style-type: none"> • The subject site is located within the Commercial zone on a Primary Regional Road.
Adult products are available online.	<ul style="list-style-type: none"> • The opportunity to purchase a product in a different manner, does not preclude consideration of a physical premise.
Concerned with regard to its location and potential influence on schools, family areas and other locations.	<ul style="list-style-type: none"> • While moral considerations are not directly linked with a planning assessment of the proposal, the subject site is reasonably well separated from schools and the like.
Exposure to signage from the business inappropriate.	<ul style="list-style-type: none"> • The signage proposed identifies the name of the business and does not include any explicit detail.



OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Land use
- Parking
- Signage

The above matters are discussed below.

Background

The subject site is located on the northern side of South Street. The site has a land area of approximately 227m² and is currently a vacant Bulky goods showroom. The site is zoned Commercial. The site is not individually heritage listed and is not located within a heritage area.

A search of the property file has revealed the following history for the site:

- WAPC147100 – Subdivision approval (units 4-8 to become units 1-5 on a separate parent lot)
- DA230/87 – Warehouse/showroom development

The premises is located adjacent to a variety of land uses including shops, veterinary centre, bulky goods showrooms and garden centre.

Land Use

A Restricted premises is an 'A' use in the Commercial Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters have been considered:

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) The amenity of the locality including the following:*



- (i) Environmental impacts of the development*
- (ii) The character of the locality*
- (iii) Social impacts of the development*
- (y) Any submissions received on the application.*

For the purpose of assessing matter (a) above, the objectives of the Commercial zone are as follows:

Development within the commercial zone shall—

- (i) provide for the development of offices and associated commercial and larger scale uses, including showrooms, and warehouses and uses requiring outdoor displays,*
- (ii) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (iii) to conserve places of heritage significance the subject of or affected by the development.*

The proposed development is considered to address the above matters for the following reasons:

- The proposal is a commercial use and is appropriate for the zoning as well as the context of the immediate surrounding area (the site is in an area surrounded by other similar commercial/retail land uses). The establishment of the zone on a major road, provides the opportunity for there to be a dense mix and diversity of commercial uses on the lot.
- The proposal does not abut any residential properties to the north, east or west and is separated by approximately 54m to the residential properties to the south on the opposite side of South Street (refer Figure 3 below).
- The signage is not proposed to contain any illuminated or reflective material or the like. Regardless of this, a condition is recommended that the signage must not contain any flashing or moving light, radio animation or movement, or any reflective/fluorescent materials in its design.
- The proposal is not expected to result in an increase in traffic or visitation to the area compared to the existing Bulky goods showroom land use.
- Moral considerations are not relevant unless they manifest in a physical impact on amenity. If a use is possible under the scheme, and is not illegal, there are no grounds to refuse it on that basis alone. An illegal activity is one that is a criminal offence to carry on, which, there is no evidence to suggest that is the case for this application.



Figure 3 – Image illustrating the separation of the subject site from the opposing residential properties.

Car parking

Element	Requirement	Proposed	Extent of Variation
Restricted premises	*Not specified Refer Note 1 below. Shop ratio - 1: 20m ² NLA (minimum 2 bays) 140m ² NLA / 7 bays	25 bays in common property / 5 per tenancy	2 bays

Note 1: In accordance with clause 4.7.1 (C) of the City's LPS4 where vehicle parking provisions are not prescribed for a particular use the requirement will be determined by the Council. In this instance, it is considered appropriate to apply the parking ratio for a Shop land use.

In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—

- (i) *The availability of car parking in the locality including street parking;*
- (ii) *the availability of public transport in the locality;*



- (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (iv) *any car parking deficiency or surplus associated with the existing use of the land;*
- (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory;*
- (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement;*
- (vii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation; and/or*
- (viii) *any other relevant considerations.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the LPS4 for the following reasons:

- The shortfall in parking is considered relatively minor and can be absorbed into the remaining parking bays within the common property (which provide parking for a veterinary centre, 'op shop', massage parlour and shoe store). It is considered that the parking bays allocated to the adjacent tenancies do not experience a high demand for parking and will fluctuate in availability throughout the day.
- The subject site is located on a high frequency bus route which runs along South Street.
- Given the scale of the proposed development, it is not considered that it will contribute to a significant increase in traffic volume, nor will bays be occupied for a significant amount of time if people do drive to the site.
- There will be no immediate impact to parking availability for residential dwellings due to the sites location in the Commercial zone.
- Although there are no planning approvals evident for the use, a Bulky goods showroom has operated on the site for a considerable period of time. This use required 1 bay per 50m² of gross lettable area (minimum of four (4) bays required) and one (1) delivery bay. It is considered that the existing use is generally consistent with the parking required for the proposed use which should not result in any significant increase in parking demand for the site.

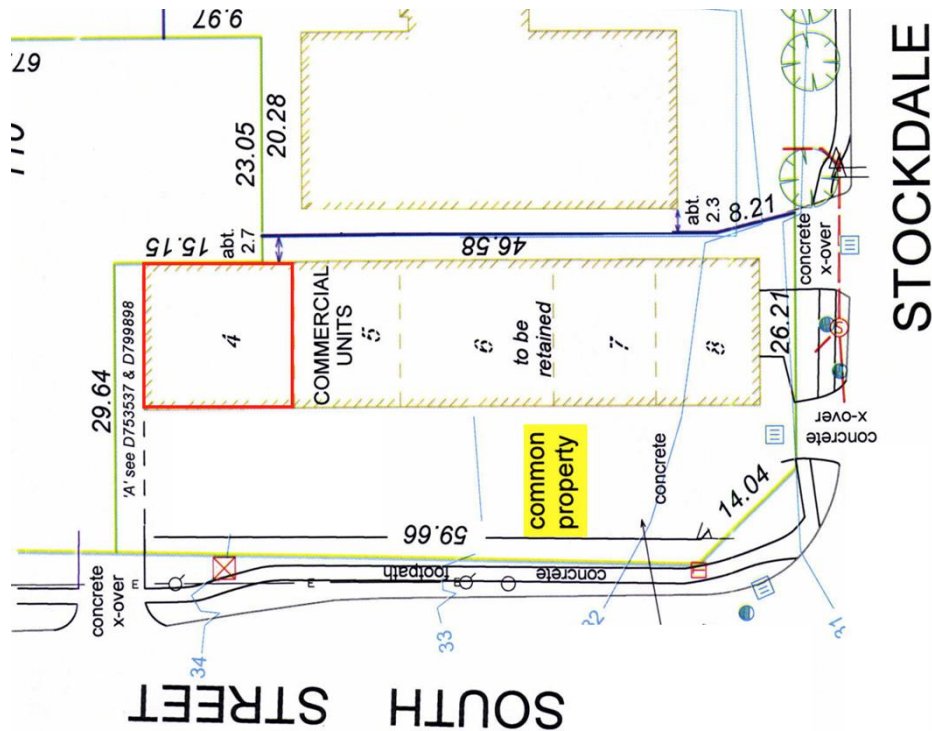


Figure 4 – Subdivision plan indicating the parking area as common property i.e., shared parking. There is no parking agreement allocating parking to specific tenancies (parking in the common property is shared amongst the tenancies)

Local Planning Policies

Local Planning Policy 2.14 – Advertisement Policy

1. General Advertisement Provisions	Officer Comment:
<p>1.1 General requirements applicable to all signs:</p> <p>(a) Advertisements will not be approved on properties primarily used for residential purposes where the advertisement does not pertain to a relevant home business, occupation or store on the site unless otherwise provided for in another local planning policy.</p> <p>(b) Advertisements are to be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users.</p> <p>(c) Advertisements will be compatible with the style, scale and character of the surrounding streetscape, and the predominant uses within the locality. Consideration will be given to the number and type of existing signs in the locality so as to avoid visual clutter.</p>	<p>The proposed signage satisfies the provisions of the policy for the following reasons:</p> <p>(a) The signage is proposed on a commercial property.</p> <p>(b) The signage is setback a minimum of 20m from the edge of South Street. There is no illumination or reflective materials. There should be no additional distraction to motorists over the existing signage. Main</p>



<p>(d) Advertisements shall not impede pedestrian or vehicle movements.</p> <p>(e) Illuminated signs are to be maintained to operate as an illuminated sign; and</p> <p>(f) Advertisements are not to emit a flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.</p> <p>(g) Advertisements in the form of an Animated signs will not, be supported by Council.</p> <p>(h) Advertisements will not be approved on private land which include,</p> <p>i. the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located, or</p> <p>ii. a product or service not provided on the site on which the advertisement is located;</p> <p>iii. a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or</p> <p>iv. signs for an activity or event not occurring on the site on which the advertisement is located.</p>	<p>Roads has also not raised an objection.</p> <p>(c) The proposed signage is consistent with adjacent commercial tenancies which feature a range of colour, texts sizes and scales.</p> <p>(d) There will be no impact to pedestrian or vehicle movement.</p> <p>(e) There is no proposed illumination for the signage.</p> <p>(f) There is no proposed animation for the signage.</p> <p>(g) The signage directly relates to the proposed land use of the site.</p>
<p>2.6 Window Sign</p>	<p>Officer Comment:</p>
<p>2.6.1 Window Signs are deemed acceptable where:</p> <p>(a) Casual surveillance of the street is sufficiently maintained; and</p> <p>(b) The advertisement is no more than 50% coverage of the total window area of the tenancy.</p>	<p>The proposed signage does meet the criteria for the following reasons:</p> <p>(a) Casual surveillance of the street is reduced to nil (the windows are visually impermeable due to the application of opaque window film material).</p> <p>(b) The material and words combined will cover the entirety of the tenancy window area.</p> <p>Refer Clause 3 Variations to Standards below.</p>



2.7 Roof Signs	Officer Comment:
<p>2.7.1 Roof signs are deemed acceptable where:</p> <p>(a) The advertisement does not project more than 1.5m above the height part of the roofline and does not exceed the length of the tenancy; and</p> <p>(b) The advertisement is restricted to one sign per street frontage per tenancy and can be illuminated and / or double sided</p> <p>(c) The advertisement does not overshadow major openings or outdoor living space of neighbouring residential properties.</p>	<p>The proposed signage complies for the following reasons:</p> <p>(a) The proposed signage will not project greater than 1.5m above the roofline of the tenancy.</p> <p>(b) The roof signage is proposed to a single street frontage.</p> <p>(c) The advertisement will not overshadow any neighboring residential properties.</p> <p>Note: Clause 5 of LPP2.14 exempts advertisements in the following instances - <i>Any change to the words, pictures, symbols or colours of any approved advertisement where the change does not alter the size or purpose of the approved advertisement.</i></p> <p>There is no planning approval evident on file for the 'Fridge and Washer City' roof signage however, it has existed since at least 2007.</p>
3. Variations to Standards	Officer Comment:
<p>3.1 Council may vary the requirements outlined within Clause 1 and 2 where it can be demonstrated that the following can be met to the satisfaction of the Council:</p> <p>(a) The cumulative effect of the signage does not negatively impact on the surrounding locality by way of visual clutter; and</p> <p>(b) The scale and design of the signage is subservient to the building to which it relates, are sized in proportion with parapets, panels, windows and wall areas within close proximity to the proposed sign so as to not dominate the view of the building from the street.</p>	<p>The proposed window signage variation outlined in clause 2.6 is considered to satisfy the requirements of clause 3 for the following reasons:</p> <p>(a) The proposed window signage will not result in any visual clutter as the words make up a only a minor area on the window frontage. The greyed out area of the window frontage will not result in any</p>



	<p>visual clutter due to its uniform appearance.</p> <p>(b) The windows on the premises are existing, the window signage will not add any additional bulk or scale to the existing built form.</p>
<p>5. Exempted Advertisements</p>	<p>Officer Comment:</p>
<p>In all zones, excluding the Residential zone - Sign not permanently attached (refer to definition in Schedule 1 of the Scheme).</p> <p>Requirements –</p> <ul style="list-style-type: none"> • One per street frontage, • located on the lot to which the sign relates and directly relating to the goods, services, or functions of the property on which it is located, • maximum area 2sqm, and • does not pose a hazard or obstruction to vehicle and/or pedestrian movement or sightlines. 	<p>The proposed A-frame sign complies for the following reasons:</p> <ul style="list-style-type: none"> • One A-frame sign proposed. • It will be located on the lot where the products will be sold. • The sign is 1m² on each side. • An advice note will be applied that will state the signage is to be located in an area that will not impede traffic or pedestrian movement.

CONCLUSION

Approval is sought for a change of use from a Bulky goods showroom to a Restricted premises at No. 1/364 (Lot 4) South Street, O’Connor. In accordance with the above assessment, it is considered that the proposed change of use is consistent with the intent and purpose of the Commercial zone and will not result in a detrimental impact to the amenity of the area. While it is acknowledged that there are concerns regarding the products being sold at this premises, moral considerations are not a relevant planning consideration, and the scale and level of activity proposed at this site is suitable for the Commercial zone.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:



Thriving City - Attraction and retention of diversified investment and talent

- A diverse range of employment options across multiple sectors enable more people to work in Fremantle.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use from Bulky Goods Showroom to Restricted Premises and Signage at No. 1/364 (Lot 4) South Street, O'Connor, subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 17 October 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.**
- 2. The Restricted Premises hereby approved shall be limited to the operating hours of 9:30am to 5:30pm Monday to Sunday, excluding Christmas Day.**
- 3. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.**
- 4. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.**



- 5. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.**

Advice note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.**
- ii. Main Roads agreement is to be obtained prior to any future modifications.**
- iii. Any additional signage may require additional approval from the City of Fremantle.**



**C2412-2 (S.31 SAT RECONSIDERATION) RENNIE CRESCENT, NO. 90
(STRATA LOT 1), HILTON - UNAUTHORISED ADDITIONS TO
EXISTING SINGLE HOUSE (ED DA0130/24)**

Meeting date:	11 December 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Plans 2. Indicative Landscaping Images
Additional Information: <i>(viewed electronically)</i>	3. Superseded Plans 4. Site Photos

SUMMARY

Approval is sought for unauthorised additions to an existing Single house at No. 90 (Strata Lot 1) Rennie Crescent, Hilton.

On 10 July 2024, Council considered this application and unanimously resolved to:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Unauthorised Additions to Existing Single House at No. 90 (Strata Lot 1) Rennie Crescent, Hilton, as detailed on plans dated 2 May 2024, for the following reasons:

- 1. By virtue of the unauthorised detached additions' location forward of the original dwelling, within the street setback area at a reduced street setback, the addition has an adverse visual impact upon the established and prevailing streetscape character of this section of Rennie Crescent and the character of the wider Hilton Heritage Area generally. As such, the proposal does not comply with clauses 1.2 and 5.2 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy.***
- 2. By virtue of the front fence around the street setback area being constructed of solid, 1.8m high metal sheeting (colorbond) with no visual permeability, the fence does not allow for any passive surveillance from the dwelling over the public street, is a visually dominant structure that has an adverse impact upon the prevailing streetscape character and is not constructed of materials or of a design that is reflective of fencing styles traditional to the area. As such, the proposal does not comply with clause 1.5 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy***



In August 2024, the applicant appealed the decision to the State Administrative Tribunal (SAT). The parties were invited to participate in onsite mediation (10 October 2021), which included the participation of the landowners, applicant, City officers and Elected Members.

Following this mediation, the SAT issued a direction, pursuant to s. 31(1) of the State Administrative Tribunal Act 2004 (WA), inviting the City to reconsider an amended proposal. This amended proposal is the subject of the current report.

The applicant has submitted an amended proposal that includes the following amendments and additional information:

- **The existing solid (visually impermeable) 1.8m colorbond fence which is currently 900mm from the street boundary, is proposed to be altered. It is proposed to align with the setback of the existing unauthorised structure (setback 4.36m from the street boundary) – refer amended development plans at attachment 1; and**
- **Introduction of additional landscaping and tree planting in front setback area (in front of fencing and structure) to soften visual impact – refer amended site plan at attachment 1 and indicative landscaping imagery at attachment 2.**
- **No change to the location of the building marked as “ancillary structure” on the plans.**

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for unauthorised additions to existing Single house at No. 90 (Strata Lot 1) Rennie Crescent, Hilton (subject site).

The unauthorised works include (refer also, site photos at additional information 4):

- **Addition of a detached, habitable building in the front setback area of the existing dwelling, setback 4.36m from the street boundary. The structure has an internal area of 10.1m² with the following external dimensions: 3.75m length x 3.6m width x 2.4m height (max).**



NB. The addition does not constitute an *ancillary dwelling* addition as the habitable structure is not considered *self-contained* (i.e. does not provide an independent bathroom and kitchen from the main, existing dwelling).

- Solid (visually impermeable), 1.8m metal sheeting (Colorbond) fencing within the front setback area of the existing dwelling, screening the unauthorised building from the street.

It should be noted the application does not involve any alterations to the single house on the subject site.

On 10 July 2024, Council considered this application and unanimously resolved to: *REFUSE*, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, *Unauthorised Additions to Existing Single House at No. 90 (Strata Lot 1) Rennie Crescent, Hilton, as detailed on plans dated 2 May 2024, for the following reasons:*

- 3. By virtue of the unauthorised detached additions' location forward of the original dwelling, within the street setback area at a reduced street setback, the addition has an adverse visual impact upon the established and prevailing streetscape character of this section of Rennie Crescent and the character of the wider Hilton Heritage Area generally. As such, the proposal does not comply with clauses 1.2 and 5.2 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy.*
- 4. By virtue of the front fence around the street setback area being constructed of solid, 1.8m high metal sheeting (colorbond) with no visual permeability, the fence does not allow for any passive surveillance from the dwelling over the public street, is a visually dominant structure that has an adverse impact upon the prevailing streetscape character and is not constructed of materials or of a design that is reflective of fencing styles traditional to the area. As such, the proposal does not comply with clause 1.5 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy*

In August 2024, the applicant appealed the decision to the State Administrative Tribunal (SAT). The parties were invited to participate in onsite mediation (10 October 2021), which included the participation of the landowners, applicant, City officers and Councillors.

Following this mediation, the SAT issued a direction, pursuant to s. 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, inviting the City to reconsider an amended proposal. This reconsideration and the amended proposal is the subject of this report.



The applicant has submitted an amended proposal that includes the following amendments and additional information:

- The existing solid (visually impermeable) 1.8m colorbond fence which is currently 900mm from the street boundary, is proposed to be altered. It is proposed to align with the setback of the existing unauthorised structure (setback 4.36m from the street boundary) – refer amended development plans at attachment 1; and
- Introduction of additional landscaping and tree planting in front setback area (in front of fencing and structure) to soften visual impact – refer amended site plan at attachment 1 and indicative landscaping imagery at attachment 2.
- No change to the location of the building marked as “ancillary structure” on the plans.

The amended development plans are included as attachment 1 and the indicative landscaping imagery is included as attachment 2.

Site/application information

Date received:	6 May 2024
Owner name:	Jacqueline Linda Robinson
Submitted by:	Roberto Olivieri
Scheme:	Residential R20
Heritage listing:	Hilton Garden Suburb Precinct
Existing land use:	Single House
Use class:	Single House
Use permissibility:	P





CONSULTATION

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising period concluded on 6 June 2024, and Nil (0) submissions were received.

The proposed alterations to the plans are considered to be of a minor nature and were not readvertised in accordance with LPP 1.3 Community Consultation on Planning Proposals.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Hilton Garden Suburb Precinct Heritage Area Policy:
 - Street Setback
 - Extensions and Additions
 - Front Fencing

The above matters are discussed below.

Background

The subject site is located on the southern side of Rennie Crescent in Hilton. The site has a land area of approximately 504m² and is currently a Single house. The site is zoned Residential and has a density coding of R20. The site is not individually heritage listed although it is located within the Hilton Garden Suburb Precinct Heritage Area.

The surrounding area is predominantly characterised by single storey Single houses and Grouped dwellings with some two storey elements on rear lots.

A search of the property file has revealed the following history for the site:

- DA0044/21 - Outbuilding Addition to Existing Single House (withdrawn)



It is noted that the above application, which involved the addition of an outbuilding within front setback area (similar to the proposal in this application) was withdrawn by the applicant on 25 August 2021. This was subsequent to advice from City officers that the proposed additions would not be supported within the front setback area of the dwelling due to the impact upon the prevailing streetscape of this section of Rennie Crescent and in accordance with relevant planning policies.

The City was made aware a structure had been erected in the front setback area without development approval or a building permit and retrospective approval was sought, as is the subject of this application. This retrospective approval was ultimately refused by the Council at its meeting on 10 July 2024.

In August 2024, the applicant appealed this decision to the State Administrative Tribunal (SAT). The SAT have subsequently invited the City to reconsider an amended proposal, as is the subject of this report.

Hilton Garden Suburb Precinct Heritage Area Policy Provisions (LPP 3.7)

Streetscape Requirements

Element	Requirement	Proposed	Extent of Variation
Cl. 1.2 – Setback of Buildings not under the main roof of the dwelling	7m (minimum street setback)	4.3m	2.7m

NB. The amended plans have not been altered with regard to the existing, unauthorised structure design or location on the subject site.

Clause 5.2 (Extension and Additions) of LPP3.7 provides that *new extensions or additions shall be located at the rear or side of the original dwelling*. The unauthorised addition is located in front of the existing dwelling (projecting 3.2m forward of the dwelling) and in the front setback area of the site.

LPP 3.7 provides that Council may, at its discretion, allow a lesser setback of the building from the primary street where it is satisfied that the development meets one of the following criteria:

- (a) Where the proposed setback of the building is consistent with the setback of buildings within the prevailing streetscape; or*
- (b) Where due to the nature of the road and/or lot layout in the locality or the topography of the land, the proposed setback of the building does not result in a projecting element into an established streetscape vista; or*

- (c) *Where the proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to provisions of LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).*

The proposed street setback and location of the unauthorised detached addition has not been altered in the amended plans and remains in front of the existing dwelling, which does not comply with LPP3.7 for the following reasons:

- The unauthorised structure projects 3.2m into the street setback area forward of the original dwelling and is setback 4.3m from the street boundary, is considered to have an adverse visual impact upon the established streetscape of this section of Rennie Crescent. The prevailing streetscape character of this section of Rennie Crescent is established by a generally consistent street setback of the single storey dwellings (approx. 6m) and the unauthorised addition is the only structure or built form element that projects forward into the established streetscape vista, to the detriment of its visual character, refer Figure 1 below.



Figure 1 - Aerial photo showing location of unauthorised addition (outline highlighted pink) forward of established streetscape vista.

- The unauthorised addition is of a materiality, built form and design that is inconsistent with the original dwelling on the subject site and the locality generally. This adds to the adverse visual impact the structure has upon the streetscape and character of the heritage area generally.



- The addition does not facilitate the retention of a mature, significant tree nor preserve any elements of heritage significance. It is noted by officers that alternative locations for the addition, behind the façade and to the side of the original dwelling on the subject site, appears possible and would be considered more favourably and better align with policy intent and objectives.

Notwithstanding the above, the proposed alterations to the fence may assist in mitigating the visual impact by introducing landscaping and tree planting in front of the structure that could soften the appearance of the structure.

Should Council be of the mind to approve the application, it is recommended appropriate conditions of approval are imposed to secure further detail and implementation of the proposed landscaping.

Street Walls / Fences

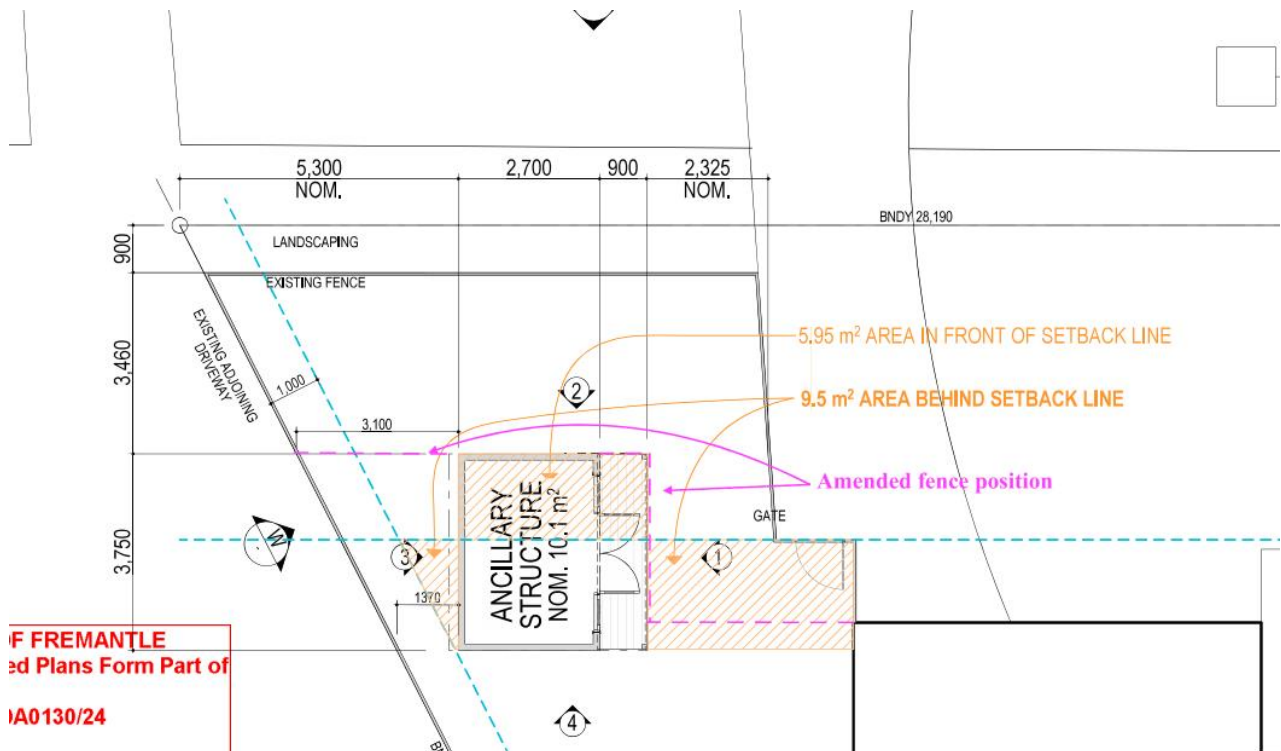
Element	Requirement	Proposed	Extent of Variation
Cl 1.5 – Street Walls and Fences	<p>a maximum height of 0.9 metres and shall be a minimum of 20% visually permeable above 300millimetres; OR</p> <p>a maximum height of 1.2 metres and shall be a minimum 50% visually permeable above 300 millimetres; OR</p> <p>a maximum height of 1.5 metres and shall be a minimum of 85% visually permeable above 300 millimetres.</p> <p>NB. Cl. 1.5.1 also provides that fencing with a high proportion of visual permeability and reflective of fencing styles and materials traditional to the area (primarily post and wire/mesh infill) is strongly encouraged.</p>	<p>Solid, 1.8m Colorbond Fencing with no degree of visual permeability</p> <p><i>NB. the amended development plans have increased the street setback of the solid, 1.8m fencing, to align with street setback of the existing unauthorised structure (setback 4.36m from the street boundary) – refer amended development plans at attachment 1.</i></p>	0.9 – 0.3m and visually permeability.



Cl. 1.5.4 of the policy provides that Council may, at its discretion, vary the requirements of clause 1.5.1 where it is satisfied that the proposed street wall and/or fence:

- (a) *Is consistent with character of the prevailing streetscape (including, in relation to this clause only, the house directly across the street and the three houses on either side of that opposing house, where these are located within the Hilton Heritage Areas) AND maintains clear surveillance between the street and the dwelling.*
Notwithstanding this, visually impermeable fencing above 300 millimetres in height will not be supported.

The existing visually impermeable 1.8m colorbond fencing within the front setback area is proposed in the amended plans (attachment 1) to be setback and realigned an additional 3.46m from the street boundary of the subject site to align with the street setback of the existing unauthorised structure (setback 4.36m from the street boundary) – refer amended development plans at attachment 1 and the previously considered plans, Additional Information 3, comparing the revised location for the fencing (excerpt below)



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Figure 2- Altered fenceline (grey line existing, pink line proposed)



While the increased street setback of the fencing is acknowledged, the proposed front fencing remains inconsistent with LPP3.7 and the design principles of the Residential Design Codes (R-Codes) for the following reasons:

- The unauthorised front fence exceeds all height allowances of the policy and does not provide any degree of visual permeability to a height of 1.8m. The solid nature of the fence restricts the opportunity for passive surveillance.
- The amended front fence design detracts from the the prevailing streetscape which is characterised by lower front fences with high degrees of visual permeability.
- The amended front fence, which remains 1.8m high and visually impermeable is a visually dominant structure that has an adverse impact upon the prevailing streetscape character.
- The amended front fence, constructed of 1.8m high solid painted metal sheeting (colorbond) is not reflective of fencing styles and materials traditional to the area such as the timber picket fencing or posts with wire/mesh infill.
- While the outdoor living space for the dwelling is predominantly on the side of the house, a solid fence or other screening would be permitted in line with the front wall of the house (set back further than proposed)It is therefore not considered necessary to have the fence within the street setback area to afford privacy to outdoor living space.
- The street is not a major road that requires a solid fence for noise attenuation.

Notwithstanding the above, the amended development plans do show an improvement from the previous proposal that had the fence 900mm from the street boundary.

It is also acknowledged by officers that the extent of the fencing is only on the western side of the existing dwelling on the subject site; the remainder of the existing fencing within the front setback area, directly in front and on the eastern side of the existing dwelling is fully compliant with policy, allowing visual permeability to and from the dwelling and passive surveillance over the remainder of the front of the subject site.

Should Council be of the mind to approve the application, it is recommended appropriate conditions of approval are imposed to secure further detail and implementation of the proposed landscaping.

State Planning Policy

State Planning Policy 3.5 - Historic Heritage Conservation

The proposed development is inconsistent with the development control principles of SPP3.5 which states that development should respect and compliment the heritage significance of the area. In this instance, it is considered that the detached addition located within the front setback area of the existing dwelling and projecting into the established streetscape vista of this section of Rennie



Crescent will have an adverse visual impact upon the established streetscape character and the structure is also more generally incompatible with the siting, scale, external form and architectural style of development within the streetscape and surrounding heritage area.

CONCLUSION

In conclusion, while officers acknowledge that the amended development plans will assist in mitigating the visual impact of the unauthorized structure and front fencing by introducing landscaping and tree planting in front of the structure and fencing to soften the bulk and visual impact these structures within the Rennie Crescent streetscape, these structures remain inconsistent with the provisions, intent and objectives of the Hilton Garden Suburb Precinct Heritage Area Policy (LPP 3.7) and are seen to have an adverse visual impact upon the prevailing streetscape character of this section of Rennie Crescent and the Hilton Heritage Area generally.

It is for the reasons detailed in the officer assessment above, the amended application the council is being asked to reconsider, is recommended for refusal.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Unauthorised Additions to Existing Single House at No. 90 (Strata Lot 1) Rennie Crescent, Hilton, as detailed on plans dated 2 May 2024, for the following reasons:



- 1. By virtue of the unauthorised detached additions' location forward of the original dwelling, within the street setback area at a reduced street setback, the addition has an adverse visual impact upon the established and prevailing streetscape character of this section of Rennie Crescent and the character of the wider Hilton Heritage Area generally. As such, the proposal does not comply with clauses 1.2 and 5.2 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy.**
- 2. By virtue of the front fence within the street setback area being constructed of solid, 1.8m high metal sheeting (colorbond) with no visual permeability, the fence is a visually dominant structure that has an adverse impact upon the prevailing streetscape character and is not constructed of materials or of a design that is reflective of fencing styles traditional to the area. As such, the proposal does not comply with clause 1.5 of Local Planning Policy 3.7 – Hilton Garden Suburb Precinct Heritage Area Policy and 5.2.4 Street Walls and Fences (Part B Residential Design Codes).**



**C2412-3 DAVIS PARK SUBDIVISION (STAGE 1) - MULTIPLE LOTS,
BEACONSFIELD (ED WAPC200859)**

Meeting date:	11 December 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Plan of Subdivision (DPLH Stamped) - Davis Park Subdivision Stage 12. Applicant Supporting Letter - Subdivision Application - Davis Park Precinct - Stage 13. South Street Sub - Precinct Local Development Plan4. Transition Sub - Precinct Local Development Plan
Additional Information: <i>(viewed electronically)</i>	<ol style="list-style-type: none">5. Transport Impact Assessment6. Transport Noise Assessment7. Davis Park Precinct Structure Plan (May 2021)8. Heart of Beaconsfield Master Plan - April 2021

SUMMARY

Approval is sought for the freehold subdivision of multiple lots surrounding and adjacent to Davis Park in Beaconsfield to create a total of 36 new lots, comprising:

- **33 medium-density residential lots (Density Coding - R60);**
- **Two multiple-dwelling lots (Density Coding R100);**
- **One Local Centre lot (Density Coding – R100);**
- **1,154m² of Public Open Space (POS);**
- **Movement network consisting of alterations to footpaths, roads, intersections and laneways;**
- **Landscaping (including tree retention) and site works.**

The proposal forms Stage 1 of the broader Davis Park development which is guided and considered generally consistent with the approved Davis Park Precinct Structure Plan (PSP – Approved May 2021). This application relates to the subdivision of lots within Transition Sub-Precinct and eastern side of the South Street Sub-Precinct identified in the PSP.

The proposal is referred to Council due to the scale and strategic significance of the proposal.

The City of Fremantle (the City) is not the decision maker for the subdivision application, with advice and recommendations on the proposal to be provided by the City to the Western Australian Planning Commission (WAPC) to inform their decision. The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for the freehold subdivision of multiple lots surrounding and adjacent to Davis Park in Beaconsfield to create a total of 36 new lots, comprising:

- 33 medium-density residential lots (Density Coding - R60);
- Two multiple-dwellings lots (Density Coding R100);
- One Local Centre lot (Density Coding – R100);
- 1,154m² of additional Public Open Space (POS) to extend the size of Davis Park;
- Movement network consisting of alterations to footpaths, pedestrian access ways, roads, intersections and laneways;
- Landscaping (including tree retention) and site works.

The subdivision plan is included as attachment 1. Other supporting information, including the applicant's covering letter, technical reports, draft Local Development Plans (LDPs) and the approved structure plan document are also included as attachments to this report.

Site/application information

Date received:	14 October 2024
Owner name:	Housing Authority
Submitted by:	Taylor Burrell Barnett
Scheme:	Development (Davis Park Precinct Structure Plan)
Heritage listing:	Not Listed
Existing land use:	Single Houses and Grouped Dwellings
Use class:	Single, Grouped, Multiple Dwelling and Local Centre Non-Residential Uses
Use permissibility:	Permitted



CONSULTATION

External referrals

Nil required, noting all external referrals are undertaken by officers at the Department of Planning, Lands and Heritage (DPLH).

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to the significance of the proposal. The proposal was advertised via a letter drop to all landowners/occupiers within a 200m radius of the subject site as well as via signs on the street frontages of subject site and the City's MySay webpage.



The advertising period commenced on 11 November 2024 and is set to conclude on 3 December 2024. At the time of writing this report, the advertising period had not yet closed, due to statutory timeframe limitations and report lead-in times, this report needed to be complete prior to the close of consultation. Notwithstanding, a schedule of public submissions will be provided to Council and the decision maker for consideration in their recommendations and decision making.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes, relevant Council local planning policies and the approved Davis Park Precinct Structure Plan (PSP) that applies to the subject sites and broader structure plan area.

It is noted that the proposed subdivision is largely consistent with the approved PSP in relation to lot layouts, typologies, residential density codings, land uses as well as movement network (roads, laneways, footpaths), provision of public open spaces (POS) and landscaping (including tree retention).

Background

The subject sites comprise multiple lots surrounding and adjacent to Davis Park in Beaconsfield and the application area is bound by South Street to the north, Fifth Avenue to the east, Doig Place to the south.

The subject site is comprised of vacant lots, primarily those cleared along South Street, as well as several existing single houses and grouped dwelling located adjacent to Fifth Avenue and O'Reilly Close. Existing vegetation and trees are scattered throughout the subject sites.

Vehicular access to existing dwellings is provided off Doig Place and Conway Court from the south, via O'Reilly Close from the west, and Fifth Avenue from the east.

Surrounding development comprises primarily 1-2 storey single houses and grouped dwellings as well as some non-residential land uses within the adjacent South Street Neighbourhood Centre zone approximately 50m east of the subject area.

The subject sites are currently owned by the Housing Authority (c/o Department of Communities) and has historically provided social housing. The existing housing is progressively being demolished to facilitate the revitalisation of the wider precinct, with Development WA being responsible for the coordination of ongoing development and the delivery of housing.



The subject sites, within the wider PSP area, also sit as a key site within the Heart of Beaconsfield Masterplan) that was prepared by the City to provide a strategic basis for the coordinated redevelopment and growth of the Beaconsfield suburb with increased residential densities, other appropriate non-residential land uses, improved pedestrian and cycle connections as well as linkages between public open spaces through key sites and areas of the suburb from South Street through to Clontarf Road as shown in the approved masterplan at Additional Information 8.

The Davis Park Precinct Structure Plan (PSP) was adopted by resolution of the WAPC on 14 May 2021. The PSP outlines designated zoning, densities and reserves for the subject sites.

The PSP is divided into four sub-precincts:

- South Street Sub-Precinct
- Transition Sub-Precinct
- Innovative Housing Sub-Precinct
- Lefroy Sub-Precinct

The proposed subdivision application represents Stage 1 of the overall redevelopment of the PSP, encompassing a portion of the South Street Sub-Precinct and the entire Transition Sub-Precinct, shown as the area bordered in blue in the below approved structure plan:

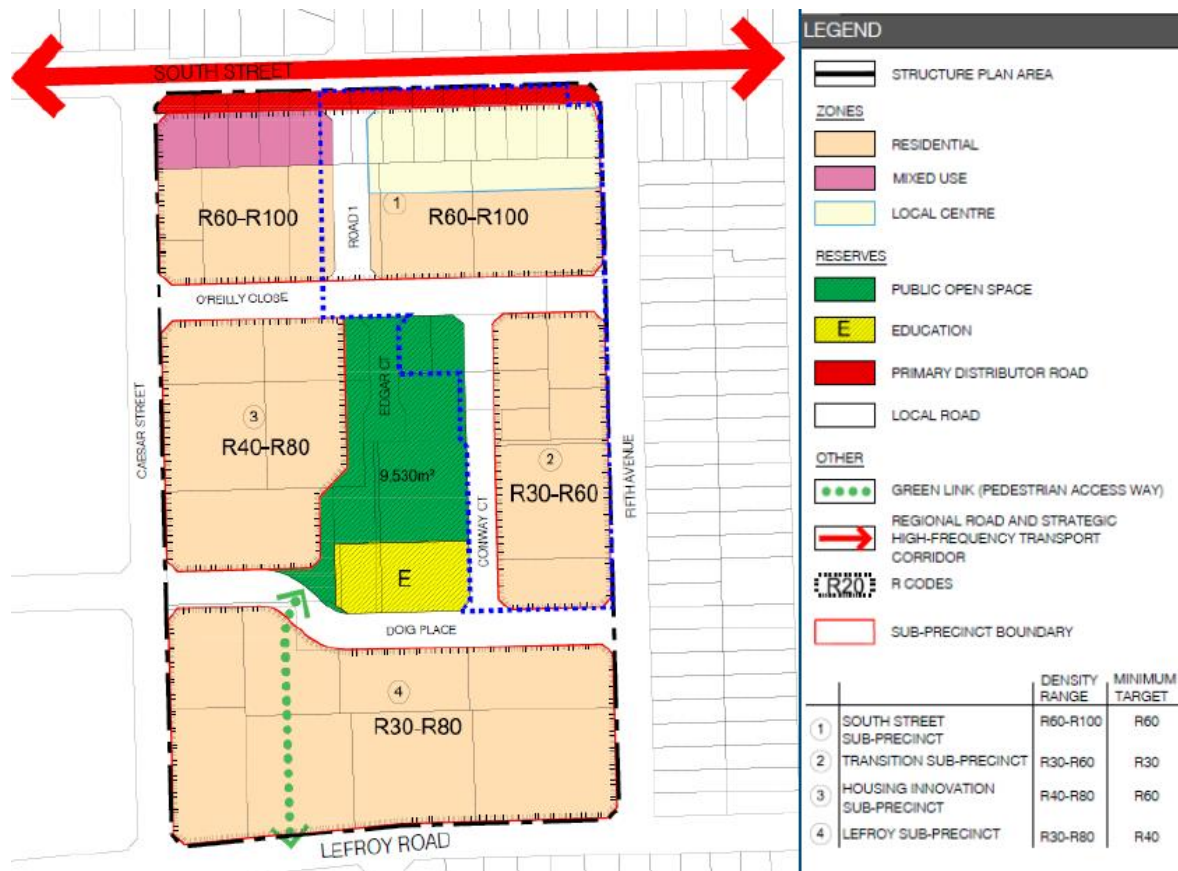


Figure 1. Approved Precinct Structure Plan (PSP) and sub-precincts; subject site bordered in blue.

The PSP identifies objectives for each of the sub-precincts, with the objectives of the South Street Sub-Precinct being:

- Provide for an extension of the existing South Street Neighbourhood Centre to the east of the sub-precinct.
- Facilitate a mix of commercial and residential development along South Street, with a minimum building height of two storeys with an active frontage, and consideration of greater height in the eastern portion of the sub-precinct, providing for businesses and services which service the local community.
- Provide for higher-density Multiple dwelling development up to six storeys along South Street.
- Promote the retention of mature vegetation, and the integration of this into site planning and built form outcomes.
- Achieve a minimum dwelling target of 214 dwellings.



And the objectives of the Transition Sub-Precinct being:

- Provide for residential development that maintains a streetscape along Fifth Avenue that complements the existing single residential dwellings to the east, minimises building bulk and traffic impacts and provides an appropriate transition to higher density development in the remainder of the Structure Plan area.
- Provide for two-storey terrace housing products fronting Fifth Avenue (rear loaded) with allowance for up to three-storey built form to the rear/west of sub-precinct, addressing Davis Park.
- Promote the retention of mature vegetation, and the integration of this into site planning and built form outcomes.
- Achieve a minimum dwelling target of 60 dwellings.

The PSP identifies that the South Street Sub-Precinct is proposed to predominantly accommodate 'Residential' land uses, a 'Local Centre' fronting South Street, the extension of Nannine Avenue (Road 1) and 'Mixed Use' development adjacent to South Street. The Transition Sub-Precinct is proposed to accommodate 'Residential' land uses.

The proposed subdivision has been assessed in accordance with provisions of the approved PSP document and any other relevant considerations, as outlined below.

Davis Park Precinct Structure Plan

The proposed plan of subdivision has been assessed in terms of its consistency with the approved PSP that applies to the subject site.

The proposed plan of subdivision (attachment 1) and accompanying Local Development Plan (LDP) for the South Street Sub-Precinct (attachment 3) and LDP for the Transition Sub-Precinct (attachment 4) are found to broadly achieve the objectives of the PSP Sub-Precincts (outlined above), and are consistent with other key elements of the PSP, discussed as follows:

Zoning, Density and Land Use

With reference to the approved PSP map (refer Figure 1 above), the PSP provides the South Street Sub-Precinct should comprise two larger residential lots (with density between R60 -R100), fronting O'Reilly Close and a larger Local Centre zoned lot, fronting South Street.



The corresponding subdivision plan and LDP for the South Street Sub-Precinct (attachment 3) stipulates these lots are to be R100 in density and the south street fronting lot be of a Local Centre zoning; which is consistent with the PSP.

Similarly, the PSP provides that the Transition Sub-Precinct should comprise only residential lots with densities between R30 - R60. The corresponding subdivision plan and LDP for the Transition Sub-Precinct (attachment 4) stipulates these lots are to be R60 in density, comprising 33 lots between 210m² and 386m² in size.

It is noted that all proposed lots meet and/or exceed the site area requirements of the R-Codes Table D relevant to the prescribed residential density coding(s) across the subdivision plan and accompanying LDPs.

Lot Layout, Dwelling Number and Yield

Whilst only part of the South Street Sub-Precinct is included within the application area, it is considered that the layout of the proposed Lots 1, 2 and 3 and their ability to be developed to 6 storey per the LDP, will effectively provide the ability for these lots to be developed and achieve the dwelling target (214 dwellings) for the Sub-Precinct in the PSP. It is noted that Development WA intends to coordinate the delivery of the Local Centre and residential sites within the PSP sub-precinct.

In regard to the dwelling target (60 dwellings) for the Transition Sub-Precinct, 18 of the proposed 32 lots have been designed with widths of at least 10m – creating the ability to accommodate multiple-dwelling development on such sites to achieve the target dwelling yield of the sub-precinct in the PSP, with an anticipated yield of 66 dwellings.

It is noted that Development WA intend to coordinate the delivery of the lots, and subsequent dwellings, facilitated through the preparation of Design Guidelines in due course to facilitate the intended development. This approach is consistent with other Development WA projects in the local region which include White Gum Valley, 115 Hamilton Hill and the recently considered Beaconsfield TAFE site and subdivision that Council recently provided recommendations to the WAPC.

Local Development Plans

The PSP provides that LDPs are to be prepared for each of the sub-precincts and be approved prior to the development of these sub-precincts.

The draft South-Street Sub-Precinct LDP (attachment 3) includes provisions to:



- Facilitate the development of the Local Centre lot as a mixed use, R-100 development site (with building heights up to 6 storey);
- Facilitate the development of the two multiple dwelling, R-100 development sites (with building heights up to 6 storey);
- address built-form requirements for articulated building frontages;
- primary and secondary street building orientations with an emphasis on ground level activation along South Street;
- development to accord with SPP5.4 – Road and Rail Noise requirements;
- tree retention;
- landmark feature locations; and
- preferred vehicle access points.

While the above LDP is considered broadly consistent with the PSP, City officers, in wanting to ensure these lots do not become underdeveloped and achieve the intended development and dwelling numbers set out in the PSP, consider it would be appropriate to include additional LDP provisions such as minimum building height(s), and multiple dwelling residential uses only to avoid under development of the sites. Officers have therefore recommended additional provisions form part of the final LDP provisions as outlined in the recommended conditions of approval.

The draft Transition Sub Precinct (attachment 4) includes provisions to:

- Facilitate the development of the residential lots with a prescribed density of R60;
- Provide development controls in relation to the primary dwelling orientation and vehicle access;
- Provide passive surveillance along the rear laneway, pedestrian access way (PAW) and street interfaces; and
- Tree retention.

While the above LDP is considered broadly consistent with the PSP, officers note that due to all of the proposed lots being east-west orientated, additional development control provisions are considered appropriate with an aim to provide equal opportunity for amenity outcomes for the future dwellings when developed. As such, officers consider that it is important for the LDP provisions to include building envelope controls such as lot boundary setbacks, building height and outdoor living area location/corridors. Officers have therefore recommended additional provisions form part of the final LDP provisions as outlined in the recommended conditions of approval.

It is also noted the draft Local Development Plans (LDPs) for both sub-precincts lack comprehensive waste management considerations. This could lead to issues with bin presentation, access and servicing for heavy rigid (HR) collection vehicles.



It is recommended that on-site waste storage and collection is required for the larger Local Centre site and bin presentation provisions are included for other sites in the LDPs.

The LDP's will be required to be formally submitted once subdivision approval has been issued.

Public Open Space

The proposed subdivision allocates an additional 1,154m² of public open space (POS), located immediately south of O'Reilly Close on the eastern side of Edgar Court (refer subdivision plan at attachment 1) to extend and add to the existing Davis Park reserve. This proposal is consistent with the PSP to deliver the retained and extended Davis Park reserve in the centre of the PSP area.

The indicative landscape design in the PSP provides for the inclusion of this new area of POS and retention of the key assets in reinterpretation of Davis Park to create a space which creates a unique park and pedestrian linkages for the amenity of surrounding future residents.

At the time of writing this report, Development WA was undertaking community consultation to assist in informing the design of the POS. This subdivision creates the lot location and size, with detailed design to be confirmed via conditions approval cleared by the City.

Road, Pedestrian and Cycle Network

The plan of subdivision proposes to retain the existing street connection off Doig Place, proposes an extension of Nanine Avenue to O'Reilly Close and an extension of O'Reilly Close to Fifth Avenue. These additions and alterations to the road network to service the subdivision area are consistent with PSP and intersection layout.

The key road network and intersection change will be the creation of the new 'Road 1' shown on the subdivision plan which proposes an extension of Nanine Avenue from the north side of South Street into the subject site, creating a new 20m road reserve within the subdivision area that widens progressively to 26m and ultimately 32.2m where intersecting with South Street, providing for additional turning lanes at South Street and facilitating the retention of existing trees within road reserve.



The size and location of the proposed Nannine Avenue intersection is aimed at facilitating the future widening and upgrade of South Street also provides the capacity to accommodate a future signalised four-way intersection, if required in the future in accordance with the Heart of Beaconsfield master plan.

Notwithstanding the above, while Officers acknowledged the need for the new and additional road and intersection proposed at 'Road 1' to service the future lots, concerns were raised over the significant scale and width of the proposed intersection that is seen to potentially negatively affect the urban form of adjacent developments and appears to prioritise vehicle movements over pedestrians. Officers queried whether this intersection and road be reduced in scale similar to other intersections in the local area and deliver an intersection with greater pedestrian scale and priority.

In response to the above concerns, the applicant provided:

- *The intersection is designed to best accommodate ultimate turning volumes and the swept path of the design vehicles that will serve the retail element and facilitate cross movement of pedestrians. Various layouts have been considered and the one presented is deemed the most suitable from a traffic and safety perspective.*
- *A meeting was held with Main Roads, but no short or long term upgrade plans are proposed by them at this stage. As a result the proposed configuration allows for an interim controlled intersection. A signalised intersection would be a separate proposition.*
- *Widening of South Street to incorporate a wide median to facilitate staged right turns and turn lanes would assist at these intersections but would need to be incorporated into the overall upgrade of South Street to a dual carriageway.*
- *The width of Road 1 is a response to the minimum width identified in the Davis park Precinct Structure Plan (PSP), being 20m, to allow for activation and a landscaped road reserve. Proceeding to a wider road reserve to enable tree retention (26m), and the ultimate 32.3m to enable pedestrian movement, and effective movement of vehicles in a controlled scenario.*

It is noted the sizeable intersection was provided for in the PSP to allow for a future signalised intersection and it is acknowledged that additional details of the landscaping, pedestrian and cycle infrastructure may assist in mitigating the appearance and scale of this proposed intersection when these come forward.



It is also understood that MRWA will provide advice and guidance to the WAPC on this intersection as it intersects with the Primary Regional Road and road widening reservation that is under their administration.

Further to the above, the City's Traffic Engineer, in review of the Transport Impact Assessment (Additional Information 5), advised that intersections on South Street, particularly Caesar Street and Fifth Avenue, are projected to face significant delays and safety risks during peak hours due to increased right-turn movements and limited traffic gaps, heightening collision risks. Acknowledging South Street is already over capacity, dual carriageway expansion and road widening for turn lanes are recommended but lack short-term implementation plans from MRWA. Officers advised they would need to monitor these intersections performance in the future, however, no immediate upgrades or alterations were recommended.

In terms of pedestrian access ways, two PAWs have been incorporated into the subdivision to provide greater access for pedestrians to Davis Park from surrounding streets. Crime Prevention Through Environmental Design (CPTED) opportunities have been introduced to the proposed laneway/PAW environments by requiring major openings to overlook and provide passive surveillance over these areas (per the LDP provisions). Considered lighting plans (to be secured through conditions of approval) will also assist with CPTED principles within these areas. PAW 1 includes a 225m² area and PAW 2 includes a 166m² area. The two PAWs are aligned to provide direct pedestrian access between Fifth Avenue and Conway Court, scaled to facilitate effective and safe pedestrian mid-block movement, and facilitate the retention of existing mature trees in the subdivision area.

A 6m-wide Right Of Way (ROW) is also proposed to extend between O'Reilly Close and Doig Place, providing the vehicle access points for the lots within the Transition Sub-Precinct.

The detailed design of footpaths, cycle paths, pedestrian/cycle infrastructure and landscaping within and adjacent to streets and areas of POS throughout the subdivision area are to be further developed and such details, requiring City approval, will be secured through appropriate conditions of approval, as recommended below.

Road Closures and Land Ceding

As identified on the plan of subdivision, a 1,402m² portion of land abutting South Street is to be ceded to Main Roads Western Australia (MRWA), for the future widening of South Street, which is a designated Primary Regional Road under the Metropolitan Region Scheme (MRS).



The subdivision proposal also involves closure of several sections of road reserve and Public Access Way (PAW) is also requested and forms part of the application, to occur a separate process to be undertaken with the City and the Department of Planning, Lands and Heritage (DPLH). Of the areas proposed for closure, a 97m² portion of an existing PAW abutting O'Reilly Close and a 48m² portion of O'Reilly Close have been identified to be ceded to the Crown and amalgamated within Lot 3.

State Development Control and Operation Policies

Operation Policy 2.2- Residential Subdivision

Generally, the proposed subdivision layout, lot sizes, access arrangements and service provisions are considered to meet the requirements of OP2.2.

All proposed lots meet and/or exceed the site area requirements of the R-Codes Table D relevant to the prescribed residential density coding(s) across the subdivision plan and accompanying LDPs.

Development Control 2.3 - Public Open Space in Residential Areas

The allocated POS contribution exceeds the minimum 10% provision required and is considered to support tree retention across the site.

The proposed POS areas are to include community facilities such as BBQ, seating, shelter, landscaping, reticulation, lighting and other necessary infrastructure to provide adequate public open space and connectivity across the site.

Development Control 2.6 - Residential Road Planning

The proposed road infrastructure and pedestrian pathways are generally considered to meet the objectives of this policy, subject to further detailed design.

State Planning Policy 5.4 – Road and Rail Noise

The applicant has provided an Acoustic Assessment (prepared by Herring Storer) to support the proposed subdivision application (Additional Information 6), pursuant to the requirements of SPP 5.4. The Acoustic Assessment identifies noise received from future traffic exceeds the allowable noise levels on proposed Lots 1-3.



For proposed residential developments on these lots, quiet-house design packages will be required so that habitation of dwellings can be achieved within allowable noise levels. Further noise modelling and acoustic assessments will be required and undertaken at the development application stage – noting, however, that Quiet House Design Packages would be required to meet the requirements of SPP 5.4 which is confirmed within the LDP for the South Street Sub-Precinct.

Conclusion

In conclusion, officers consider the proposed subdivision is assessed as being:

- Generally consistent with the approved Davis Park Precinct Structure Plan and Heart of Beaconsfield Master Plan.
- Generally consistent with the design principles contained in State Planning Policy 7.0 – Design of the Built Environment and the Residential Design Codes.
- Generally consistent with the draft Fremantle Local Planning Strategy (2022)
- Generally compliant with requirements of relevant State Planning, Operation and Development Control policies.
- Generally consistent with objectives of the City’s LPS4 and Local Planning Policies, where relevant.

Recognising the strategic importance of housing delivery in this location, it is recommended that Council submit this report and attachments to the WAPC with a recommendation that the WAPC approve the subdivision proposal, subject to appropriate conditions and advice notes, as outlined below.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population

- A higher density City with a diverse range of housing options being available in the city centre that cater to multiple demographics.

Liveable City - Sustainably designed and optimised urban and natural environments

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.

Green Plan 2020

The proposal demonstrates retention of existing vegetation and mature trees.



FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

REFER to the Western Australian Planning Commission with a recommendation for APPROVAL under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Freehold Subdivision of multiple lots surrounding and adjacent to Davis Park, Beaconsfield, subject to the following conditions:

- 1. The subdivision being in accordance with the plan dated 2 October 2024 (Department of Planning Date), including any amendments placed thereon by Council, other than any modifications that may be required by the conditions that follow.**
- 2. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within adjacent road reserve(s). Written approval is to be obtained for the removal or modification of any verge infrastructure and/or verge trees within the road reserve(s) from the relevant City of Fremantle department or relevant service authority, prior to the commencement of any subdivisional works. (Local Government)**
- 3. The draft Local Development Plan prepared for lots 1 – 3 shown on the subdivision plan dated 2 October 2024 (attached) is to be updated to also address and include the following:**
 - a) Three (3) storey minimum building height for Lot 1;**
 - b) On-site waste storage, presentation and collection/servicing required for Lot 1;**



- c) Single House and Grouped Dwelling residential land uses prohibited across Lots 1 – 3.**
- d) Provision of facilities for alternate modes of transport, inclusive of pedestrian, bicycle and car share arrangements.**

The revised Local Development Plan shall be submitted to, and approved by the City of Fremantle, prior to the commencement of subdivisional works. (Local Government)

- 4. The draft Local Development Plan prepared for lots 4 – 35 shown on the subdivision plan dated 2 October 2024 (attached) is to be updated to also address and include the following:**

- a) Additional development controls for building envelopes (ground and upper floor setbacks, building height envelopes and outdoor living area location/corridors that provide quality winter sun access) to provide better opportunity for equality of amenity outcomes.**
- b) Grouped dwellings to be included in '2 Interface with Fifth Avenue and Surrounding Context' provisions.**
- c) Reference that development is to accord with associated Design Guidelines (developed separately).**
- d) Waste management considerations.**
- e) Crime prevention through environmental design (CPTED) solutions for the Pedestrian Access Way.**

The revised Local Development Plan shall be submitted to, and approved by the City of Fremantle, prior to the commencement of subdivisional works. (Local Government)

- 5. Prior to the commencement of any subdivisional works, a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle, addressing, but not limited to, the following matters:**

- a) Use of City car parking bays for construction related activities;**
- b) Protection of infrastructure and street trees within the road reserve;**
- c) Security fencing around construction sites;**
- d) Gantries;**
- e) Access to site by construction vehicles;**
- f) Contact details;**
- g) Site offices;**



- h) Noise - Construction work and deliveries;**
- i) Sand drift and dust management;**
- j) Waste management;**
- k) Dewatering management plan;**
- l) Traffic management; and**
- m) Works affecting pedestrian areas.**

The approved Construction Management Plan shall be adhered to throughout the subdivisional works.

- 6. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:**
 - a) lots can accommodate their intended development; and**
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)**
- 7. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)**
- 8. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)**



- 9. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)**
- 10. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)**
- 11. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications for all roads, intersections, footpaths, cycle paths, pedestrian crossings and car parking areas.**

All car parking and circulation areas are to be designed to comply with the Australian Standard AS/NZS 2890 and AS/NZS 1428. (Local Government)
- 12. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost. (Local Government)**
- 13. Redundant vehicle crossovers to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications of the local government. (Local Government)**



- 14. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken for construction of roads in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:**
 - (a) street lighting in accordance with dark sky principles is installed on all new subdivisional roads and pedestrian access ways to the standards of the relevant licensed service provider; and**
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;**
 - (c) footpaths, cycle paths and landscaping are provided within the subdivision area in accordance with approved plans.****(Local Government)**

- 15. Prior to the commencement of subdivisional works, a final, detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces and or features (i.e. mulch, lawn, seating etc), shall be submitted to, and approved by the City of Fremantle. (Local Government)**

- 16. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods dark sky principles and to the specifications of the local government. (Local Government)**

- 17. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for Public Open Space (POS) and Pedestrian Access Way (PAW), to be vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.**

- 18. Existing trees that have been identified for retention within the approved plan of subdivision, as well as all trees within the City's verge and road reserve(s), as shown in the plan of subdivision, are to be protected through the implementation of Tree Protection Zone(s), prior to the commencement of, and throughout, subdivisional works. (Local Government)**



Advice Notes:

- i. The City of Fremantle supports the installation of a traffic signals in an appropriate location, to provide safe crossing points on South Street between White Gum Valley and Beaconsfield. As identified in the Heart of Beaconsfield Masterplan, this may be in the location of Road 1 (extension of Nannine Avenue).**
- ii. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.**
- iii. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the adjacent road reserves. An application for obstruction permit can be found via www.fremantle.wa.gov.au.**
- iv. The landowner/applicant is advised that no street verge trees are to be removed. Street verge trees are to be retained and protected from damage, including unauthorised pruning, unless otherwise approved by the local government. In this regard, the landowner/applicant is advised to liaise with the City of Fremantle prior to commencement of subdivisional works.**
- v. The development is to include full earthworks, reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network.**
- vi. Any lighting within the public open space shall comply with the dark sky principles and AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting. Smart lighting should also be installed to ensure that lighting infrastructure is capable of remote operation and/or timing.**
- vii. Any landscaping on POS/in road reserves should be provided so that it does not result in restrictive maintenance for the City of Fremantle.**
- viii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.**



- ix. If subdivision works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.**

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.



C2412-4 STIRLING STREET, NO. 8 (LOT 303, 304 & 305), FREMANTLE – UNAUTHORISED EXTERNAL FIXTURE (SCREENING STRUCTURE) ADDITION TO EXISTING DWELLING (ED DA0219/24)

Meeting date:	11 December 2024
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Development Plans (Retrospective) 2. Applicant Supporting Cover letter
Additional Information: <i>(viewed electronically)</i>	3. Site Photos

SUMMARY

Approval is sought for an unauthorised external fixture (permeable screening structure) addition to an existing Single house at No. 8 (Lots 303, 304 & 305) Stirling Street, Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes). These discretionary assessments include the following:

- **External fixtures, utilities and facilities (R-Codes).**

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for unauthorised external fixture (permeable screening structure) addition to an existing Single house at No. 8 (Lots 303, 304 & 305) Stirling Street, Fremantle. The unauthorised works include:

- Erection of an external fixture (permeable, open framework screening structure) along the southern boundary, toward the eastern (rear) end, of the subject site.
- The structure is comprised of eight (8) 4.5m high steel support posts (180mm in width) spaced 1.7m apart with stainless steel wire trellis spanning between posts to support vegetation (vines/climbing plant) growth. Part of the structure is also affixed to the internal walls of an existing outbuilding also located in the rear, south-eastern, corner of the subject site which it projects above.



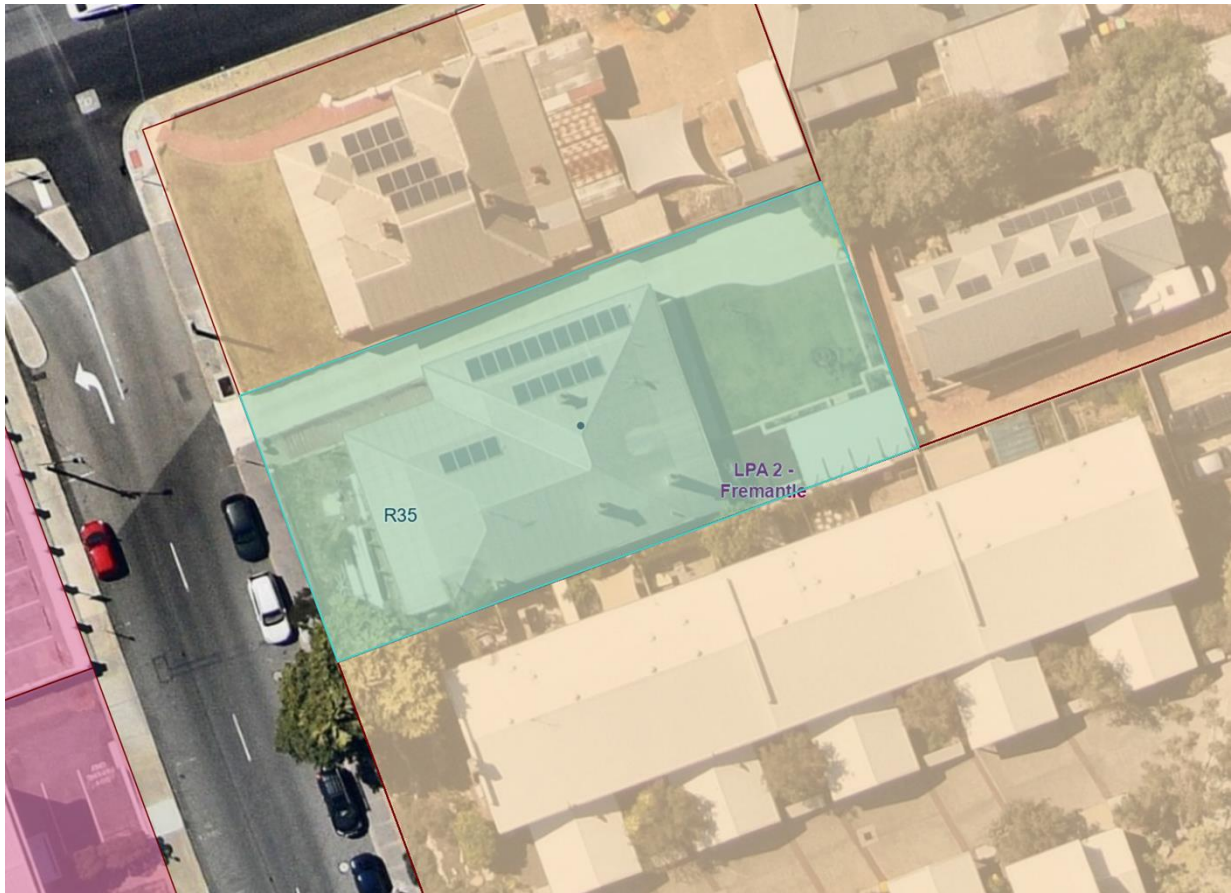
Development plans are included as attachment 1 and the photos within Additional Information 3 and below show the unauthorised screening structure as constructed on the subject site.



Figure 1. Unauthorised external fixture (permeable, open framework screening structure) along the southern boundary, toward the rear of subject site.

Site/application information

Date received:	7 August 2024
Owner name:	Archie Stoney
Submitted by:	Archie Stoney
Scheme:	Residential (R35)
Heritage listing:	Individually Listed Category 3 and Ord Street Precinct Heritage Area
Existing land use:	Single house
Use class:	Single house
Use permissibility:	Permitted



CONSULTATION

Internal referrals

CoF Heritage

As the structure is detached from the existing heritage listed dwelling, located in the rear corner of the subject site and not visible from the public realm, the unauthorised structure has a negligible impact upon the heritage values of the place and wider heritage area.

External referrals

Nil required.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as discretion was sought from R-Code provisions. The advertising period concluded on 25 September 2024, and 3 submissions were received. The following comments were raised (summarised):



- The structure sits approximately 2m above the existing fence line and dominates the northern views from our outdoor living area.
- Once vegetation grows across the structure, this will block views and create unacceptable overshadowing of our outdoor living area.

The above comments and amenity impact described are addressed in detail within the officer comment section below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- External fixtures, utilities and facilities (R-Codes).

The above matters are discussed below.

Background

The subject site is located on the eastern side of Stirling Street in Fremantle. The site has a land area of approximately 741m² and is currently a Single House. The site is zoned Residential and has a density coding of R35. The site is individually heritage listed (Category 3) and is located within the Ord Street Precinct Heritage Area.

The subject site comprises an existing heritage listed single storey, single house and a detached outbuilding located in the rear, south-eastern, corner of the subject site. The unauthorised screening structure that is the subject of this application has been erected along the southern boundary, toward the eastern (rear) end, of the subject site and is partly affixed to the internal walls of the aforementioned outbuilding. The unauthorised structure was reported to the City's compliance team for investigation which has subsequently resulted in this application to seek retrospective approval for the structure as constructed.

The subject site is adjoined to the south by an existing terrace of two grouped dwellings (Units 12-21, No. 10 Stirling Street) which have rear outdoor living areas (courtyards) that abut the southern (side) boundary of the subject site.



The unauthorised structure has been constructed adjacent the rear outdoor living areas of Units 16, 17 & 18 specifically.

A search of the property file has revealed the following history for the site:

- DA0457/11 - Demolition of an Existing Outbuilding

External Fixtures (R-Codes)

It is noted that the structure, as constructed and shown on the development plans, does not constitute a 'wall', as defined by the R-Codes:

'the vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies.'

This is due to the structures form and high degree of visual, water, light and air permeability. Therefore, the structure is not subject to typical R-Code controls that 'walls' otherwise would be, such as 'lot boundary setback' requirements (including the 'boundary wall' provisions).

The structure, if constructed *horizontally* over an area of the subject site, would best be described as a 'pergola':

'an open-framed structure covered in a water permeable material or operable louvred roofing, which may or may not be attached to a dwelling.'

Pergolas do not require development approval as they are not deemed a 'building' by the R-Codes; however, due to the nature of the structure considered under this application, constructed vertically against the southern boundary of the subject with the intended purpose of providing privacy screening (when the vegetation grows across the framework), officers thereby consider the structure to be best defined as an 'external fixture' as defined by LPS4:

'items attached to (or emerging from) buildings'

And is therefore to be assessed under relevant external fixture provisions of the R-Codes, as appropriate.

The deemed-to-comply provisions of the R-Codes Vol. 1, Part B, Section C4.3, state that external fixtures/utilities are to be provided so that they are:

- i. not visible from the primary street;
- ii. are designed to integrate with the building; or
- iii. are located so as not to be visually obtrusive.



The requisite design principles of this section of the R-Codes (P4.2) provides that solar collectors, aerials, antennas, satellite dishes, pipes and utilities integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.

The unauthorised external fixture, being a permeable, open framework steel screening structure is supported under the design principles of the R-Codes for the following reasons:

- It is acknowledged that the structure has been erected so as to abut the northern boundary and rear outdoor living areas of the adjacent Units 16, 17 & 18, No. 10 Stirling Street. However, the screening structure is a permeable, open framework of steel support posts (180mm in width) spaced 1.7m apart with stainless steel wire trellis spanning between posts to support future vegetation (vines/climbing plant) growth. Therefore, the structure, as constructed, does not impose building bulk (sense of enclosure) upon the neighbouring outdoor living areas or habitable room windows nor create unacceptable overshadowing or prevent adequate ventilation between sites.

It is, however, accepted that once the trellis is covered in vegetation (vines/climbing plants) as it is intended to support, the visual permeability will decrease and vegetation will increase potential overshadowing of the adjoining southern units, however, the vegetation will still provide a degree of permeability in terms of filtered solar access and ventilation and is not expected to have the visual impact (building bulk) that a solid wall or typical screening structure would have if erected in the same location or at a compliant setback. The vegetation, once grown, is expected to soften the visual impact of the structure and there are currently no controls under the R-Codes or other relevant policy for vegetation being used as screening and overshadowing from vegetation is not considered in overshadowing assessment.

On the basis of the above, the structure is considered acceptable under the requisite design principles of the R-Codes.

Additionally, officers note that the purpose of the structure, once vegetation has grown across the framework, it to provide greater visual privacy for the rear outdoor living area of the subject site. In this circumstance, the desire for greater visual privacy is understood given the upper floor bedroom windows of the adjacent southern units (particularly Units 16, 17 & 18) do provide direct overlooking of the subject site rear outdoor living area (refer Figure 2 below) and these openings are setback only 3.7m from the shared boundary with the subject site (confirmed through approved development plans). If these habitable room openings were proposed and assessed under the current R-Codes, these openings would not have

been acceptable as they are setback less than 4.5m and provide direct overlooking over an outdoor living area. These openings, if proposed at this setback under the current framework, would have required an alternative treatment such as hi-lite windows or obscure glazing/screening to address this privacy concern.

Furthermore, with regard to comments from submitters in relation obstruction of views from these upper floor major openings, the image below, taken from the adjacent unit bedroom window, shows the structure, even if covered in vegetation, would not compromise the views above and beyond the subject site and out to the port which is considered the key view. The image shows the screening, once vegetated, would only reduce direct overlooking of the subject site, as is the intended purpose.



Figure 2. View of structure from adjoining unit bedroom window, views above the subject site and beyond to the port would be maintained.



CONCLUSION

The unauthorised structure, as constructed, is considered acceptable under the design principles of the R-Codes as outlined above and is not expected to unacceptably compromise the amenity and or views from the adjoining residential units.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Unauthorised External Fixture (Permeable Screening Structure) Addition to an Existing Single House at No. 8 (Lots 303, 304 & 305) Stirling Street, Fremantle, subject to the following conditions(s):

- 1. This approval relates only to the development as indicated on the approved plans, dated 30 July 2024. It does not relate to any other development on this lot.**
- 2. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.**



Advice Notes:

- i. A BA13 – Building Approval Certificate application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector).**



C2412-5 PLANNING INFORMATION REPORT - DECEMBER 2024

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 11 December 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: 1. Schedule of applications determined under delegated authority

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 11 December 2024
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: Nil

Applications that have been determined by the Metro Inner DAP and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DA0130/24
Site Address and Proposal
No. 90 Rennie Crescent, Hilton – Unauthorised additions to existing Single house
Council Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 10 July 2024, the Council resolved to refuse the application.
Current Status
<ul style="list-style-type: none"> On 31 July 2024, an Application for Review by the State Administration Tribunal was lodged by the owner. A Directions Hearing was held on 5 September 2024. Mediation was held on 10 October 2024. SAT has directed that the applicant provide additional information, with Council to reconsider the matter by 23 December. The applicant has submitted additional information, and a report is included in this agenda for Reconsideration of the application.



2. Application Reference
DAP002/24
Site Address and Proposal
19 Essex Street, Fremantle – Four storey Tourist development
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was received on 14 June 2024. • At its meeting on 11 September 2024, Council resolved to not support the Officers Recommendation for approval. • A Development Assessment Panel meeting was held on 1 October 2024, where the matter was deferred for a period of 120 days to allow the applicant to consider addressing waste management and building bulk and scale. • Council considered revised plans on 13 November 2024 and resolved to not support the Officers Recommendation for approval. • A DAP meeting was scheduled for 3 December 2024. At the time of writing this report, the item had not been considered.

3. Application Reference
DAPV004/24
Site Address and Proposal
19-21 McCabe Street – Proposed variation to approval (Eight storey mixed use development comprising 11 Grouped Dwellings, 97 Multiple Dwellings, Restaurant, Shop)
Council Consideration/Decision
<ul style="list-style-type: none"> • An application to vary the approved plans for the above development was received on 20 September 2024. • Council considered the matter on 13 November 2024 and resolved to not support the Officers Recommendation for refusal. • A DAP meeting was held on the 21 November 2024, where the application was approved.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for DECEMBER 2024:

- 1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**
- 2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW.**



Strategic and general reports

C2412-6 FCC564/24 GENERAL BUILDING MAINTENANCE AND MINOR WORKS CONTRACT AWARD

Meeting date: 11 December 2024
Responsible officer: Manager Building, Facilities and Sustainable Services
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - FCC654 24 General Building Maintenance Minor B

The purpose of this report is to consider tender number FCC654/24 General Building Maintenance & Minor Building Works for Preventative and reactive maintenance activities and minor projects at various City assets.

This report recommends that Council accepts the tender submitted by West to West Indigenous Corporation in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

Following expiry of the previous Building Maintenance tender, the City has reviewed its' preventative and reactive maintenance requirements in line with levels of service and asset management objectives to develop a revised tender. Following the procurement process, the City has recommended a preferred supplier for award.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by West to West Indigenous Corporation for the General Building Maintenance and Minor Works, and associated expenses.

	Current Year	Proposed budget for future years		
	24/25	25/26	26/27	27/28
Total budget estimate:	\$1,949,204	\$ 2,418,957	\$3,001,925	\$3,725,390



Breakdown of budgets by activity				
Reactive Spend estimate:	\$396,712	\$492,320	\$610,969	\$758,213
Planned Spend estimate	\$124,100	\$154,008	\$191,124	\$237,184
Planned Renewal Estimate	\$60,000	\$66,000	\$72,600	\$79,860

Sufficient funding provision has been allocated in the current 2024/25 and projected base operating budget to deliver the service within budget. As this is not a lump sum contract, works will be procured.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the *Local Government (Functions and General) Regulations 1996*.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

Resilient City – A focus on planning for a stronger and more resilient future

- A financially resilient City meets the service delivery needs of the community.

Resilient City – A future-proofed asset base that remains functional and accessible to the community

- Investment in the ongoing maintenance and adaptation of assets that ensures quality and continuity of service delivery.
- The City’s facilities are functional and fit for purpose and contribute to improving community well-being.

CONSULTATION

Engagement with prospective suppliers, internal stakeholders and internal subject matter experts was conducted to determine City objectives and requirements. In addition, review of the previous tender document and provision was reviewed and revised.



OFFICER COMMENT

Detail

Tender FCC654/24 for General Building Maintenance & Minor Building Works various City assets was advertised on 16th August 2024 and closed on 27th September 2024.

There was not an applicable contract in the WALGA Preferred Supplier Program.

Essential details of the contract are outlined below:

Contract type	Supply of Goods and Services
Contract duration	Four (4) year period, with three (3) extension options
Commencement date	13 th December 2024
Completion date	13 th December 2031

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- AE Hoskins Building Services
- Bidi Facility Services
- Futureproof Building Services
- Jaguar Construction
- Kardan Construction
- Lake Maintenance
- Prova Construction
- Smart Maintenance Group
- West to West Indigenous
- K2 (WA)
- Reliable Asset Maintenance
- Urban Building Group
- Boyan Electrical Services
- Cushman & Wakefield
- I.P.C Pty Ltd
- Perth Building Projects

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Facilities, Building and Sustainability Services

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- Team Leader Building Maintenance
- Principal Design Engineer

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers.

No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.

Item No	Description	Weighting
1	Price for services offered	30%
2	Key Personnel, Skills and Resources	15%
3	Relevant Experience	15%
4	Demonstrated Understanding	30%
5	Sustainability	10%

Nine (9) tender submissions received were conforming, and seven (7) tender submissions received were non-conforming.

The tender submitted by West to West Indigenous Corporation rating with 77.14 Kardan Construction with 72.62 points. The remaining tender submissions received lower scores.

The results of the evaluation for delivery of tender number FCC564/24 General Building Maintenance and Minor Works at various City assets are shown in the table below.

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score	Rank
Tenderer	15.00	15.00	30.00	10.00	30.00	100	
West to West Indigenous	11.11	12.22	21.11	8.15	24.54	77.14	1
Kardan Construction	10.00	12.22	24.44	7.78	18.18	72.62	2
Futureproof Building Services	11.67	11.67	23.33	4.81	20.81	72.29	3
Lake Maintenance	9.44	7.22	18.89	5.19	27.77	68.51	4
AE Hoskins Building Services	10.00	10.00	17.78	6.30	22.41	66.49	5
Smart Maintenance Group	7.78	8.33	13.33	5.19	30.00	64.63	6
Bidi Facility Services	7.22	5.00	15.56	4.81	19.72	52.31	7
Prova Construction	5.00	5.00	10.00	3.70	22.90	46.61	8
Jaguar Construction	7.22	6.11	10.00	1.11	19.57	44.01	9



West to West Indigenous Corporation, the recommended tenderer, was assessed as having the relevant experience, key personnel, skills and resources, demonstrated understanding and sustainability rating to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

Environmental considerations

West to West Indigenous corporation provided extensive detail regarding its commitment and efforts towards sustainability. These efforts include philanthropic ventures, consideration to construction and maintenance waste and diverse employment opportunities.

Risk consideration

An assessment undertaken by Dun and Bradstreet indicates that West to West Indigenous Corporation have the financial capacity to undertake the contract. There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

Operationally specific risk assessments have been developed and will be used in the management of this project.

References

The City has received references in respect to the recommended tenderer, as follows:

Reference 1 – Private Sector Reference

- West to West Indigenous Corporation has provided asset maintenance services for ten (10) years.
- The referee highly recommended the services of West to West Indigenous Corporation.
- The referee highlighted the suppliers' positive communication, quality of works and response times.

Reference 2 – Private Sector Reference

- West to West Indigenous Corporation have provided maintenance and minor building services to the referee for five (5) years.
- The referee spoke positively of the suppliers' communication, pricing and consistency.
- Comment was included on the suppliers' willingness to rectify any issues with urgency.

Comment

West to West Indigenous Corporation demonstrated broad experience in the asset management and maintenance field of significant value, with substantial experience in project delivery.



The Contract is a service provision contract with works administered on a schedule of rates basis. Expenditure can be monitored and regulated according to budget capacity.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Accept the tender from West to West Indigenous Corporation for provision of General Building Maintenance and Minor Works (FCC564/24) at the rates tendered for a period of four (4) years.**
- 2. Authorise the Chief Executive Officer to approve the option to extend the contract for up to three (3) years (one year, plus one year, plus one year) providing West to West Indigenous Corporation have performed satisfactorily in accordance with the terms of the Contract.**



C2412-7 AREA-WIDE 40KM/H SPEED ZONES

Meeting date:	11 December 2024
Responsible officer:	Manager Infrastructure Engineering Director Infrastructure
Voting requirements:	Simple Majority Required
Attachments:	1. Proposed Trial Location

SUMMARY

This report responds to a Council resolution requesting a report on the opportunities and the process to be followed for the application of a 'City-wide' 40km/h speed limit for the City of Fremantle.

Whilst precinct 40km/h zones have been introduced in numerous areas throughout the State including Fremantle, the imposition of a 'City-wide' 40km/h zone is not common, with the City of Vincent being the only example in the Perth Metropolitan area.

The City of Vincent example is based on a substantial trial, with significant community engagement and comprehensive pre and post implementation data analysis. Whilst the trial provided some benefits, the cost of implementation and the potential need to still implement further traffic calming measures to achieve the desired vehicle speeds should also be considered.

This report recommends that Council:

- 1. Supports the implementation of a 12 month trial for a 40 km/h speed zone in Hilton, as indicated in Attachment 1, subject to consideration of appropriate funding in the annual budget and relevant agency approvals.**
- 2. Request a report be brought back to council on the conclusion of the trial period, prior to further consideration of a 'City-wide' 40km/h zone.**

BACKGROUND

At the Ordinary Council Meeting of 24 July 2024 in considering a report on the Traffic Calming and Narrow Streets Safe Access Policies, Council resolved in part;



4. *Requests the Chief Executive Officer to bring back a report to Council by December 2024, which explores opportunities and the process to be followed for the application of a 'City-wide' 40km/h speed limit for the City of Fremantle.*

In accordance with the above request, this report is provided for Council consideration.

FINANCIAL IMPLICATIONS

Appropriate funding will be considered as part of the relevant annual budget process.

LEGAL IMPLICATIONS

The implementation of speed zones is controlled by Main Roads WA and any change to speed zones requires their approval.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population

- Infrastructure, services, and facilities meet the needs of a growing residential population and contribute to making the city centre a safe and desirable place to live.

Liveable City - Liveable and socially connected neighbourhoods

- The matters contained in this report align to the intent of this theme's outcome.

Liveable City - Connected city

- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.

Liveable City - Sustainably designed and optimised urban and natural environments

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

The proposed 40km/h trial continues to deliver on findings from community engagement activities and council decision making that has taken place over the past 12-months.



At the 24 July 2024 Ordinary Council Meeting (OCM), Council adopted two council policies: the Traffic Calming policy and the Narrow Streets Safe Access policy (Item C2407-14). Both policies included extensive community consultation from 29 November 2023 to 16 February 2024 through the City's Safe and Functional Streets public engagement program. City officers worked directly with the community to understand the kinds of traffic calming measures that would result in safer local streets for all users.

People who participated in the public engagement program cited "speed reduction" as their second highest priority for safer roads, after their #1 choice of traffic calming devices (e.g. speed humps, chicanes, etc). City officers also learned, through conversations with the community, that residents from the suburbs of Hilton and Beaconsfield actively expressed an interest in speed reduction trials in their neighbourhoods.

Residents in these areas highlighted efforts that have been successful in South Fremantle, and more recently in the City of Vincent.

OFFICER COMMENT

International and local studies consistently show that physical measures such as roundabouts, speed plateaus, and raised pedestrian crossings are most effective at reducing vehicle speeds. These devices create physical changes to the road environment, encouraging natural speed reduction, especially in areas where road geometry does not inherently encourage slower driving.

Implementing a speed zone without these complementary physical treatments typically does not achieve the desired level of speed reduction. Prior to introducing a 40 km/h zone, it is generally recommended by authorities like Main Roads WA to install physical calming measures at key locations. This prepares the area for a reduced speed limit by establishing lower baseline speeds.

Notwithstanding the above, the City of Vincent has introduced a 40km/h speed limit following the undertaking of a comprehensive 40 km/h speed limit trial to enhance road safety, reduce vehicle speeds and encourage pedestrian and cyclist activity. The trial aimed to assess changes in speed patterns and its community impact.

Following implementation, reductions in average and 85th percentile speeds were minimal. Average speeds decreased by less than 1 km/h, or 2.4%, while the 85th percentile speeds dropped slightly by approximately 1 km/h, or 2.5%.



These minor changes align with findings from similar urban speed reduction trials, where signage alone is less effective than physical traffic calming measures. The trial also indicated a slight increase in pedestrian and cyclist activity, suggesting a gradual improvement in perceived safety and accessibility, though the effect on vehicle speeds remained limited.

Key observations from the Vincent trial included:

- Speed Reductions: Minor reductions in speed were observed due to the lack of physical calming measures;
- Crash Reduction Trends: Preliminary findings suggested some reduction in crashes, though further analysis was recommended;
- Increased Active Transport: A 14% increase in pedestrian and cyclist counts indicated improved perceived safety; and
- Community Perception: Feedback was varied, with support growing over time, especially in residential areas.

Implementing speed limit change on roads designed for higher speeds, which are wide, straight, or lack natural calming features, presents enforcement difficulties. In such areas, drivers are more likely to exceed the speed limit as the road environment suggests that driving at higher speeds is comfortable and appropriate. Enforcement of speed limits on an area wide basis becomes problematic given the resources required and conflicting priorities for law enforcement resources.

It should also be noted that the implementation of an area-wide 40km/h zone has the potential to impact the funding available to the City for road safety and traffic calming projects.

For example, implementing an area-wide 40 km/h zone would make the City ineligible for funding under the Low-Cost Urban Road Safety Program (LCURSP), which supports crash and speed-related treatments like plateaus, mini roundabouts, and raised intersections. This loss of funding must be carefully considered, as it may limit resources for addressing specific crash hotspots and speed issues through physical treatments.

Should Council wish to further consider the introduction of an area-wide 40km/h zone it is recommended that, similar to the City of Vincent case, a comprehensive trial be undertaken of a selected area to allow determination of the cost versus benefits of wider scale introduction.



To this end, Hilton has been identified as a potential trial area for a 40 km/h zone due to its residential nature and the presence of local amenities that generate pedestrian and cyclist activity. A trial in this location would allow the City to assess the effectiveness of a 40 km/h speed limit in reducing speeds, improving safety, and gathering community feedback prior to wider implementation.

CONCLUSION

A 40 km/h speed zone trial in Hilton offers a controlled opportunity to assess the benefits and challenges of implementing a reduced speed limit. While this presents potential road safety improvements, the City will need to consider the budget required for signage and the impact on funding eligibility. The trial results will provide insights into the viability of wider implementation and the balance between speed zone changes and funding opportunities through programs like LCURSP.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Supports the implementation of a 12 month trial for a 40 km/h speed zone in Hilton, as indicated in Attachment 1, subject to consideration of appropriate funding in the annual budget and relevant agency approvals.**
- 2. Request a report be brought back to council on the conclusion of the trial period, prior to further consideration of a 'City-wide' 40km/h zone.**



C2412-8 WORKING GROUP INFORMATION REPORT - DECEMBER 2024

1. COMMUNITY EMISSIONS WORKING GROUP

WG meeting date:	28 November 2024
WG Chair:	Cr Jemima Williamson-Wong
Responsible officer:	Director Planning Place and Urban Development
Attachments:	Nil

The Working Group has progressed with the following work:

- A fuller understanding of the range, source and levels of community emissions across Fremantle.
- Development of an over-arching framework to identify, plan and monitor for community emissions reduction.
- Review of technical work on developing a process to incorporate sustainability measures at DA stage for new construction projects.

The working group's priorities are now:

- Developing a short, focused list of proposed actions to assist with community emissions reduction, for council consideration.
- Identify potential costs associated with proposed actions, for budget considerations.
- Identify key people/groups in the Fremantle community who could help with proposed actions.
- Present to an IEM in early 2025 the options for additional sustainability measures to be applied to development proposals, at DA stage.

2. FREMANTLE OVAL PROJECT WORKING GROUP

WG meeting date:	21 November 2024
WG Chair:	Mayor Hannah Fitzhardinge
Responsible officer:	Manager Strategic Planning and City Design
Attachments:	Nil

The Working Group meeting considered the recent community and stakeholder feedback from phase two of community engagement on the Masterplan, and acknowledged the comments in relation to sports outcomes, heritage and residential concepts. The Group also considered the next steps in advocacy to pursue government funding, following Council endorsement of the proposed Masterplan.



3. TOWARDS 2029 WORKING GROUP

WG meeting date: 14 November 2024
WG Chair: Cr Jenny Archibald
Responsible officer: Director Creative Arts and Community
Attachments: 1. Minutes Meeting #3 14 November 2024

The working group began the meeting with a cultural tour led by Ethan Chadd of Yonga Solutions of the Manjaree Trail. The group then reflected on the key objectives via a roundtable discussion. All objectives are progressing. There was an acknowledgment that this working group is in its infancy and early stages of planning. There was an agreement that there is immense opportunity for learning, inclusion, and connection to the community's history. Co-designing events and programs will ensure a broad range of stakeholder involvement. It was agreed that First Nation engagement should be progressed by attending the Walyalup Reconciliation Action Group WG and calling for nominations of WRAP WG nominators for the Towards 2029 WG. During the WRAP WG meeting, it will be beneficial to highlight the existing actions in the Walyalup Reconciliation Action Plan 2024-2027 that link to the Towards 2029 work.

4. WALYALUP RECONCILIATION ACTION PLAN 2024-27 WORKING GROUP

WG meeting date: Tuesday 26 November 2024
WG Chair: Brendan Moore Senior Aboriginal Engagement Officer
Responsible officer: Manager Community Development
Attachments: Nil

RECONCILIATION ACTION PLAN

The Reconciliation Action Plan (RAP) for 2024-27 has been formally adopted by Council and received endorsement from Reconciliation Australia. The plan sets out an ambitious agenda with 17 actions and 95 deliverable outcomes to be achieved over the next three years, focusing on relationships, respect, opportunities, governance, and for the first time, truth-telling.

UPCOMING FIRST NATIONS FILM FESTIVAL

A First Nations Film Festival will be held at Walyalup Fremantle Arts Centre during the Australia Day long weekend 2025, featuring three feature films and one short film. The festival will include Q&A sessions with renowned filmmaker Tom Murray, known for his truth-telling documentaries, and a special First Nations edition of the Art Centre's Sunday Music program.



BACKYARD TRUTH-TELLING SERIES OUTCOMES

The recently completed Backyard Truth-Telling Series demonstrated strong community engagement. Hosted by Ron Bradfield Jnr, a saltwater man from Bardi country, the program brought storytelling into local backyards across Beaconsfield, Walyalup/Stackwood, and White Gum Valley. The series comprised four workshops and three events, featuring nine storytellers and attracting 178 attendees.

NORTH FREMANTLE HERITAGE TRAIL PROGRESS

Progress continues on the North Fremantle Heritage Trail project. Stage 1, the Yoorn trail, has completed its consultation sessions with PRG and Whadjuk Elders as of November 2024. The project awaits Council endorsement in January 2025, with installation planned for April-May 2025. The next stage, the Dwert trail, will be co-designed with Whadjuk Elders and the community.

2029 WORKING GROUP ESTABLISHMENT

A new 2029 Working Group has been established, comprising City of Fremantle Elected Members and Staff. The group will focus on developing a long-term vision for the Roundhouse and Arthur Head Reserve, leading advocacy efforts, and integrating truth-telling components. RAP Working Group Elders have been invited to join, with the next meeting scheduled for early 2025.

CHANGEFEST 2025 PLANNING

ChangeFest 2025 is a national gathering of community change-makers with a strong emphasis on promoting First Nations leadership in community-led decision making. The Imagined Futures, South West Metropolitan District Leadership Group, put forward a proposal to host ChangeFest in Walyalup | Fremantle. The WRAP WG Elders unanimously supported this initiative particularly emphasising the importance of broad engagement with First Nations peoples and the Whadjuk Aboriginal Corporation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council receive the following working group updates for DECEMBER 2024:

- 1. COMMUNITY EMISSIONS WORKING GROUP**
- 2. FREMANTLE OVAL PROJECT WORKING GROUP**
- 3. TOWARDS 2029 WORKING GROUP**
- 4. WALYALUP RECONCILIATION ACTION PLAN 2024-27 WORKING GROUP**



Statutory reports

Nil.



Committee reports

ARMC2412-1 AUDIT OF THE ANNUAL FINANCIAL STATEMENTS 30 JUNE 2024

Meeting date:	2 December 2024
Responsible officer:	Manager Financial Services
Voting requirements:	Absolute Majority Required
Attachments:	<ol style="list-style-type: none">1. Annual Financial Statements- City of Fremantle – 30 June 20242. Draft City of Fremantle Annual Report - 30 June 20243. CONFIDENTIAL - Management Letter Information Tecnology - City of Fremantle - 30 June 20244. CONFIDENTIAL - Management Letter - City of Fremantle - 30 June 2024

SUMMARY

The audit of the City of Fremantle’s Annual Financial Statements for the year ending 30 June 2024 has been completed by the Office of the Auditor General (OAG) with Council being provided with an Independent Auditor’s Report.

The City has received a draft unqualified audit report. As indicated in the Independent Auditor’s Report, in the opinion of the Auditor General the Annual Financial Statements of the City of Fremantle fairly represent the results of the operation of the City and its financial position for the year ending 30 June 2024.

The audit exit meeting will be held on the 2nd of December 2024 with the City’s Chair of the Audit and Risk Management Committee, Chief Executive Officer, representatives from the OAG and the agents appointed on their behalf to undertake the audit. Once the signing officer reviews and signs the documents, it will become final.

Upon receiving the audit report, Council is required to accept the Annual Report for the year ending 30 June 2024 and set the date for the Annual General Meeting of Electors, to consider matters arising with respect to the previous financial year.

This report recommends Council:

- 1. Receive the draft Independent Auditor’s Report and adopt the Audited Financial Statements for the financial year ending 30 June 2024.**



- 2. Accept the attached City of Fremantle 2023-24 Annual Financial Statements and Annual Report.**
- 3. Set the date for the 2025 Annual General Meeting of Electors.**

BACKGROUND

The OAG audited the City's Annual Financial Statements for the year ending 30 June 2024 and provided an Independent Auditor's Report as required under the relevant provisions of the *Local Government Act 1995* (the Act). The audit work was performed by Grant Thornton on behalf of the OAG.

The Audit Exit Meeting will be held on 2 December 2024. In attendance will be the Director Financial Audit from the Office of the Auditor General, Partner from Grant Thornton as well as City of Fremantle Chair of the Audit and Risk Management Committee, Chief Executive Officer, Director City Business and Manager Financial Services. The Audit Finding Reports are attached for the Committee's review as a confidential attachment.

The key outcomes of the Audit Exit Brief were:

- Audit team recommends the Auditor General issue an unqualified audit opinion on the City's financial statements for the year ended 30 June 2024.
- The Exit Brief included items identified during the Final Audit.

In accordance with section 7.12A(2) of the Act and the *Local Government (Audit) Regulations 1997*, Council is required to meet with the External Auditor at least once per year. The Office of the Auditor General has confirmed that this requirement will be satisfied during the Exit meeting to be held on 2 December 2024.

FINANCIAL IMPLICATIONS

For year ending 30 June 2024, the closing balance as per the Rate Setting Statement (cash position) was a surplus of \$11,571,212. Original budget adoption for 2024-25 carried forward amount of \$8,923,468.

The following table provides a high-level summary of Council's financial performance for year ending 30 June 2024.



Description	Adopted Budget 2023-24 \$M	Audited Actual 2023-24 \$M	Variance (Actual to Budget) \$M
Opening Surplus	7.2	11.0	3.8
Operating			
Rate Revenue	57.9	59.8	1.9
Revenue	32.4	45.3	12.9
Expenses	(96.6)	(104.3)	(7.7)
Non-Cash Adj.	11.9	13.6	1.7
	5.6	14.4	8.8
Investing			
Capital Revenue	12.4	1.6	(10.8)
Capital Expenses	(24.5)	(6.5)	18
	(12.1)	(4.9)	7.2
Financing			
Repayment Loans & Leases	(2.5)	(2.5)	0
Reserve Transfers	1.8	(6.4)	(8.2)
	(0.7)	(8.9)	(8.2)
Closing Surplus	0	11.6	11.6

LEGAL IMPLICATIONS

Section 7.12AD of the *Local Government Act 1995* states that,

- (1) the auditor must prepare and sign a report on a financial audit.
- (2) The auditor must give the report to -
 - a) the mayor, president or chairperson of the local government; and
 - b) the CEO of the local government; and
 - c) The Minister.

Section 5.27 of the *Local Government Act 1995* states that the City must hold a general meeting of electors once for each financial year, within 56 days of the acceptance of the Annual Financial Report and that the matters to be discussed are as prescribed.

Section 5.53 of the *Local Government Act* states that the City is to prepare an Annual Report for each financial year, containing the following:

- a report from the mayor or president; and
- a report from the CEO; and



- an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year; and
- such information as may be prescribed in relation to the payments made to employees; and
- the auditor's report for the financial year; and
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - o the number of complaints recorded in the register of complaints; and
 - o how the recorded complaints were dealt with; and
 - o any other details that the regulations may require; and
 - o such other information as may be prescribed.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

The Annual General Meeting of Electors is held to discuss the contents of the Annual Report, including the previous year's financial report, and to address any other general business relevant to the City of Fremantle which may be raised by an elector.

OFFICER COMMENT

The City has completed preparing its Annual Financial Statements for the year ended 30 June 2024 and received a draft unqualified Independent Auditor's Report from the Office of the Auditor General.

In the opinion of the Auditor General the annual financial report of the City:

- (i) is based on proper accounts and records; and
- (ii) fairly represents, in all material respects, the results of the operations of the City for the year ended 30 June 2024 and its financial position at the end of that period in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.



The Independent Auditor’s Report made recommendation to strengthen controls and build future efficiencies in the following areas:

1. Cash and cash equivalents – Authorised signatories
2. Retention of supporting reports for transactions (Bonds)
3. Invoices captured in incorrect financial period (Operating Expenses)
4. Incorrect allocation of GST on Grant revenue (Operating Grant Revenue and Contract Liability)
5. Contract Liability carried a variance from prior years, overstating the Liability at year end (Operating Grant Revenue and Contract Liability)

The exit meeting is scheduled to take place on 2 December 2024. Once the signing officers' reviews and signs the documents, all the draft attachments will become final versions of those documents.

The Audit Management Letters documented no significant issue during this audit for the City’s Annual Financial Statements for the year ended 30 June 2024.

Index of findings	Potential impact on audit opinion	Rating			Prior year finding
		Significant	Moderate	Minor	
Findings identified in current audit					
1. Cash and Cash Equivalents – Authorised Signatories	No			✓	✓
2. Retention of Supporting Reports for Transactions (Bonds)	No			✓	✓
3. Invoices captured in incorrect financial period (Operating Expenses)	No		✓		
4. Incorrect allocation of GST on <u>Grant revenue</u> (Operating Grant Revenue and Contract Liability)	No			✓	
5. Contract Liability carried a variance from prior years, overstating the Liability at year end (Operating Grant Revenue and Contract Liability)	No		✓		

The details of these findings, together with the City’s management response, can be found in the draft Audit Management Letter, which is attached for the Committee’s review as a confidential attachment.



Key to ratings

The Ratings in this Final Audit Management Letter are based on the Audit Team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. Consideration to these potential adverse outcomes is in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

Moderate Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor Those findings that are not of primary concern but still warrant action being taken.

Full details of the above finding, including implications and recommendations, are contained in the attached Final Audit Management Letter.

Annual Report and Annual General Meeting of Electors

The Annual Report outlines the City's actions and achievements over the relevant financial year and provides important information relating to finances and governance. It also explores some of the services and programs that we provide to the community and an abridged version of the financial report.

The 2023–24 Annual Report, provided in Attachment 3 of this report, is in a final draft format and is subject to further formatting to make the information more accessible and reader-friendly.

If Council accepts the Annual Report and the proposed meeting date for the 2024 Annual General Meeting of Electors, statutory advertising notifying the availability of the Annual Report and meeting date will be placed in the local newspaper. Once accepted by Council, the Annual Report, auditors report and full financial statements will be placed on the City's website, and copies will be made available for viewing at the Walyalup Civic Centre.

VOTING AND OTHER REQUIREMENTS

Absolute Majority Required



COMMITTEE RECOMMENDATION ITEM ARMC2412-1
(Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

Council:

- 1. Receive the Independent Auditor's Report following the exit meeting on 2 December 2024 from the Office of the Auditor General for the financial year ending 30 June 2024.**
- 2. Receive the Financial Audit Management Letters, as provided in Confidential Attachment 3, and the Information Systems Audit Management Letter as provided in Confidential Attachment 4, as issued by the Office of the Auditor General for year ending 30 June 2024.**
- 3. Accept the Audited Financial Statements, as provided in Attachment 1, for the City of Fremantle for the financial year ending 30 June 2024.**
- 4. Accept the City of Fremantle 2023-2024 Annual Report, as provided in Attachment 2, in accordance with Section 5.53 and 5.54(1) of the *Local Government Act 1995*, noting that:**
 - a. minor typographical amendments, that do not affect the intent of the document may be made; and**
 - b. an abridged version of the City's financial statements and audit report will be included.**
 - c. Officers will develop a communication piece to accompany the annual report.**
- 5. Advertise the availability of the Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*.**
- 6. Set the date for the 2024 Annual General Meeting of Electors as Monday, 3 February 2025, to be held at the Walyalup Civic Centre at 6pm, in accordance with Section 5.27 of the *Local Government Act 1995*.**

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ITEM WITHDRAWN

The Chief Executive Officer advised the Audit and Risk Management Committee that the following item is to be withdrawn from the agenda, as one of the providers withdrew their submission prior to the meeting. It was noted that officers will undertake a new EOI process, and a report will be brought back to the next Audit and Risk Management Committee meeting in March 2025.

ARMC2412-2 APPOINTMENT OF REGULATION 17 INDEPENDENT AUDITOR



ARMC2412-3 AUDIT ACTIONS UPDATE - NOVEMBER 2024

Meeting date: 2 December 2024
Responsible officer: Manager Financial Services
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - November 2024 Audit Action Register

SUMMARY

This report provides an update on the status of actions arising from annual audits carried out in line with statutory requirements.

The report requests the Audit and Risk Management Committee receive and note the current list of audit actions and status associated with each.

BACKGROUND

Currently the City of Fremantle participates in or undertakes the following audits as required under the *Local Government Act 1995*:

- Audit of annual financial statements
- Audit of General computer controls and information systems
- Audit of Financial management (Regulation 5)
- Audit of general systems, procedures and controls (Regulation 17)

The Financial Audit and General Computer Controls Audit are carried out by the Office of the Auditor General (OAG) and assess both financial and information technology related compliance and controls.

The Regulation 5 and Regulation 17 audits are carried out by external auditors engaged by the City.

Each audit results in a series of recommendations being made by the auditor, which the City reviews, tracks and actions accordingly. Recommendations are rated based on risk and severity and the city prioritises any remediation required on that basis.

The audit register, as provided in confidential attachment 1, provides information regarding the status of each action and progress associated with each.

FINANCIAL IMPLICATIONS

Nil.



LEGAL IMPLICATIONS

The City considers and actions audit recommendations in line with its requirements under the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.
- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

Audit recommendations are implemented and actioned in consultation with auditors to ensure accurate interpretation and understanding of audit recommendations.

OFFICER COMMENT

The audit action register has been developed as part of the continuous improvement of the City's management and reporting of audit activities and findings.

The audit action register provides a summary report of all the current open audit findings, recommendations, and progress comments from the various audit activities.

Noting that full audit reports are presented to the Audit and Risk Management Committee upon completion of each audit, the register provides an ongoing summary update on status and includes the following information:

- The core finding identified by the relevant audit.
- The associated risk rating as identified by the auditor.
- The auditor's core recommended actions.
- The officer responsible for implementing the action.
- Indications of which audits resulted in the core finding, whether it be the OAG financial or IT audits, Regulation 5 or 17.



- Comments on progress made, and current status of action being taken by the City.
- Estimated completion date and actual completion date for the items that have been resolved.

Since the ARMC in September 2024 there were only 3 outstanding items on the audit register.

Of the three 3 outstanding items:

- Two relate to the OAG GCC (IT) Audit, with one of those findings being assessed as moderate and one the other being assessed as minor.
- One relates to the Reg 17 audit and is assessed as minor.

All three findings are on track to be addressed and closed out prior to the end of the FY24/25 financial year. Once the Annual Financial Statement audit is finalised, the recommendations from the management letters will be included in the audit register.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM ARMC2412-3 **(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Jenny Archibald

Council receive and note the updated Audit Actions Register as provided in confidential attachment 1.

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ARMC2412-4 EMERGING ISSUES REPORT - SEPTEMBER TO NOVEMBER 2024

Meeting date: 2 December 2024
Responsible officer: Manager Governance
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - Emerging Issues Summary Report
Nov 24

SUMMARY

This report highlights the relevant issues which are either current or emerging and may significantly affect the operation, financial, legal, or reputational operation of the City.

These matters are raised to inform the committee of any significant issues identified by officers and allow for any further feedback or questions on the actions currently being taken or under consideration to address and resolve them.

BACKGROUND

Part of the role of the Audit and Risk Management Committee is to be aware of any significant financial, political, and corporate issues being identified by the organisation and to understand, review or advise on the possible actions to address these.

FINANCIAL IMPLICATIONS

Some of the issues and potential mitigation actions outlined in this report may include financial implications for the City. Order of magnitude estimates of financial implications based on information available at the time of the report is included in the issues table attached.

LEGAL IMPLICATIONS

The City actively seeks legal advice and support where issues and risks identified have potential legal implications.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:



Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.
- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

Nil.

OFFICER COMMENT

The table provided in confidential attachment 1 identifies the current or emerging issues which are considered significant by the organisation. Some are in action, and some are under review by the organisation and will continue to be updated to the Audit and Risk Management Committee over time.

In conjunction with the organisation's newly developed Risk Management Framework, the City's issues log will provide a consistent and effective means of tracking, managing, and resolving significant issues.

It should be noted that as the City progresses through the transitional period to the new Risk Management Framework, there are a number of issues covered on both the issues log and the current Corporate Risk Register.

The City's emerging issues log is populated and maintained by officers. This document is maintained live in the City's corporate document management system and is reviewed and discussed by the Executive Leadership Team as a standing agenda item monthly.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



COMMITTEE RECOMMENDATION ITEM ARMC2412-4
(Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Fedele Camarda

Council receive the Emerging Issues report for September to November 2024 as detailed in confidential attachment 1.

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ARMC2412-5 GRANTS AND SPONSORSHIP FUNDING REPORT 2023-2024

Meeting date: 2 December 2024
Responsible officer: Manager Community Development
Voting requirements: Simple Majority Required
Attachments: 1. Grants and Sponsorship Funding Report FY 2023-2024

SUMMARY

This information report outlines the City's annual financial support provided to the community, organisations, and businesses within the 2023-24 financial year.

The Grants and Sponsorship Policy (endorsed 12 May 2021) requires that an information report is submitted to the Audit and Risk Committee on a biannual basis to notify Council of all funding decisions.

In the 2023-24 financial year, a total monetary spend of \$1,030,098 and \$88,914 in-kind value was distributed under the Grants and Sponsorship Policy through grants, sponsorships, donations, individual support, and rebates. The grants enable the Fremantle arts, business, and broader community to support the aims of the City's Strategic Community Plan through projects, programs, and events.

This report recommends that Council receive the Grants and Sponsorship Policy Funding report, as provided in attachment 1.

BACKGROUND

The City recognises the pivotal role community groups, organisations, businesses, and individuals play in the delivery of vibrant and diverse communities.

To support this outcome, the City provides financial, non-financial, and value in-kind support to partner with the community, organisations, and businesses in building capacity for the social, economic, and cultural life of the City.

FINANCIAL IMPLICATIONS

The availability of financial support remains subject to Council's annual budgetary process and may vary annually dependent upon Council priorities and strategic requirements.



Funding assistance (grants, sponsorships, donations, rebates, fees, and charges) operational costs are set through the annual Council budgetary process or as varied by Council resolution. Table 1 below summarises the quantity, in-kind and monetary value for the 2023-24 financial year. These amounts are reported ex-GST. For a full list of successful applicants, refer to Attachment 1.

Table 1: Funding Assistance Summary (detailed list refer to Attachment 1.)

PROGRAM	QUANTITY	IN-KIND	CASH
Direct Sponsorships			
Arts <i>Direct Sponsorships</i>	1		\$110,000.00
Community Development <i>Direct Sponsorships</i>	6		\$115,500.00
<ul style="list-style-type: none"> • Fremantle Foundation • Fremantle Surf Life Saving Club • Imagined Futures • Fremantle Community Men’s Shed • Bushland Restoration – Clontarf Hill • Hungerford Award 			
Economic Development <i>Annual Partnerships</i>	4		\$555,720.48
<ul style="list-style-type: none"> • Fremantle Football Club • South Fremantle Football Club • Fremantle Chamber of Commerce • Fremantle Park Sport and Community Centre 			
Total	11		\$781,220.48
Grants/ Sponsorships			
Arts <i>Arts Grants</i> <i>(Allocated Budget: \$51,500.00)</i>	8		\$51,331
Community Development <i>Community Grants</i> <i>(Allocated Budget: \$90,000.00)</i>	16	\$1,930.00	\$93,097.53
Neighbourhood Quick Response <i>(Allocated budget: \$11,000.00)</i>	9		\$8,392.15



Sporting Clubs: (<i>Allocated budget: \$10,000.00</i>)	1		\$500.00
Events <i>Application Sponsorships</i>	42	\$86,037.95	\$78,116.96
<ul style="list-style-type: none"> • Street Parties • Events & Programs • Annual Community Events <i>(Allocated budget: \$103,824)</i>			
Total	76	\$87,967.95	\$231,437.64
PROGRAM	QUANTITY	IN-KIND	CASH
Venue Support	3	\$946.93	
Waste Minimisation (Rebates)	31		\$1672.79
Total	34	\$946.93	\$1672.79
Individual Assistance			
Sporting Individual (Youth) <i>(Allocated budget: \$10,000.00)</i>	19		\$5,700.00
Positive Ageing Assistance (<i>Allocated budget \$5,000.00</i>)	36		\$4,102.06
Total	55		\$9,802.06
Donations			
Community Donations (<i>Allocated budget: \$5,000.00</i>)	11		\$4,995.00
Donate Without a Doubt (<i>Matched funding</i>)	1		\$970.81
Total	12		\$5,965.81
TOTAL	188	\$88,914.88	\$1,030,098.78

LEGAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:



Liveable City - Liveable and socially connected neighbourhoods

- Community-led clubs and groups allow for social inclusion and connection across our neighbourhoods.
- Fremantle's diverse cultural heritage is reflected through a broad range of community celebrations and traditions.

Creative City – Events and programming celebrate Fremantle’s unique and diverse creative and cultural identity

- A diverse program of events is inspired by Fremantle’s unique identity and accessible by all members of the community.

Resilient City – Availability of services and support for the most vulnerable members of the community

- Access to programs that connect vulnerable community members to services and support.
- A caring community supports, protects and accepts those who are most vulnerable.

CONSULTATION

Nil.

OFFICER COMMENT

The purpose of the funding streams is to support the City in achieving its strategic goals and objectives via the funding program guidelines.

The City of Fremantle has delivered eleven direct cash sponsorships to organisations/events valuing \$781,220.48 in the 2023/24 financial year. Organisations and businesses were approved for grants/applicant sponsorships valuing \$231,437 and in-kind value of \$88,914. Donations and matched funding through the Donate Without Doubt program contributed \$1942 to St Patrick’s Community Support Centre.

55 community members were supported through the individual assistance programs, both for participation in sport and ability to remain independent in their homes. 31 families were supported with waste minimisation rebates for cloth nappies, compost infrastructure and reusable sanitary items.

This equates to 188 occasions of financial and in-kind support with a much broader community impact and reach.

Items to note:-

- There continues to be a high number of applications to the Arts Grants program, reflecting the level of artistic activity in Fremantle. The Arts Grants



March 2024 round received 29 applications, with 4 successful applications this equates to 13% success rate. The Arts Grants October 2023 round received 23 applications, with 4 successful applications this equates to 17% success rate. A review of the Arts Grants program has determined that focusing the objectives on community participation will help manage the number of proposals, and still achieve positive outcomes for the community and creative industry.

- In this grant period, the first round of the Youth, Community and Arts Grants were run in October rather than September to align with the endorsement of the City's *Youth Strategy 2024-2028*. The March Round ran as normal. The Youth and Community Grant rounds, Community Donations and Neighbourhood Quick Response Grants included 36 community projects, up from 28 in 2022/23 financial year.
 - Seven Youth Grants were provided, with the majority of these targeting mental health in young people.
 - Of the total grant projects, sixteen are based in Fremantle only. The rest of the projects are spread across the City of Fremantle suburbs, however there are no projects in Samson.
 - Five of the grants directly target vulnerable people including people in need of support with meals and groceries, young people at risk, and people with lower socio-economic status.
 - Fourteen of the grants include measures to improve mental health and combat social isolation.
 - Six of the grants are directed towards people with disabilities, including three Community grants enhancing volunteer and social opportunities for people with disabilities.
 - Six of the Neighbourhood Quick Response Grants funded local community gatherings for a street or section of a neighbourhood, encouraging social connection.
 - The majority of these grants align with the Liveable City pillar of the Strategic Community Plan, addressing the points:
 - Community-led clubs and groups allow for social inclusion and connection across our neighbourhoods.
 - Community participation is encouraged through spaces that enable social connection.
 - The grants also align with the Resilient City pillar, including providing access to programs that connect vulnerable community members to services and support and a caring community supports, protects and accepts those who are most vulnerable.
 - Additionally, each grant application is assessed based on its alignment with the City's Reconciliation Action Plan, Positive Ageing Plan, Homelessness Action Plan and Access and Inclusion Plan. Applications which support these plans are prioritised in grant assessments.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM ARMC2412-5 (Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Ms Hayley Manser

Council receives the Grants and Sponsorship Policy Funding report, as provided in attachment 1.

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ARMC2412-6 PURCHASING POLICY EXEMPTIONS SEPTEMBER TO OCTOBER 2024

Meeting date: 2 December 2024
Responsible officer: Manager Financial Services
Voting requirements: Simple Majority Required
Attachments: 1. Purchasing Policy Exemptions September - October 2024

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempted from the requirements of the Purchasing Policy, during the period September to October 2024.

This report recommends that Council receive the Purchasing Policy Exemptions report for September to October 2024.

BACKGROUND

At the Ordinary Meeting of Council of 25 November 2020, Council adopted an updated Purchasing Policy. The Purchasing Policy outlines the requirements and decision-making process for each Policy threshold. The Policy also contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and other Policy exemptions.

Under this policy all exemptions applied by the City are to be reported to the Audit and Risk Management Committee.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:



Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

Nil.

OFFICER COMMENT

September 2024

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$219,337.00** for the month of September 2024.

The value of exemptions by category is:

Exemption Category	Value
Purchasing Policy Exemption	\$208,264.00
Request for Artist	Nil
Sole Source of Supply	\$11,073.00
Total	\$219,337.00

Details regarding individual exemptions can be found in Attachment 1.

October 2024

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$151,350.00** for the month of October 2024.

The value of exemptions by category is:

Exemption Category	Value
Purchasing Policy Exemption	\$140,000.00
Request for Artist	Nil
Sole Source	\$11,350.00
Total	\$151,350.00

Details regarding individual exemptions can be found in Attachment 1.



VOTING AND OTHER REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM ARMC2412-6 (Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

Council receive the information report on Purchasing Policy Exemptions for September to October 2024.

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ARMC2412-7 TENDERS AWARDED UNDER DELEGATION SEPTEMBER TO OCTOBER 2024

Meeting date: 2 December 2024
Responsible officer: Manager Financial Services
Voting requirements: Simple Majority Required
Attachments: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and Committees during the period September to October 2024.

This report recommends that Council receive the report on tenders awarded under delegation between September to October 2024.

BACKGROUND

Tenders awarded by the City are awarded under the following delegations, approved at Council on 26 June 2024 (C2406-15):

Delegated Authority	Amount of Delegation
Ordinary Meeting of Council	\$1,000,000+ (if within budget)
CEO	Up to \$1,000,000
Directors	Up to \$500,000

Items identified under 'Officer Comment' of this report detail tenders awarded under delegation.

FINANCIAL IMPLICATIONS

All tenders were awarded in line with the adopted 2024-25 budget.

LEGAL IMPLICATIONS

All tenders awarded met the requirements of Regulations 11A – 24AJ of the *Local Government (Functions and General) Regulations 1996* and S3.57 of the *Local Government Act 1995*.

Under delegation 2.11 Expressions of interest and tenders, of the City's Register of Delegated Authority 2023-24, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.



STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle’s Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

Nil.

OFFICER COMMENT

Below is a list of tenders awarded under delegation between September 2024 to October 2024.

September 2024

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
FCC658/24 - Gym Equipment Replacement Leisure Centre	Director	Technogym Australia	7 years	\$699,897.80

October 2024

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
Nil				

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



COMMITTEE RECOMMENDATION ITEM ARMC2412-7
(Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

**Council receive the information report on Tenders Awarded under
Delegation for September to October 2024.**

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorssen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



ARMC2412-8 OVERDUE DEBTORS REPORT AS AT 31 OCTOBER 2024

Meeting date:	2 December 2024
Responsible officer:	Manager Financial Services
Voting requirements:	Simple Majority Required
Attachments:	1. CONFIDENTIAL - Summary of Outstanding Debtors as at 31 October 2024

SUMMARY

This Overdue Debtors Report, with confidential attachment, is provided to the Audit and Risk Management Committee to report details of overdue debts, as at 31 October 2024, and identify those where the amount owing is over 90 days with a total debt exceeding \$10,000.

This report recommends that Council receive the Overdue Debtors Report and acknowledge the overdue debts exceeding 90 days that have a combined value greater than \$10,000 as at 31 October 2024.

BACKGROUND

This report provides the Audit and Risk Management Committee the following information in relation to overdue debtors:

- The amount of total debt outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above.
- A confidential report containing the individual debtor information in relation to the outstanding debts exceeding 90 days with a combined value of debt, by debtor, exceeding \$10,000.
- The Debtor Day Ratio, being the average number of days taken for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

It is a requirement that annual financial statements include an allowance for impairment of receivables owed to the local government to be recognised as a cost to the budget in the year in which the impairment is made.

As at the year ending 30 June 2024, an amount of \$160,937 is held as an allowance for impairment of sundry receivables. There was a total of \$87,996 of waivers or debts written off for the 2023/24 financial year.



LEGAL IMPLICATIONS

Section 6.12 (1) (c) of the *Local Government Act 1995* provides authority for the Council to write off outstanding monies.

In accordance with section 5.42 and 5.44 of the *Local Government Act 1995* the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$50,000 per account where, in the opinion of the Chief Executive Officer, all other reasonable avenues of recovery have been exhausted.
- Directors and Managers have various sub-delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$20,000 per account where, in the opinion of the Director or Manager, all other reasonable avenues of recovery have been exhausted.

All records of the uses of this delegated authority, to waive or write off debts valued at \$1,000 or above, per debtor, must be reported to the Audit and Risk Management Committee.

Any amount more than \$50,000 is to be written off by Council resolution. A Council resolution authorising the write-off of any bad debt does not prevent Council from reinstating the debt if the future circumstances change and the debt becomes collectable.

STRATEGIC IMPLICATIONS

This is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

CONSULTATION

Nil.

OFFICER COMMENT

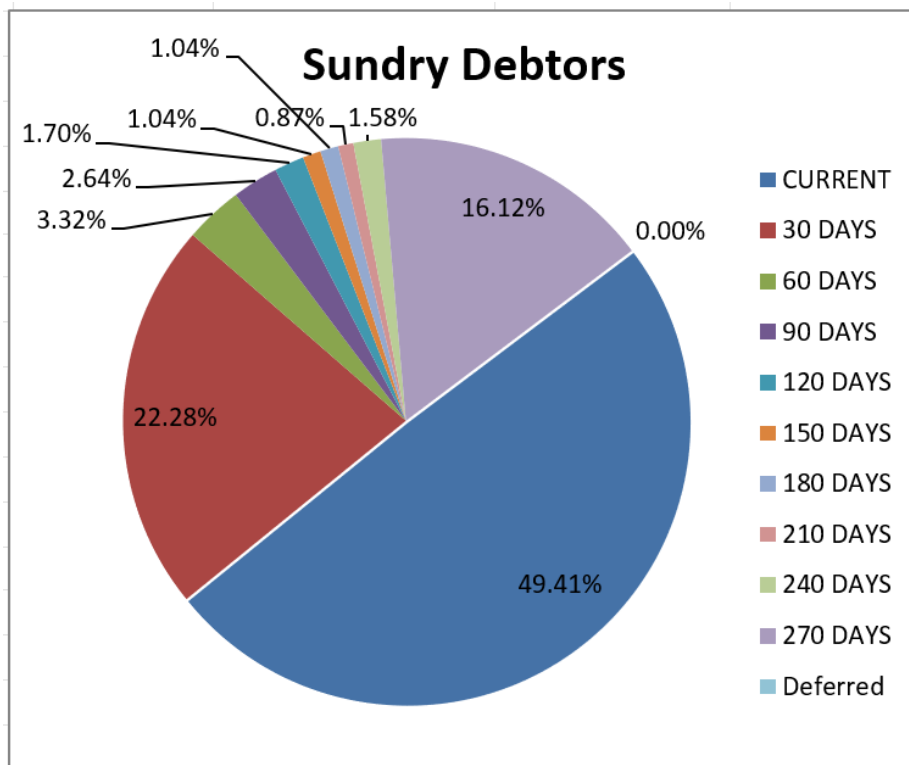
The total of debts outstanding as at 31 October 2024 was \$680,439. A breakdown of aged debt for the current period compared to prior year is tabled below.

**City of Fremantle
Ordinary Meeting of Council - Agenda
11 December 2024**



Period Ending October 2024	Current	30 Days	60 Days	90+ Days	Total
Sep 24 – Oct 24	49%	22%	3%	25%	100%
Sep 24 – Oct 24	336,203	151,629	22,585	170,022	680,439
Sep 24 – Oct 24 Excl. Commercial Properties	45%	34%	5%	15%	100%
Sep 24 – Oct 24 Excl. Commercial Properties	140,700	108,186	16,980	48,693	314,559
Sep 23 - Oct 23	423,500	187,222	47,681	334,014	992,417

The graph below shows the aged debt balances as at 31 October 2024:



Compared to the report of overdue debtors as at 31 August 2024, presented to Audit and Risk Management Committee meeting on 16 September 2024, the total value of outstanding debts has decreased from \$707,717 to \$680,439.

Total outstanding debt over 90 days has decreased from \$293,101 at the end of the previous reporting date to \$170,022.

The number of overdue debtors over 90 days, and above the total debt reporting threshold of \$10,000, has remained at five.

Of the five reported, one debtor has had no change and the remaining four have had the debts reduced.



These five debtors have a total debt owing of \$120,435 of which \$114,707 is over 90 days. The confidential attachment contains details of the debtors comprising this balance.

Key Performance Indicators

When determining status or risk associated with outstanding debtors, officers typically consider and assess the following metrics:

- Total amount of outstanding debt
- Age of outstanding debt (and value of that debt)
- Frequency of payment of outstanding debt
- Outstanding debt per individual debtor
- Outstanding debt per type of debtor

Officers consider all of these metrics alongside each other as well as the debtor day ratio to assist in providing an overarching assessment of general performance of outstanding debtors. The debtor day ratio measures how quickly cash is being collected from debtors regardless of the level of total outstanding amount of debt or the type of debt, allowing for a consistent metric that will identify periods where debtors are taking longer to pay down outstanding debt.

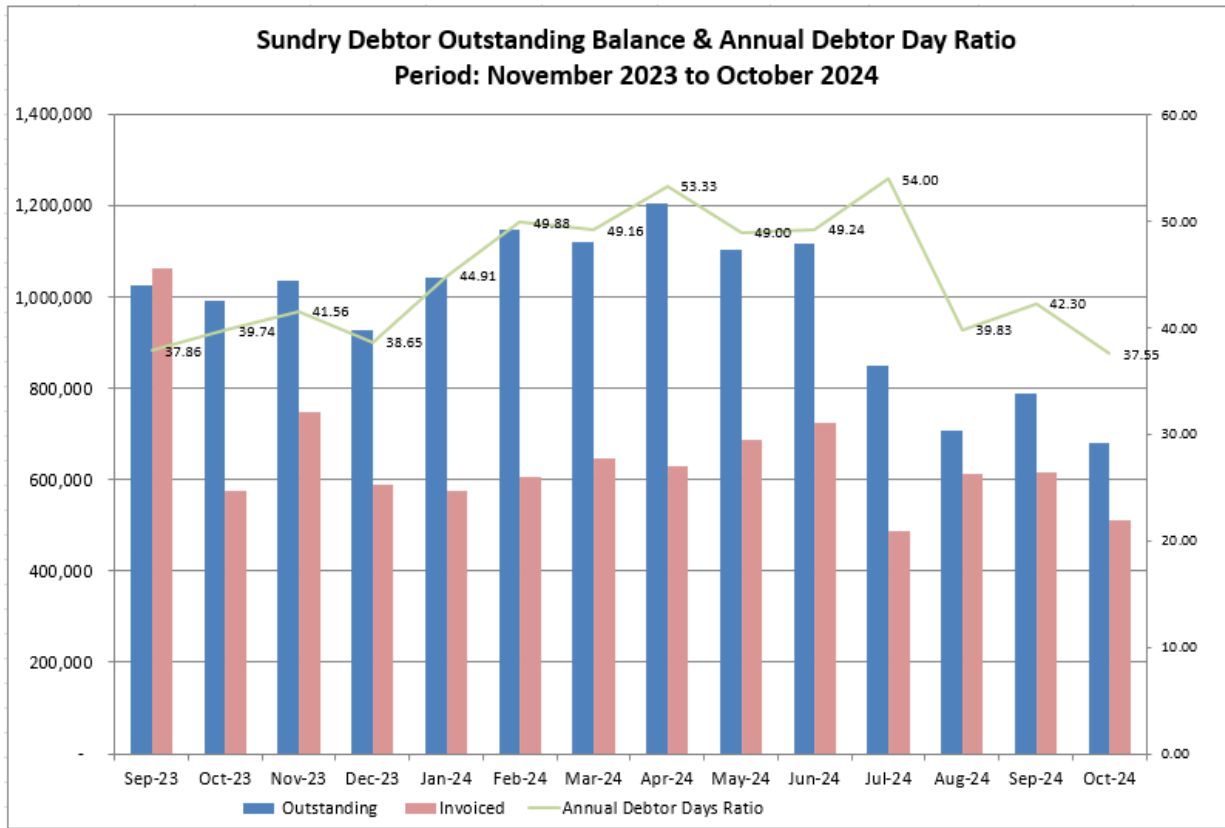
A number of metrics have been provided to follow that provide an initial snapshot of performance and or status of outstanding debtors to follow.

Debtor Day Ratio

The Debtor Day Ratio measures how quickly cash is being collected from debtors. The longer it takes for an organisation to collect, the greater the number of debtor days.

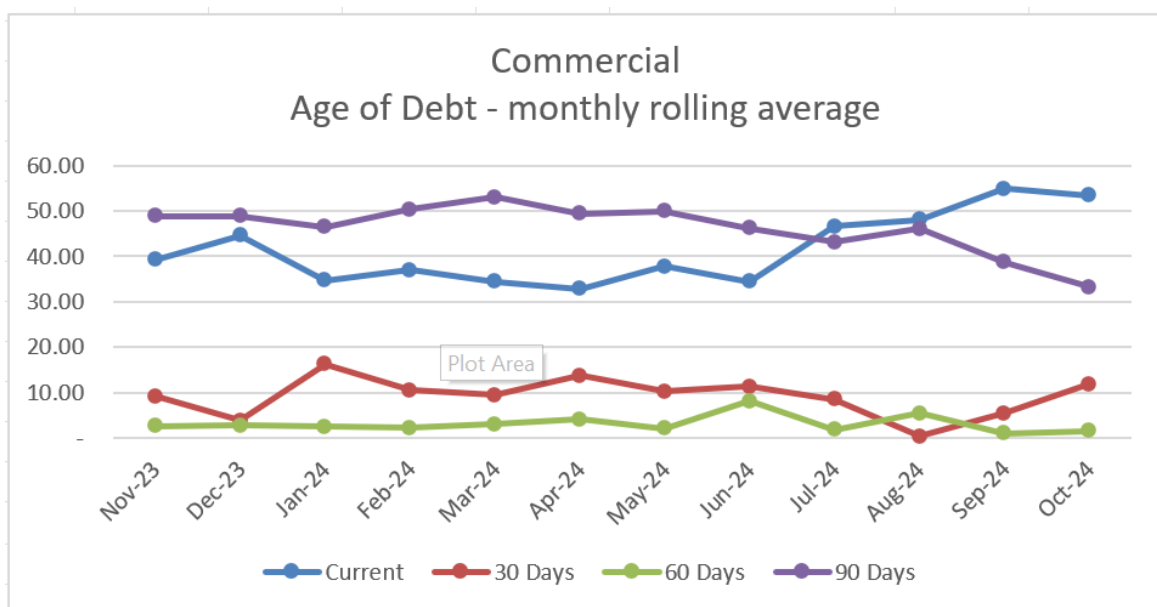
The calculation of the ratio considers the total amount outstanding at the end of the period divided by the total amount invoiced to that period for the financial year. This is then multiplied by the total number of days from 1 July to the end of the period. See calculation in the graph to follow.

The chart to follow indicates the debtor days over the last 12 months. Debtor days have steadily increased during last financial year, however have dipped backed to 37.55 as at October 2024.



Age of Debt

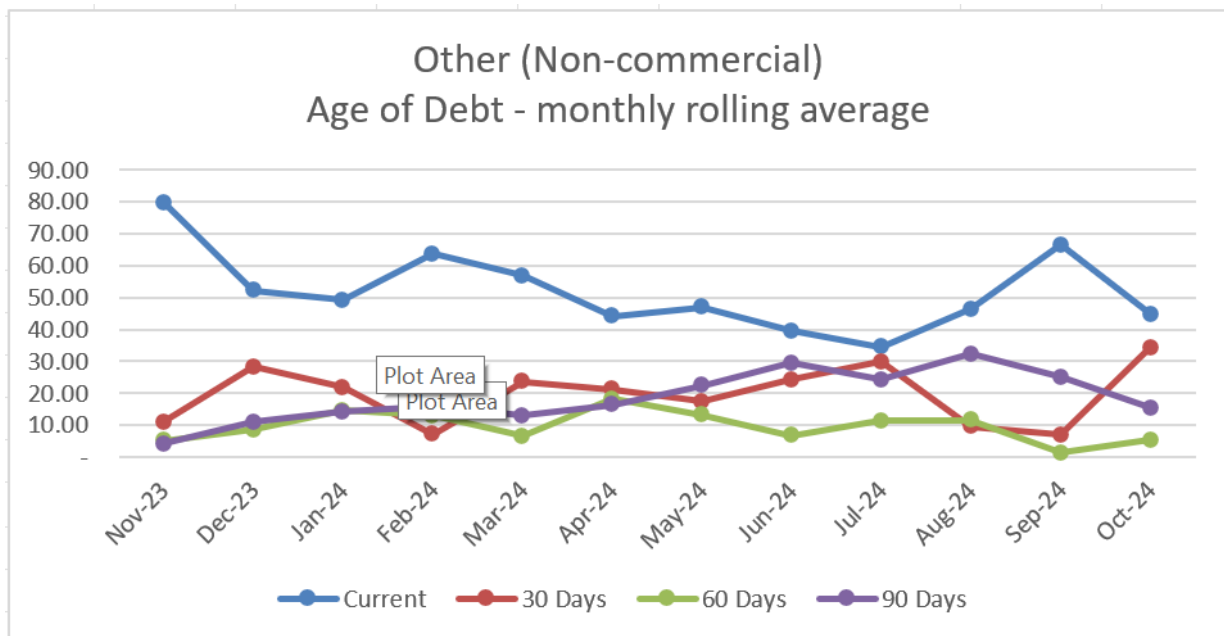
The rolling 12-month Average for debt in each age category is shown in the graphs to follow for Commercial and Other (non-commercial) debt. These graphs show the 12-month average as at each point in time, to provide a view of the trend of the City’s aged debt portfolio.





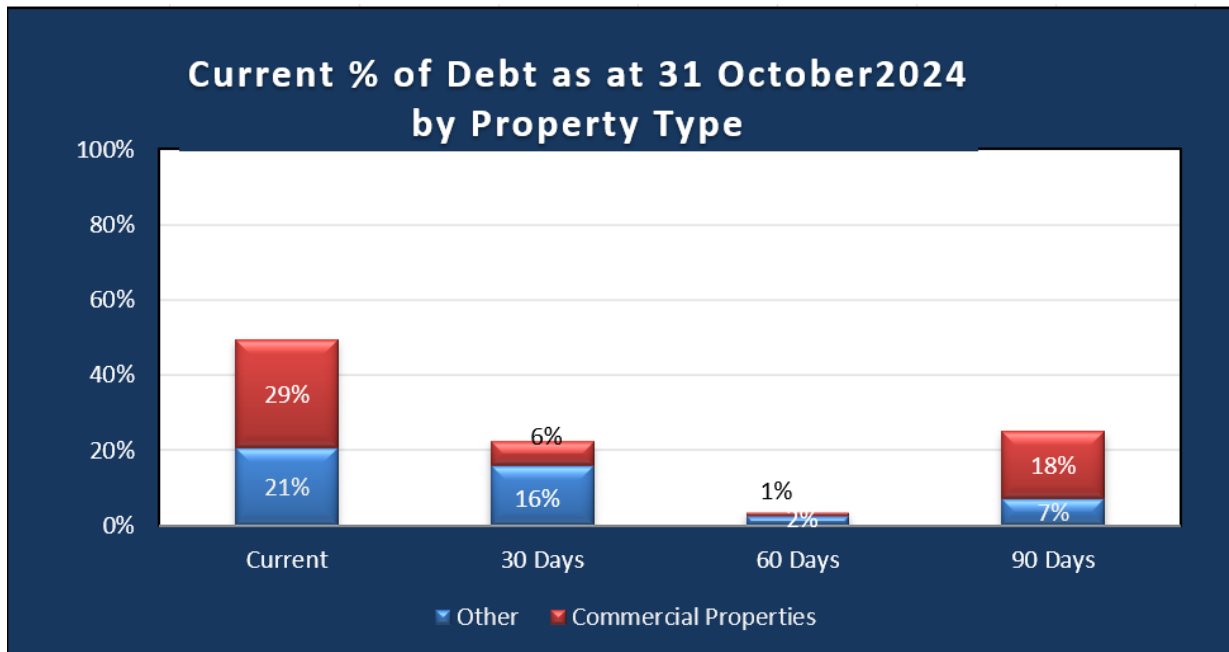
As per the monthly rolling average chart for commercial, the portion of debt that is current was 29% as at October 2024. The portion of debt that is over 90 days has remained steady over time but has decreased since August 2024. The current and 90 Days have remained relatively stable over the year. The portion of debt in the 30-59 days and 60-89 days remained at the lower end.

For other (non-commercial) debt, current debt remains the category with the highest amount outstanding. All other categories remain much lower than the current trend line. This indicates a high proportion of debts being collected in a timely manner.



The Current Value of Debt by Age category is shown in the graph to follow, split between Commercial Properties and Other (non-Commercial) Property Types. Of the total debt, Non-Commercial Properties account for 21% of Current debt, and account for 7% of the debt owing 90 days or more.

City officers continue to liaise with all commercial tenants to provide assistance, including payment arrangements where appropriate.



Delegation 2.3 - Defer payment, grant a concession, waive fees and write off of Debts

A rates concession for Units 1-11/5 Beach St, Fremantle was approved by Director City Business for the 2024/2025 rates and charges, under the City's delegation Authority 2.3. The financial impact was \$16,352.51.

This was approved due to St Patrick's Community Support Centre Ltd acquiring the property for development. Consideration of future rates concessions will be considered with the mid term Budget review for future years.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



COMMITTEE RECOMMENDATION ITEM ARMC2412-8
(Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Jenny Archibald

Council receive the Overdue Debtors Report as at 31 October 2024, and the confidential attachment listing overdue debts exceeding 90 days with the combined value, by debtor, exceeding \$10,000 as at 31 October 2024.

Carried: 5/0

For:

**Cr Fedele Camarda, Cr Frank Mofflin, Cr Ingrid van Dorsen,
Cr Jenny Archibald and Ms Hayley Manser**

Against:

Nil



Motion of which previous notice has been given

C2412-9 NOTICE OF MOTION - VIOLENCE AGAINST WOMEN – CR FRANK MOFFLIN

Meeting date:	11 December 2024
Responsible officer:	Chief Executive Officer
Voting requirements:	Simple Majority Required
Attachments:	Nil

ELECTED MEMBER SUMMARY

The 16 Days of activism against Gender Based Violence occurs from the 25th of November (International Day for the Elimination of Violence Against Women) through to 10th of December (Human Rights Day). The campaign seeks to raise awareness of, show support for, and drive change to stop violence against women. It provides the opportunity to advocate for change in our community and to unequivocally state that there is no excuse for violence against women.

The stories and statistics associated with violence against women is confronting. The Western Australian Government, through the Department of Communities published the following statistics, and it would be expected that these would be applicable to Fremantle:

- An estimated 305,400 women in WA (30%) have experienced physical, emotional or economic abuse by a cohabiting partner with:
 - 19% having experienced physical and/or sexual violence.
 - 24% having experienced emotional abuse.
 - 16% experiencing economic abuse.
- Aboriginal women are 32 times more likely to be hospitalised because of violence than non-Aboriginal women.
- A national study on child maltreatment shows 39.6% experienced exposure to domestic violence as a child.
- The number of family and domestic violence incidents WA Police attended has increased: 55,926 in 2021-22 to 58,994 in 2022-23.
- A recent national survey on victims shows in WA:
 - the number of victims of assault increased by 11% to 42,826 victims, the highest number in 31 years. 64% of assaults were family and domestic violence related (27,237 victims).
 - 28% of all sexual assault incidents were family and domestic violence related.



- The national homicide monitoring program showed five intimate partner homicides in WA for 2022-2023. This was the third highest across the country (behind New South Wales (11) and Queensland (9)). All victims were female.
- A longstanding national study on Australians attitudes to violence against women (including family and domestic violence) showed that between 2017 and 2021:
 - rejection of violence against women significantly increased in WA but plateaued in Australia despite an improvement over the longer term
 - rejection of domestic violence plateaued in both WA and Australia, despite an improvement over the longer term.

Apart from the physical and psychological impact of Family and Domestic violence, victims are more likely to fall into financial hardship and are at a greater risk of homelessness and the risks associated with these. The City maintains a policy describing when ratepayers can apply for support for financial hardship, but this doesn't consider impacts of Family and Domestic Violence and this is inconsistent with the policies of the likes of government utilities.

This violence is perpetrated by men and the engagement and education of men and boys. Research shows that changing the attitudes of boys and men is critical to stop violence against women.

This motion seeks to commit the City to actions which address the causes of family and domestic violence and to enhance support to victims including through policy amendments.

OFFICER COMMENT

The Fremantle Community Legal Centre (FCLC) operates as a unique business unit within the City, allowing efficient use of funds for direct client work through, stable infrastructure, and organisational support.

Core services include daily telephone assistance (9am-4pm), walk-in appointments for urgent matters, and a weekly after-hours legal clinic providing unrestricted legal advice through private practitioners. The Centre maintains a comprehensive triage system and flexible service model with specialist lawyers who can address various legal areas.

FCLC's quasi-outreach model includes daily duty lawyer services at Fremantle Magistrates Court and partnerships with local organisations. Where resources allow, the Centre collaborates with other Council departments, including library, youth, seniors, and cultural programs, to provide targeted legal advice and community education.



This integrated approach, supported by warm referral systems and strong community partnerships, ensures holistic assistance for diverse community needs.

The City provides municipal funding for the Principal Solicitor / Service Coordinator role (1 FTE) and a Solicitor role (1 FTE). In addition, the City funds tenancy costs and a small operating budget. In total approximately \$350,000 municipal investment is made annually the total turnover approximately \$1.2 million.

Family and Domestic Violence (FDV) and Housing are the most critical legal issues facing Fremantle Community Legal Centre clients, reflecting statewide trends. FDV victims are 10 times more likely to experience additional legal problems across family, civil, and criminal law, with these issues typically being more severe.

Four key strategic priorities have been identified to address these challenges:

1. Maintain and expand the Fremantle Community Legal Centre's services, particularly in prevention and education.
2. Implement primary prevention education focusing on gender equity and violence prevention in schools, workplaces, and community groups.
3. Develop strong partnerships between police, health services, and social support organisations, with the City supporting service coordination.
4. Secure sustainable funding through diverse sources including government grants and philanthropic contributions.

This approach combines immediate support services with long-term prevention strategies, aiming to create lasting positive change in the community.

At the recent Joint Leadership Team (JLT) corporate planning day the following budget initiatives were supported for inclusion in the 2025-26 operating budget, subject to further consideration during the annual budget process:

1. \$25,000 – Initial seed funding to develop an action research pilot project with an academic partner
2. \$50,000 – Contribution to the Homelessness A-Zero Program
3. \$30,000 – Expansion of the Library Connect Program in Fremantle

Whilst the City of Fremantle's [Financial Hardship Policy](#) does not specify family and domestic violence as criteria for financial hardship, the policy is intended to apply to any ratepayer who is experiencing genuine financial hardship, regardless of the circumstances. The City assess all applications with fairness, integrity and compassion, whilst also complying with its statutory responsibilities. The City's Financial Hardship Policy is scheduled for review in 2025, and officers will take this motion into consideration when reviewing the policy.



VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

ELECTED MEMBER MOTION

Council:

- 1. Acknowledges the 16 Days of Activism against Gender-Based Violence campaign, supports all efforts to eliminate violence against women, and states that there is no excuse for violence against women.**
- 2. Recognises that the City of Fremantle has an important leadership role to play in addressing the causes of Family and Domestic Violence and supporting victims in our community.**
- 3. Understands the engagement of men and boys is critical in changing attitudes and preventing violence in the future.**
- 4. Request the Chief Executive Officer to:**
 - a. Review the City of Fremantle Financial hardship policy to include Family and Domestic Violence as criteria for Financial Hardship; and**
 - b. Present options for consideration in the FY25/26 budget process to enhance existing programs and present options for new programs that aim to prevent family and domestic violence by addressing the root causes.**



Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Confidential business

Nil.

Closure