



Agenda

Ordinary Meeting of Council

Wednesday 20 December 2023 6pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on **Wednesday 20 December 2023** in the Council Chamber 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

14 December 2023



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1. 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.

2. Attendance, apologies and leave of absence

Cr Geoff Graham - Leave of absence

Cr Frank Mofflin - Leave of absence

3. Applications for leave of absence

Elected members may request leave of absence.

4. 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.

5. Responses to previous public questions taken on notice

The following questions were taken on notice at the Ordinary Meeting of Council held on 6 December 2023:

Elisabeth Megroz asked the following questions in relation to items not on the agenda:

Question 1:

Who decides what is edited out of public comments/questions?

Response:

The minutes generally keep a summary of any comments made with any questions and comments as possible. It is for this reason that the City appreciates questions in writing so that there is no ambiguity.

Question 2:

Who makes the judgement call that a question is 'taken more as a comment'?

Response:

Where the accurate context of a question is not able to be made it may be considered a comment.



Question 3:

Who provides the responses to questions?

Response:

Responses are provided by various officers and referred to the Executive Team for final review.

Question 4:

Is this person formally responsible and accountable for the content of the responses?

Response:

See above.

Question 5:

Where do elected members access parking?

Response:

Elected Members may access street parking or off-street parking depending on the timing and place of the meeting.

Question 6:

Where is the car parking location closer to the admin building for staff working after hours?

Response:

Staff typically utilise the Parry Street carpark when they are required to work after hours, depending on bay availability.

Question 7:

How many parking permits are on issue in total for the use of any person associated with the City of Fremantle?

Response:

It is presumed this question refers to employees and elected members of the City. If this is the case then every staff member and elected member has access to a parking permit application if needed for their role.

Permit Type	No of permits
Fleet vehicles	47
Elected Members	11
Justice of Peace	32
CoF Staff	247
CoF Volunteers	146
Total	493



Question 8:

Are there any cars, other than service vehicles, provided by the City to any staff or elected members?

Response:

The City allows some pool vehicles to be used for commuting to and from the workplace by officers, these are subject to a financial contribution by the officer. No vehicles are provided to Elected Members.

Item C2311-11:

Question 9:

Refer to officer report, page 54 *"With respect to the restaurant/café uses, many other individual restaurant/cafes within the Fremantle city centre do not in most circumstances provide on-site parking for their exclusive use and it is considered this principle is appropriate to apply here for the reasons listed below."*

Is the above a considered statement and in the best interest for the CoF, given the report says nothing about the 296 parking bays having been provided in this area by the Point Street car park (Westgate) owned by the City - providing also a revenue stream - until 2012 when it was sold for \$11 million; including the fact that the City will not replace any lost parking from Point Street car park?

Response:

Yes, the statement relates to providing a fair and equitable response to potentially new business owners in 8 Point Street being treated the same as existing city businesses. The question as to whether the City needs more public parking options for general vehicle parking is a matter that the City will consider as part of its broader transport and parking strategies.

Question 10

What are the expected returns for the City from parking across the City of Fremantle over the next 2 years?

Response:

The 2023/24 budget estimates parking revenue of approximately \$10.3m. It is expected to be similar for the following year.

Question 11

The cat bus was funded by revenue gained from Sunday parking in the City. Given that council has cancelled the cat bus, to what use has this money been reallocated?

Response:

The CAT Bus was initially funded through the introduction of a charge for Sunday parking. City's contribution towards the CAT bus in recent times came from general revenue. Since the discontinuation of the CAT Bus, the funds that might



have gone towards its funding have been reallocated across all aspects of city expenditure for 2023/24. See Budget 23/24.

Helen Cox asked the following questions in relation to items not on the agenda:

Question 1

How will approvals of development applications pertaining to individual buildings located in the West End Heritage Precinct be carefully regulated to retain the historical integrity of height patterns and the amenity of adjacent buildings?

Response:

Development applications for individual properties in the West End will be assessed against the Town Planning Scheme and relevant policy

Question 2

How will the height and scale of renovated landmark buildings located on a corner or within the boundary of the Phillimore Street scape, be regulated to retain the historical integrity of the West End Heritage Area?

Response:

Any height and scale consideration for the application for the corner property of Phillimore and Pakenham Streets will be considered in the context of the Scheme and relevant policy.

Question 3

Research of minutes of Council Meetings identify that approvals to sell or manage Council assets of attributed Heritage Note at "Below Market Value" for development, is an adopted or preferred modern accounting practise by this Council. Please explain how and why the depletion of the City of Fremantle's property asset base and ongoing transfer of monies from the Reserve Fund contributes to the economy of Fremantle of benefits ratepayers and business owners living and working in a so-called modern city?

Margaret Ker asked the following questions in relation to items not on the agenda:

Question 1

I refer to a media release from City of Fremantle dated 31 August 2023 headed Visitors to benefit from new tourist bus. The release states that the City of Fremantle is currently seeking expressions of interest from experienced transport operators to provide a hop-on hop-off style bus service that takes in all the major tourist attractions. Could the City advise the date on which such expressions of interest were sought and progress if any, that has been made with this proposal?



Response:

A public process was launched 8 August 2023 and closed 3 October 2023. The City is currently assessing proposals and hoping to come back to council with options early in the new year.

Question 2

I refer to a media release from the City of Fremantle dated 9 August 2023 headed New South Beach change rooms a step closer. This noted that the tender for construction of the new change rooms is progressing to be put to the market in the coming months. Could the City confirm that the tender has now been let and that construction of the new facilities will commence early in the New Year as the community was previously advised?

Response:

The south beach construction works have been tendered and are being evaluated by staff. A tender report is planned to be presented to Council on the 20 December.

Subject to a suitable contractor being approved and appointed, works are anticipated to commence around late February 2024.

6. 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.

7. Petitions

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

8. Deputations

8.1 Special deputations

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

There are no special deputation requests.

8.2 Presentations

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



9. Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 6 December 2023.

10. Elected member communication

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



11. Reports and recommendations from officers

11.1 Planning reports

**C2312-11 PHILLIMORE STREET, NO. 49 (LOT 51), FREMANTLE –
MIXED USE DEVELOPMENT OF EXISTING BUILDING (OFFICE
AND MULTIPLE DWELLING)– (JD DAP007/23)**

Meeting Date:	20 December 2023
Responsible Officer:	Manager Development Approvals
Decision Making Authority:	Council
Attachments:	<ol style="list-style-type: none">1. Development Plans2. Applicant's Heritage Impact Statement3. Schedule of Works4. Landscaping Plan5. Waste Management Plan6. Acoustic Report7. Traffic Assessment8. Sustainability Report9. Structural Concept Report10. DAC Comments (DR1 and DR2)11. Development Application Brief12. Schedule of Submissions13. Applicant's Response to Submissions14. R-Code Vol. 2 Assessment15. Site Photos16. Fly Through Imagery

SUMMARY

Approval is sought for alterations and additions to the existing building, refurbishment of the existing Office and addition of four Multiple dwellings at No. 49 (Lot 51) Phillimore Street, Fremantle.

The applicant has chosen to 'opt in' to have the application determined by the Metro Inner-South Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Council for endorsement of the recommendation.

The application is recommended for conditional approval.



PROPOSAL

Detail

Approval is sought for a mixed use development of an existing building at No. 49 Phillimore Street, Fremantle (subject site). The proposed works include:

- Removal of all internal partitions, stairwell, doors, windows and fixtures.
- Removal of a portion of internal basement brick wall and steel pillars to allow for vehicle entry to future car parking facilities.
- Removal of tin roof.
- Removal of brickwork on external facade to create new openings to internal office spaces.
- Removal and replacement of existing doors fronting Pakenham Street.
- Construction of eight (8) parking spaces and four (4) storage areas in the basement level for allocation to the multiple dwellings.
- Construction of a maintenance store and a bin storage area in the basement level to service both the Office tenancies and Multiple dwellings.
- Creation of four (4) new open plan office tenancies on ground and first floor.
- Construction of new shared toilets and end of trip facilities for each office level.
- Construction of an internal lift and new stairwell to service all levels (basement to level 4).
- Addition of new glass windows to replace the removed brickwork on the Pakenham Street frontage.
- Construction of four (4) two storey multiple dwellings above the existing roof level.

Development plans are included as attachment 1.

Site/application information

Date received:	6 October 2023
Owner name:	Adriano Giacomo Fini, Nicola Trimboli
Submitted by:	Fini Group c/o Urbis Pty Ltd
Scheme:	City Centre
Heritage listing:	State and City of Fremantle Listed (Level 1B), West End Heritage Area
Existing land use:	Office
Use class:	Multiple Dwellings and Office
Use permissibility:	D



OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the Mixed use (Office and Multiple Dwellings) development of existing building, subject to conditions, for the reasons outlined in the Responsible Authority Report (RAR).



LOT 51 (NO. 49) PHILLIMORE STREET, FREMANTLE - PROPOSED MIXED USE DEVELOPMENT (OFFICE/MULTIPLE DWELLING) OF EXISTING BUILDING

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Inner South	
Local Government Area:	City of Fremantle	
Applicant:	Fini Group c/o Urbis Pty Ltd	
Owner:	Adriano Giacomo Fini, Nicola Trimboli	
Value of Development:	\$8 million <input type="checkbox"/> Mandatory (Regulation 5) <input checked="" type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	City of Fremantle	
Authorising Officer:	Manager Development Approvals	
LG Reference:	DAP007/23	
DAP File No:	DAP/23/02571	
Application Received Date:	6 October 2023	
Report Due Date:	5 January 2024	
Application Process Timeframe:	Statutory	90 Days
Attachment(s):	1. Development Plans 2. Applicant's Heritage Impact Statement 3. Schedule of Works 4. Landscaping Plan 5. Waste Management Plan 6. Acoustic Report 7. Traffic Assessment 8. Sustainability Report 9. Structural Concept Report 10. DAC Comments (DR1 and DR2) 11. Development Application Brief 12. Schedule of Submissions 13. Applicant's Response to Submissions 14. R-Code Vol. 2 Assessment 15. Site Photos	
Is the Responsible Authority Recommendation the same	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Complete Responsible Authority Recommendation section



as the Officer	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections
Recommendation?		
TBA		

Officer Recommendation

It is recommended that the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02571 is appropriate for consideration as a Multiple Dwelling and Office land use and is compatible with the objectives of the zoning table in accordance in City of Fremantle Local Planning Scheme No. 4;
2. **Approve** DAP Application reference DAP/23/02571 and accompanying plans (DA02, DA03, DA04, DA05, DA11, DA12, DA21, DA31), dated 6 October 2023 (City of Fremantle received date) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All storm water discharge shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
4. Prior to the commencement of works, a detailed conservation methodology shall be submitted and approved to the satisfaction of the City of Fremantle for the removal of paint from the exterior of the building and to repair and repointing of the brick and render façade. The methodology shall include mortar mixes. Only lime mortars and no cement or impervious materials are to be used. The works shall be undertaken using the approved mortar mix.

On the advice of the Heritage Council of Western Australia, the removal of external paint from masonry/stonework surfaces is to be undertaken using a non-abrasive method to the satisfaction of the City of Fremantle.



5. Prior to the lodgement of a Building Permit and/or Demolition Permit application for the development hereby approved, further investigation is to be undertaken to determine original elements of the building's internal fabric worthy of retention and/or reinstatement. These elements include, but are not limited to, ceilings, flooring, skirtings, cornices, doors, architraves and the northeast corner ground floor office.

An amended demolition plan is to be provided and approved on advice of the Heritage Council, to the satisfaction of the City of Fremantle detailing the elements to be retained and/or reinstated.

6. Prior to lodgement of a Demolition or Building Permit for the development hereby approved, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:

- a) A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.

- b) Digital photographs taken of the building (once vacated) to include:

- i) a general/overall photo of the building to be demolished;
- ii) photos of each of the four elevations;
- iii) internal photos of all rooms; and photos of any special architectural features.

7. Prior to the lodgement of a Building Permit application, a Waste Management Plan shall be submitted to, and approved by the City of Fremantle.

Prior to the occupation of the development, the approved waste management plan must be implemented and adhered to at all times to the satisfaction of the City of Fremantle unless otherwise approved by the City of Fremantle.

8. Prior to lodgement of a Building Permit or Demolition Permit for the development hereby approved, a Construction/Demolition 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.
9. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, the design and materials of the development shall demonstrate compliance with the requirements set out within City of Fremantle policy LPP 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
- a) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - b) Roof insulation in accordance with the requirements of the Building Codes of Australia.
11. Prior to the lodgement of a Building Permit application for the development hereby approved, a detailed landscaping plan, including information relating to species, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, etc), shall be submitted to and approved by the City of Fremantle.
12. Prior to lodgement of a Building Permit application for the development hereby approved, an updated eastern elevation is to be provided that clearly shows the alignment between the existing structural grid with that of the new trellis structure to the satisfaction of the City of Fremantle.
13. Prior to the lodgement of a Building Permit application for the development hereby approved, a signage strategy is to be provided detailing how signage will be appropriately integrated with the heritage aesthetic of the building and surrounding area to the satisfaction of the City of Fremantle.
14. Prior to lodgement of a Building Permit application for the development hereby approved, details are to be submitted and approved by the City of Fremantle that demonstrate that the development incorporates the noise mitigation '*Quiet House Requirements*' Category (C+) of Table 3 of the State Planning Policy 5.4 'Road and Rail Noise Guidelines', or designs and implements an



approved noise management plan by a qualified acoustic consultant, to the satisfaction of the City of Fremantle.

15. Prior to the lodgement of a building permit application, a Green Star 'Designed' assessment from the Green Building Council of Australia (GBCA) demonstrating that the building's design has been assessed and is on track to achieve a minimum 4 Star Green Star Certified rating; OR, a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.
16. Prior to the lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428 including parking bay/s (comprising visitor bays, loading bays, disabled bays, motorcycle / scooter bays), aisle widths, circulation areas, driveway/s and points of ingress and egress, and demonstrates the safety of building users accessing the basement bike store and carparking.
17. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre and in close proximity or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.
19. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
20. Prior to the occupation of the development hereby approved, all car parking, bicycle parking, motorcycle/scooter parking and vehicle access and



circulation areas shall be installed, maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.

21. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle for the life of the development.
22. Prior to occupation, a Green Star 'Certified' rating with certification from the Green Building Council of Australia (GBCA) confirming the building's design and construction achieve a minimum 4 Star Green Star Certified rating; OR a Sustainable Design Assessment Report prepared by a practicing Green Star Accredited Professional (GSAP) as equivalence, is to be submitted to, and approved by the City of Fremantle.
23. Prior to the occupation of the development hereby approved, the owner shall:
 - a) Contribute a monetary amount equal in value to one percent of the estimated development cost or otherwise approved by the City in accordance with the policy, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm in accordance with LPP 2.19: *Contributions for Public Art and/or Heritage Works* and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$8 million dollars the contribution to be made is \$80,000;

OR,

- b) Alternatively, the Council may waive the requirement for the public art/heritage work(s) monetary contribution in cases where the approved development incorporates public art work(s) to the same value specified above and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Any such public artwork proposal is to be developed in accordance with the City's Public Art Policy 2010 - 2015 and the City's Percent for Art Guidelines, and approved by the City of Fremantle.

Prior to occupation of the development, the public art proposal shall be implemented, and thereafter maintained for the life of the development, to the satisfaction of the City of Fremantle.

24. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.



25. 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 Notes

1. 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.
2. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively planning@fremantle.wa.gov.au. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.

3. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the *Occupational Safety and Health Act 1984* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

4. If construction 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.



5. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:
- a. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - b. vehicles;
 - c. amplified acoustic systems; and
 - d. patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

6. 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.
7. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
8. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:

<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via info@fremantle.wa.gov.au or 9432 9999.



Details: outline of development application

Region Scheme	Metropolitan Region Scheme (MRS)
Region Scheme - Zone	Central City
Local Planning Scheme	Local Planning Scheme 4 (LPS4)
Local Planning Scheme - Zone	City Centre
Use Class and permissibility:	Office (P); Multiple Dwelling (D)
Lot Size:	714m ²
Existing Land Use:	Office
State Heritage Register	Yes
Local Heritage	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Heritage List <input checked="" type="checkbox"/> Heritage Area
Design Review	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other

Proposal:

The application seeks approval for a mixed use development at No. 49 (Lot 51) Phillimore Street, Fremantle (subject site). The proposed development includes renovations to the existing building currently being used as an Office as well as the addition of four (4) two storey Multiple Dwellings above the existing building. The key components of the proposed development can be seen at Attachment 1 and are summarised as follows:

Proposed Land Use	Office (P); Multiple Dwelling (D)
Proposed Net Lettable Area	Office 957m ²
Proposed No. Storeys	Four (4) (including office and multiple dwellings) plus basement
Proposed No. Dwellings	Four (4)

The works component of the development includes:

1. Removal of all internal partitions, stairwell, doors, windows and fixtures.
2. Removal of a portion of internal basement brick wall and steel pillars to allow for vehicle entry to future car parking facilities.
3. Removal of tin roof.
4. Removal of brickwork on external facade to create new openings to internal office spaces.
5. Removal and replacement of existing doors fronting Pakenham Street.



6. Construction of eight (8) parking spaces and four (4) storage areas in the basement level allocated to the multiple dwellings.
7. Construction of a maintenance store and a bin storage area to service both the office tenancies and multiple dwellings in the basement level.
8. Creation of four (4) new open plan office tenancies on ground and first floor.
9. Construction of new toilets and end of trip facilities for each office level.
10. Construction of an internal lift and new stairwell to service all levels (basement to level 4).
11. Addition of new glass windows to replace the removed brickwork on the Pakenham Street frontage.
12. Construction of four (4) two storey multiple dwellings above the existing roof level.

Background:

Subject Site

The subject site is a corner lot with frontages to both Phillimore and Pakenham Street and is located on the northern periphery of the state registered West End Heritage Area. The site abuts heritage listed buildings to the south and west, opposes Pioneer Park and the Quest Hotel to the east/south east as well as a railway reserve to the north.

The existing building covers the entirety of the site and is known as the Robert Harper building which is heritage listed at both the State level as part of the wider West End listing and City level as Level 1B. The building was constructed in 1925 and was originally utilised primarily as a warehouse. Various alterations and additions have occurred through recent decades with the building currently being used for offices.

The site is zoned City Centre under Local Planning Scheme 4 (LPS4) and is located within Local Planning Area 1, sub-area 1.3.1 under Schedule 7 of LPS4 (refer Figure 1 below).

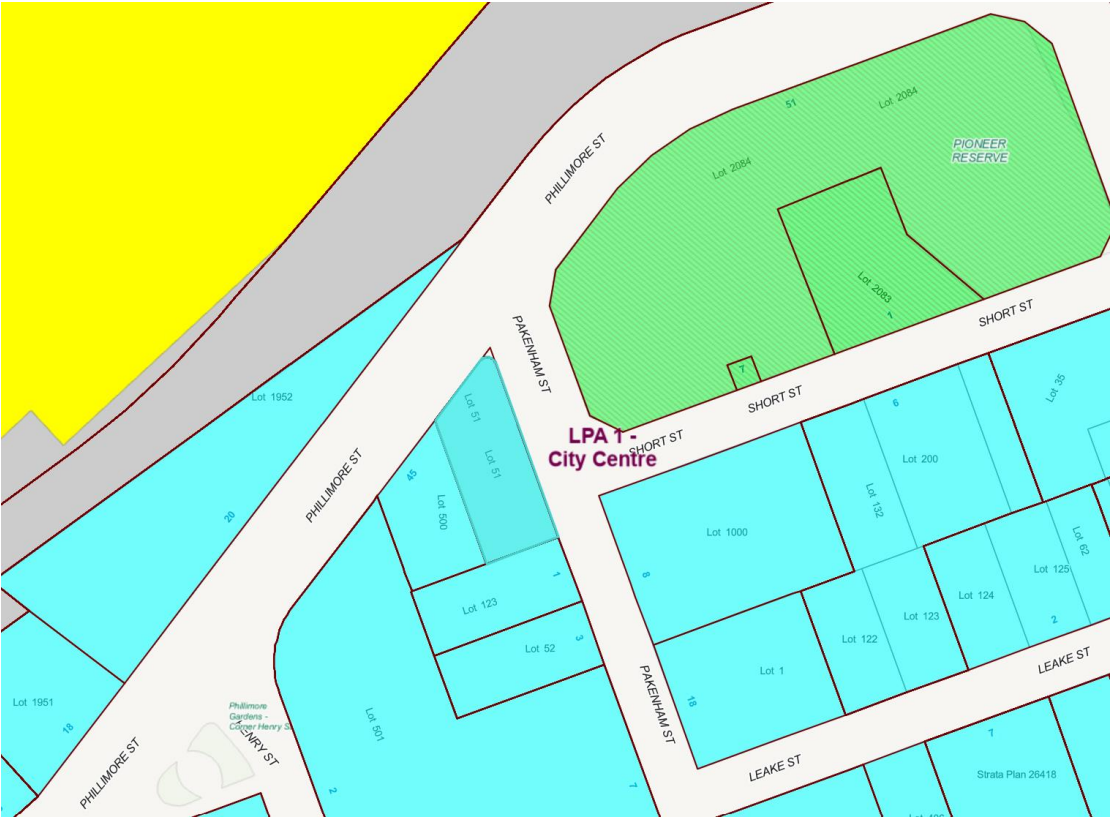


Figure 1 – Planning Context Map



Figure 2 – Site Aerial Image



Figure 3 – Existing Street View

Site History

The site originally featured a warehouse storing flour and dry goods which burnt down in 1922. A new building was constructed shortly after the fire which was completed (circa 1925) and is the current, existing building.

The development history evident under the property file is listed below:

- BL0232/11 – Internal Office Fit Out (2011)
- BL0034/11 – Building Licence – Interior Renovation and Upgrades to Existing Office (2011)
- DA0407/10 – Development Approval – Restoration and Upgrade to Existing Office (2010)
- 7516/1993 - Building Licence - Renovation/Additions (1993)
- 0662/1978 – Building Licence - Additions and Alterations and Conversion from Warehouse to Office (1978)

Legislation and Policy:

Legislation

1. *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
2. Metropolitan Region Scheme
3. City of Fremantle Local Planning Scheme No. 4



Planning and Development (Local Planning Schemes) Regulation 2015 (WA):

- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 66 – Consultation with other authorities
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

State Government Policies

- State Planning Policy 7.0: Design of the Built Environment
- State Planning Policy 7.3: Residential Design Codes – Volume 2
- State Planning Policy 5.4: Road and Rail Noise

Local Policies

- Local Planning Policy 1.3 – Community Consultation on Planning Proposals
- Local Planning Policy 1.6 – Heritage Assessment and Protection
- Local Planning Policy 1.9 – Design Advisory Committee and Principles Of Design
- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.3 – Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.13 – Sustainable Buildings Design Requirements
- Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an existing Source
- Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works
- Local Planning Policy 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.21 – West End Heritage Area

The development assessment has been undertaken in accordance with the abovementioned legislation and policies.

Consultation:

Public Consultation

In accordance with LPP1.3 (Community Consultation on Planning Proposals), the application was advertised to the public from the 25 October 2023 until 24 November 2023 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on both street frontages, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also held on 16 November 2023 at the City's library.

In response, the City received a total of 33 submissions. 7 submissions were received that objected to the proposal and 26 submissions were received in support of the proposal. A schedule of the public submissions which includes the full details



on each submission as well as the applicant's response to these submissions is included as attachment 12.

A summary of the key points raised in the submission in support of the proposal are detailed below:

- Quality heritage conservation.
- Sophisticated and respectful additions that are complementary to the location.
- Contribute to revitalisation of the West End while celebrating Fremantle's character.
- Provision of additional housing in the area.
- Addition of more modern office space in the West End.

Table 1 – Summarised Objections and Officer Responses

	Submission Summary	Officer comments
1.	Addition of apartments will take away from aesthetics of the West End and will be detrimental to views from the north. Concerns regarding setting a precedent for other similar developments in the area to go ahead. Concerns over impact to the skyline.	The proposal has been carefully considered against the character of the West End (refer the planning assessment below). The proposal was referred to the Heritage Council who have provided their support for the proposal. Any other potential developments within the West End will be considered against a merit based assessment.
2.	The proposal is an example of heritage mistakes that are occurring in Fremantle. The integrity of the building will be destroyed. The roof additions will be dominating. The roof-top addition is much more evident than is indicated on the plans.	The heritage works will allow for the existing building to be refurbished and repaired to allow for it to remain in a good condition into the future. The setback of the dwelling additions from the external façade will reduce the potential dominance of the dwellings.
3.	The application has many high quality features but fails in two key areas by seeking to build 4 highly visible apartments on top of a heritage building, and removing masonry façade and replacing it with glass panels. The proposal is inconsistent with heritage policies aimed at protecting the West End. The	The glass panels have been introduced to allow light and ventilation into the office spaces for improved amenity. The building height has been assessed within the context of the West End, refer assessment below.



	apartments will result in a significant loss of integrity. A major increase in height of 20% is being sought. The new apartments will be detrimental to the existing heritage and do not conserve its present cultural heritage values. The proposed landscaping is inconsistent with the built form and context of the West End. Concerns over loss of internal heritage fabric.	The retention of internal fabric has been investigated and will form a recommended condition.
4.	The building is integral to the consistency of form, rhythm, scale and architecture of the West End precinct. The dome which is a significant feature of the building will be overwhelmed and undermined by the proposed development. The heritage impact statement fails to address its objective of assessing the impact of the proposal and introduces irrelevant observations. The proposed actions to restore the building do not compensate for the impact on the heritage value of the place.	The retention of the external façade and the setback of the dwellings from the façade will reduce any significant impact on the form, rhythm and scale of the precinct. A greater setback of the dwellings from the dome structure has been achieved to reduce any potential dominance over this structure.
5.	The addition of four apartments on top of the building erode the architectural aesthetics of the area and the height increases are inconsistent with other buildings in the West End. The additional storeys built on other buildings have had a detrimental impact to the overall appearance of the West End because these additions can be seen from many viewpoints. The Robert Harper building is on a corner lot and is highly visible from Pioneer Park across the street and from along Phillimore Street which is a major street. The installation of glass panels will	The dwelling additions have been considered in the context of the West End (refer assessment below). Any impact to Pioneer Park and views from the surrounding area have been considered in the assessment below. The glass panels have been introduced to allow light and ventilation into the office spaces for improved amenity.



	erode the integrity of the fabric of the building and alter the appearance of the building permanently. The proposed development is inappropriate for this highly sensitive historical precinct and needs to be rejected.	
6.	A development of this kind would never be considered in Newtown, Sydney let alone Paris. Keeping the authenticity of the area is paramount. New developments may happen, but this one completely disregards the area it is in and cheapens it. It will dwarf the current structure and will not blend in with it. Demolishing and putting modern apartments in the West End would destroy the picturesque setting. The development would better suit nearby North Coogee.	It is considered the proposal will not significantly reduce the authenticity of the building. Demolition works are largely restricted to the removal of brickwork from the external façade, removal of internal partitions and the removal of the tin roof. A condition is recommended requiring further investigation of internal elements which may be of heritage value that are worthy of retention.
7.	A great view to be had is not an appropriate reason to permit a change of such a magnitude to a heritage building. Such a change is a regressive step and does not consider best conservation practice standard. The Burra Charter sets out very clear guidelines on what is considered best practice standard when caring for heritage places which the proposal is inconsistent with. The existing built roofline of the building itself is an integral visual element of the building. The reintroduction of residential use in the West End should occur where it existed originally, or in places where it would have a minimal impact, not on top of a roof of a heritage building. The heritage impact statement is insufficient. The conservation proposal in relation to the addition of 4	The external façade/parapet edge will be maintained which will maintain the appearance of the original roof line (the original tin roof was largely hidden behind the parapet wall).



	apartments across 2 levels for this development does not follow the advice provided by the Burra Charter for managing heritage places. This proposal does not deserve support.	
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Referrals/consultation with Government/Service Agencies

As the subject site is located within the State Registered West End and proposes significant additions and alterations, it was required to be referred to the Heritage Council. The following resolution was made by the Heritage Council

Findings:

- *This referral is for the construction of a two-storey roof top apartment addition, and external and internal changes at 49 Phillimore St, Fremantle.*
- *West End, Fremantle is rare in Western Australia as a highly intact port city business district, retaining a range of buildings predominantly dating from the gold boom expansion era (1890s-1900s), along with some evidence of earlier and later periods, that retains an ongoing connection with maritime industries.*
- *49 Phillimore St is part of the precinct but is not individually registered.*
- *When constructed 49 Phillimore St was identifiable as two parts – the elaborate detail of the corner commercial offices and the austere simple façade of the warehouse along Pakenham St.*
- *The loss of external brickwork will have an irreversible adverse impact on the West End, Fremantle. however, the simple configuration of the proposed new windows within the warehouse part of the building along Pakenham St will retain the utilitarian look of the original warehouse brick infill panels.*
- *The proposed two storey roof-top apartment addition of provides for greater retention of, and reduces intervention into, internal original fabric. The proposed addition is set back from the parapet wall of the existing building which minimises its visibility and places it as a secondary element to the existing building.*
- *The proposal involves retention and integration of the remnant water tank stand, and conservation works to the external façade, including the dome.*
- *The proposal involves intervention to and loss of fabric and will have an adverse impact on the heritage values of West End, Fremantle. However, the adverse impact is mitigated by the internal design that facilitates retention of internal fabric. On balance, the proposal provides an acceptable adaptive reuse for the place.*

Advice

The proposal, in accordance with the plans submitted, is supported subject to the following conditions:

1. *Original elements such as ceilings, flooring, skirtings, cornices, doors, architraves, are to be retained and/or reinstated wherever practicable.*
2. *Further investigation and possible retention of the northeast corner ground floor office is to be considered.*



3. *The removal of external paint from masonry/stonework surfaces is to be undertaken using non-abrasive method.*

Conditions of approval have been recommended in accordance with the above.

City of Fremantle Heritage Comment

The City has reviewed the proposed development and provide the following comments in relation to the heritage impact of the proposal.

The heritage place contributes to the heritage significance of the State Heritage Listed West End Fremantle as a late example of a port related warehouse building constructed in the Inter-War Stripped Classical style. Generally, the design approach for the adaptive reuse of 49 Phillimore has retained and conserved significant heritage building fabric and retained the heritage values of this historic warehouse building.

The removal of the original roof and construction of two additional floors will have an impact on the heritage value of the building but this is mitigated by the benefits of the conservation works and the reactivation of this building with sustainable new uses which will contribute to the revitalisation of this area and ensure the long term care and maintenance of this building.

Generally, the design approach for the adaptive reuse of 49 Phillimore has retained and conserved significant heritage building fabric and retained the heritage values of this historic warehouse building. There are some concerns regarding the extent of brickwork being removed from the Pakenham Street warehouse façade, but this is mitigated by the retention and conservation of other significant heritage fabric internally and externally and by the retention of the simple austere character of the warehouse structure through the use of large planar window openings to replace the brickwork panels between the piers.

The Heritage Council of Western Australia (HCWA) reviewed the proposed development and the applicants Heritage Impact Statement and have not raised any concern regarding the extent of brickwork being removed from the external façade. HCWA have advised that they support the proposed development subject to several conditions which are stated above and included in the officers recommendation. These conditions relate to retaining internal elements where practicable, investigating the potential retention of the north east corner ground floor office and the use of non-abrasive material to remove the paint on the external façade which will assist in protecting the heritage significance of the place.



Fremantle Port Authority

The Fremantle Port Authority requested that the relevant requirements of LPP2.3 (Fremantle Port Buffer Area Development Guidelines), be addressed. As the site sits in the 'Buffer Zone 2', these requirements will be secured by a recommended condition.

Other Advice

The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

1. Building permit required (advice notes)
2. Vehicle crossover upgrade (advice note)
3. Removal of asbestos (advice note)
4. Noise from construction works (advice note)
5. Stormwater management (condition)
6. Construction management plan (condition)
7. Detailed parking plan (condition)

Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) twice, once prior to lodgement of the application and once following its submission (at the DAC meetings in September and November 2023 respectively).

The DAC provided comment and recommendations on the proposal against the design generally as well as against each of the 10 Principles of Design within LPP1.9 (Design Advisory Committee & Principles of Design) and State Planning Policy 7 (Design of the Built Environment):

The full DAC comments are included as attachment 10. The latest DAC meeting (DR2) minutes are provided as follows:

Strengths of the Proposal

Comments:

- *The proposal would breathe new life into this heritage listed building in the historic West End Precinct of Fremantle with premium quality office space in the existing building and residential (four two-level apartments) in a roof top addition.*
- *Confirmation of the retention of the heritage building's existing structural grid and floors.*
- *Separation from the existing structure of the new western wall for outdoor terraces and a light well to provide natural amenity for the new office use in the heritage building.*



- *The Applicant referred the DAC to the Heritage Consultant's schedule of works for information on the internal and external impacts of the proposal on the building's heritage.*

The Applicant highlighted beneficial impacts for the heritage: externally – conservation of the landmark corner cupola, interpretation of the rhythm of bays along Pakenham Street (altered in 1990's), removal of intrusive paint, and integration of the existing brick support structure for the water tank with the proposed new residential addition; and internally - exposure of the original fabric of herringbone floor bracing, pressed metal ceilings and I-section columns that also should enhance the experience of heritage for people in the proposed new office use as well as views to the interior from the streetscape through modified openings.

Principle 1 Context and character

- a) The DAC appreciated receiving the Applicant's study that tests options for modifying the Pakenham Street frontage; currently for both floor levels and for the bays between piers that include brickwork below the high-light windows.*

The Applicant is seeking to modify the existing bay form by replacing all the brick panel with one fixed panel of glass of the same dimension and, thereby, enabling the proposed new office use to function better with more daylight, views out and passive surveillance opportunities of the street.

The DAC advised that, following a review of the options, and noting that the least impact on the heritage is always preferred, the current proposed modification to the bay for a new window design was the preferred solution.

The DAC acknowledged the Applicant's rationale that the modified design would best suit the overall composition of the elevation, proportion of the window and vertical rhythm of windows on the streetscape; improve building functionality by enabling daylight to enter the proposed new office use and provide community benefit with views to the interior exposed heritage from the public realm of the street.

Principle 2 Landscape quality

- a) The Applicant confirmed that species selection for on-structure planting would be predominantly waterwise endemic with likely twice-yearly maintenance. Planting would be accessible for additional maintenance by residents if desired.*



Principle 3 Built form and scale

- a) *In principle, the DAC has no concerns about a new roof top addition for the proposed new residential use and notes the existing roof has little heritage significance.*

In response to a query, the Applicant clarified that the floor level of Apartment A only on Level 2 had been raised 750mm higher than the rest of the floor level to allow views from the balcony over the existing parapet wall (that would serve as the balustrade).

The Applicant also clarified that in response to the DAC's comment, the apartment façade treatment (Levels 2 and 3) had been amended to create a finer edge.

The DAC previously supported the design strategy for the new roof top addition, including setbacks from the existing building edges on the western, northern, and eastern sides and Apartment A's balcony "breathing space" afforded to the existing corner cupola.

However, the DAC commented that the impact of the variation sought for additional height for the site (16.79m deviation from the prescribed scheme height limit of 14m), bulk and scale of the two-storey extension on the existing heritage building height must be better understood in the context of this significant corner site location in the historic West End Precinct of Fremantle.

The DAC therefore requests that additional eye level and long-distance views of the proposal be prepared and submitted, from along Phillimore Street, Fremantle Station and surrounding higher areas such as the Round House.

- b) *The DAC also requested sight of the Heritage Impact Statement. (Note: the document submitted to the City as part of the DA package has been reviewed post-DR2).*

Recommendations:

- 1. Provide additional eye level and long-distance views of the proposal from along Phillimore Street, Fremantle Station and surrounding higher areas such as the Round House.*

Principle 4 Functionality and build quality

- a) *Refer to Principle 1: Context and Character for comment on the modified openings.*



- b) The DAC sought clarification on the new roof top addition's structural grid, compared to the grid of the existing building. The applicant confirmed that the two grids were unable to coincide however, to address the discrepancy, the rhythm of the new lightweight landscape trellis structure aligns with the structural grid of the existing building.*

The DAC acknowledged this design approach and requested the eastern elevation drawing clearly shows the alignment between the existing structural grid with that of the new trellis structure.

As per the recommendations at Design Review 1:

- c) Provide demolition plans that clearly show the retention of significant heritage items, demolition of intrusive items, and proposed demolitions included in the adaptive re-use scope of works.*
- d) Provide a detailed scope of conservation works proposed for the development.*
- e) Submit a photographic archival record prior to an application for a building permit in accordance with the HCWA guidelines for Archival Records.*

Recommendations:

- 1. Provide an updated eastern elevation that clearly shows the alignment between the existing structural grid with that of the new trellis structure. Provide demolition plans that clearly show the retention of significant heritage items, demolition of intrusive items, and proposed demolitions included in the adaptive re-use scope of works.*
- 2. Provide a detailed scope of conservation works proposed for the development.*
- 3. Submit a photographic archival record prior to an application for a building permit in accordance with the HCWA guidelines for Archival Records.*

Principle 5 Sustainability

- a) No comments.*

Principle 6 Amenity

- a) Refer to Principle 1: Context and Character for comment on the modified openings.*



Principle 7 Legibility

- a) *Consider how the integration of signage can maintain the aesthetic of the heritage building.*

Recommendations:

1. *Provide a signage strategy that integrates signage appropriately with the heritage aesthetic.*

Principle 8 Safety

- a) *Since cyclists and vehicles share the entry and ramp access to the basement bike store and carparking, carefully consider the safety of cyclists and measures to allow sightlines of drivers who are maneuvering vehicles.*

Recommendations:

1. *Manage and demonstrate the safety of building users accessing the basement bike store and carparking.*

Principle 9 Community

- a) *No comments.*

Principle 10 Aesthetics

- a) *Refer to Principle 1: Context and Character for comment on the modified openings.*

Concluding Remarks

The DAC acknowledges and supports the proposal's intent to revitalise this heritage building with new uses and interventions for beneficial impacts for the heritage as noted above.

However, the DAC recommends provision of the following additional information:

1. *To understand the impact of the proposal's additional height above the permitted limit and within the context of the West End Precinct of Fremantle, provide further eye level and long-distance views of the proposal from along Phillimore Street, Fremantle Station and surrounding higher areas such as the Round House.*
2. *Demolition plans clearly showing the retention of significant heritage items, demolition of intrusive items, and proposed demolitions included in the adaptive re-use scope of works.*
3. *Detailed scope of conservation works proposed to the development.*
4. *Submission of a photographic archival record prior to an application for a building permit in accordance with the HCWA guidelines for Archival Records.*



5. *Provide an updated eastern elevation that clearly shows the alignment between the existing structural grid with that of the new trellis structure.*
6. *Provide a signage strategy that integrates signage appropriately with the heritage aesthetic.*
7. *Demonstrate the safety of building users accessing the basement bike store and carparking.*

As commented above, the DAC supports in principle the new roof top dwelling additions to the subject site as well as the revitalisation of the existing heritage building. It is considered that the design is of a high-quality and suitably addresses the design principles of SPP7 (Design of the Built Environment) subject to a number of additional recommendations. These recommendations are addressed below.

The applicant provided the City with flythrough imagery and imagery tests to assist in the assessment of building height and better understand the impact of the proposal in the context of the West End Heritage Area. Still images from this are provided as an attachment to this report.

Recommendations 2-4 have been addressed by the drafting of suitable conditions (refer recommended conditions). It is considered that these conditions will suitably address the recommendations of the DAC in the following ways:

- Prior to the lodgement of a Building Permit and/or Demolition Permit application, the applicant will be required to conduct further investigation to determine original elements of the building's internal fabric worthy of retention and/or reinstatement. In addition, an amended demolition plan will need to be provided and approved to the satisfaction of the City of Fremantle detailing the elements to be retained and/or reinstated.
- Prior to the commencement of works, the applicant will need to submit a detailed conservation methodology which requires approval to the satisfaction of the City of Fremantle. This methodology relates to the removal of paint from the exterior of the building and the repair and repointing of the brick and render façade as well as the mortar mixes to be used in these repairs.
- Prior to the lodgement of a Demolition or Building Permit, the applicant will be required to provide an archival record of the building which shall include plans and photographs of the exterior and interior of the building (refer applicable condition for further details).

To address recommendation 5, the applicant has indicated that the Development and Landscaping Plans, Attachments 1 and 4 respectively, include aspects of the eastern elevation which illustrates the alignment between the existing structural grid with that of the new trellis structure. It is considered that these details are sufficient to address this recommendation.



Recommendation 6 has been addressed by the inclusion of a condition for a signage strategy which is to detail how the signage will be appropriately integrated within the heritage aesthetic of the building and surrounding area.

The final recommendation 7 has been addressed by the inclusion of a condition requiring a detailed parking plan which is to also address the safety of building users accessing the basement bike store and carparking.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, and outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Land use
- Building height
- Heritage
- Built form
- Multiple dwelling assessment

Land Use

Table 2 – Land Use Permissibility

Provision	Proposal	Zone	Permissibility
Local Planning Scheme 4 clause 3.3 - Zoning Table	Multiple Dwelling	City Centre	D

Note: The office is an existing, approved land use and will not form part of the land use assessment.

A Multiple Dwelling is a 'D' use in the City Centre zone which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' land use, the Council will have regard to the matters set out in clause 67 of the Regulations, Schedule 2. 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;*
- (c) any approved State planning policy*
- (g) any local planning policy for the Scheme area;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*



- (m) the compatibility of the development with its setting, including –
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to 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;'**
- (s) the adequacy of –
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;**
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) the history of the site where the development is to be located;*
- (y) any submissions received on the application;*

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

- Development within the city centre zone shall –*
- (i) provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
 - (ii) comply with the objectives of local planning area 1 of schedule 7,*
 - (iii) conserve places of heritage significance the subject of or affected by development.*

The proposed development is considered to be consistent with the Regulations and zone objectives for the following reasons:

- The proposal is for a mixed use development which will maintain the existing office land use while incorporating a new residential land use into the subject site.
- The built heritage of the site has been carefully considered throughout the assessment of the application which has been supported by the Heritage Council. The renovation of the heritage listed building will allow for it to be in a good structural and aesthetic condition into the future.
- The building height requirements of Local Planning Area 1 of schedule 7 are address in the following section.
- The conservation of the heritage significance of the site has been a key focus of this development and is addressed in the following sections.



Building Height

Schedule 7 of LPS4 provides the building height requirements for the subject site within Local Planning Area 1, sub-area 1.3.1 which states as follows:

Despite the general height requirements outlined in 1.1 above, building height shall be limited to a maximum height of three storeys (maximum external wall height of 11 metres as measured from ground level with a maximum roof plain pitch of 33 degrees).*

Council may consent to an additional storey subject to —

- (a) Where a site meets any of the requirements of Clause 1A(a)-(e) of the deemed provisions, the upper level being sufficiently setback from the street so as to not be visible from the street(s) adjoining the subject site.*
- (b) maximum external wall height of 14* metres, and*
- (c) compliance with clause 1.2. above.*

**Inclusive of roof parapet and spacing between floors.*

The proposed development is a maximum of four (4) storeys with a total building height of 16.79m which exceeds the requirements of Schedule 7. Variations to the building heights required under Schedule 7 can be considered pursuant to clause 4.8.1 of LPS4 which states as follows:

4.8.1 Variation to height requirements

4.8.1.1 Where sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7, Council may vary the maximum height requirements subject to being satisfied in relation to all of the following —

- (a) the variation would not be detrimental to the amenity of adjoining properties or the locality generally,*
- (b) degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the locality,*
- (c) conservation of the cultural heritage values of buildings on-site and adjoining, and*
- (d) any other relevant matter outlined in Council's local planning policies.*

To consider variations under this clause, Council must first be satisfied that "sites contain or are adjacent to buildings that depict a height greater than that specified in the general or specific requirements in schedule 7". This requirement is satisfied by the subject site being located adjacent to the 'Quest' building located at 8 Pakenham Street (Quest is located diagonally to the south east of the subject site). The building heights of the Quest Building is illustrated in Figure 4 below and indicates a maximum wall height of 16.5m aboveground level. It is considered that this initial requirement is satisfied, as it exceeds the 14m wall height prescribed under Schedule 7. An assessment against clause 4.8.1.1 (a) to (d) can therefore proceed.

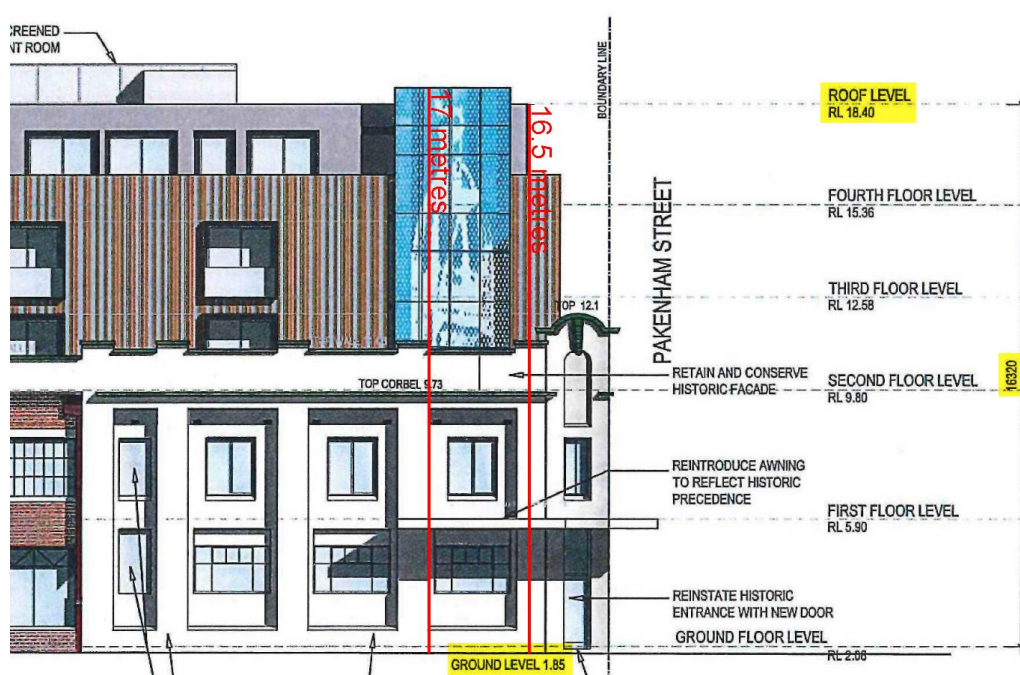


Figure 4 – North (Short Street) elevation of the 'Quest' building south east of the subject site. Note: Building height maximum 17.2m to top of AC plant room, 17m to top of glass façade, 16.5m wall height.

Further to the above and pursuant to clause 4.8.1 of the LPS4, the height of the proposed building on the subject site is considered acceptable, for the following reasons:

- Any detrimental impact to the amenity of the area will be mitigated due to the site's location on the northern periphery of the West End, opposing a railway line.
- The proposed maximum building height is consistent with other buildings within the West End. These buildings include 2 Henry Street (15.5m), 64 High Street (16.4m), 7 Henry Street (17m), 80 High Street (17m) and 13 Market Street (18.6m).
- The proposed building will not result in any significant overshadowing of Pioneer park due to the Park's location to the east of the subject site.



- The proposed development will not oppose or adjoin any buildings used for residential purposes.
- The proposed development will involve the refurbishment of the external façade of the existing building and retain key features on the rooftop from the historic water tower. In addition, the residential dwellings feature a high level of architectural design. These factors will assist in improving the aesthetic appearance of the building and therefore improving the amenity of the area.
- The additions will provide a level of positive passive surveillance from the dwelling additions over Pioneer Park and surrounding pedestrian traffic routes which will assist in improving safety and security in the area.
- The proposed additions are setback between 3.8 and 9.6m from the top of the parapet wall on the existing building (refer image below). The stepping back of the dwelling additions will assist in minimising any significant impacts from building bulk and/or scale.
- The proposed dwelling additions are located such that they are subservient the existing heritage listed building with a subtle shift between old and new portions of the development.
- It is noted the Heritage Council of Western Australia have assessed the application and advised the proposal is not considered to have an adverse impact on the cultural heritage significance of the adjoining area, summarising that on balance the proposal provides an acceptable adaptive reuse for the place
- Refer the local planning policy assessment below for further considerations.

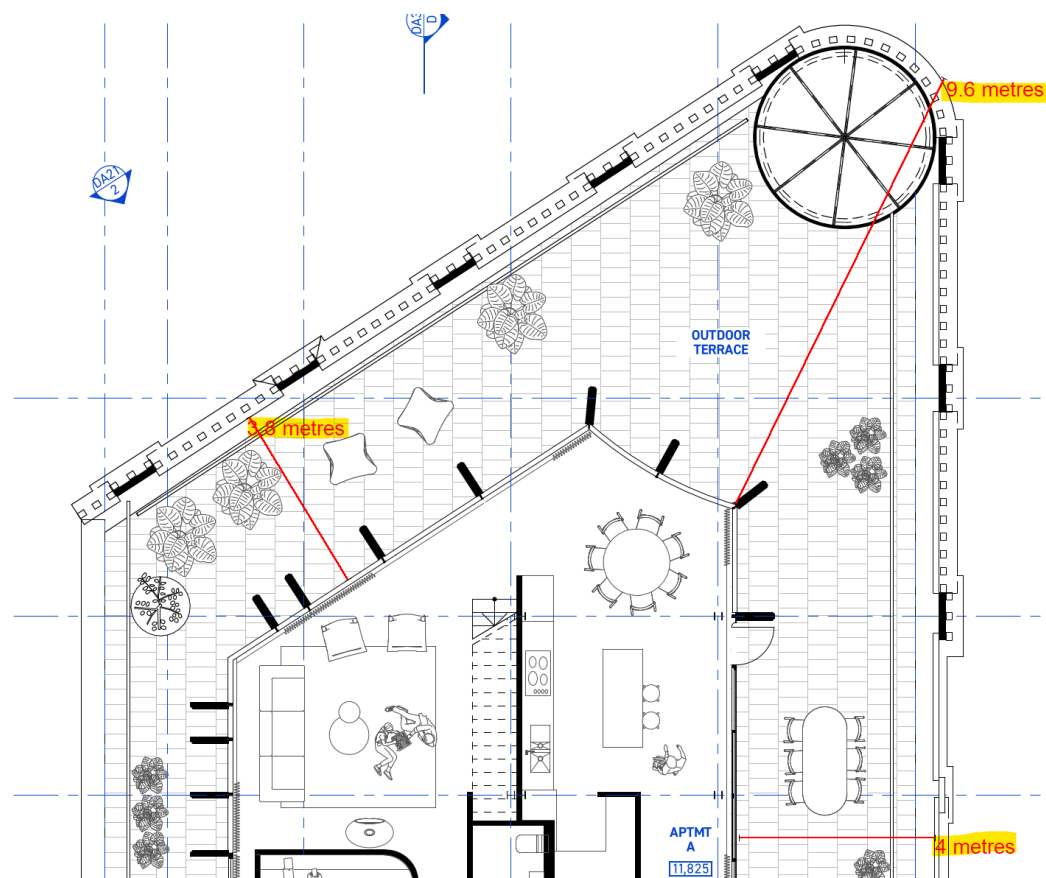


Figure 5 – Setback of dwellings from existing building façade.

Local Planning Policy

Local Planning Policy 1.6 – Heritage Assessment and Protection

LPP1.6 requires a Heritage Impact Statement to be prepared by a qualified heritage professional for any proposal that may impact any heritage place and/or area listed on the State Heritage register or the City's Municipal Heritage Inventory. The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.

In accordance with the above, the applicant has provided a Heritage Impact Statement which is included as attachment 2. The City conducted its own assessment which has been summarised in the City of Fremantle Heritage Comment section above.

LPP2.13 – Sustainable Buildings Design Requirements

The development is subject to LPP 2.13 which requires all development to be designed and constructed so as to demonstrate:



- a) *A rating not less than 4 Star Green Star using the relevant Green Building Council of Australia Green Star rating tool, or its equivalent demonstrated through a report provided by a suitability qualified professional*.*

**This may include a One Planet Living Action Plan that is certified by Bioregional Australia or a One Planet Living Integrator.*

Volume 2 of the R-Codes also requires that the development meet the energy efficiency objective, requiring that it "reduce energy consumption and greenhouse gas emissions from the development".

In order to address the LPP 2.13 and the R-Code Vol. 2 requirements, the applicant has provided a Sustainable Design Report demonstrating that they can achieve a minimum 4 Star Green Star Rating and a minimum 5.5 Star NatHERS, average 7 Star rating for the residential component of the proposed development. The sustainability strategy is therefore acceptable subject to appropriate conditions of approval to ensure the sustainability strategy is adopted and implemented to achieve the required rating, should JDAP be of the mind to approve the application.

Local Planning Policy 2.19 – Contributions for Public Art and/or Heritage Works

As per LPP2.9, the subject site falls within the 'City Centre and Surrounds' contribution area which requires the contribution of a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm.

The applicant seeks to reduce or waive the monetary amount required to be contributed for public art. The justification to reduce the public art contribution is based on the consideration that *"the overall restoration and reinvigoration of the building is considered an appropriate measure of 'public art' and more than adequately satisfies the public art contribution requisite. On this basis and for the broader design reasons articulated above, it is our strong opinion this requirement should be waived on this occasion.*

Clause 5 and 6 of LPP2.13 provide instances where the public art contribution requirement may be reduced or waived. Clause 5 cannot be considered as the subject building is not a public building or place owned by or vested by the City of Fremantle. Clause 6 cannot be considered as the proposed development will not incorporate public art work(s) to the same value as specified in clause 2. While it is noted that the heritage work will provide a level of community benefit, the proposal does not address the requirements to allow the contribution to be reduced or waived. The contribution requirement is imposed as a recommended condition of approval.

5. Council, in consultation with the applicant, may decide to use part or all of a contribution required under clause 2 to meet the cost of works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance („heritage works“) instead of or in addition to the provision of public art in cases where it is satisfied that all of the following criteria are met:



- (a) the heritage works involves a public building or place owned by or vested in the City of Fremantle; and
- (b) the building or place is included on the Heritage List under clause 7.1 of the Scheme; and
- (c) the building or place is located in close proximity to the site of the proposed development that generates the contribution; and
- (d) the heritage works funded by the contribution create a direct improvement in the appearance and condition of the building or place in terms of its presentation to the public realm.

6. The Council may waive the requirement for the public art/heritage work(s) contribution in cases where a development incorporates public art work(s) to the same value as specified in clause 2 and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site, subject to being satisfied in relation to all of the following:

- (a) The details of the proposed public art work shall be set out as part of the application for Planning Approval. Prior to determining the application, Council shall seek relevant professional advice with regard to the appropriateness and artistic merit of the proposed public art work.
- (b) Where the public art/heritage work is to be located on private land, the public art work and/or heritage works shall be maintained by the owner(s) of the land to the satisfaction of the Council.
- (c) Where the public art/heritage work is to be located within a crown reserve, the owner(s) of the subject development is required to enter into a legal agreement with the City undertaking to maintain the public art/heritage work to a standard specified by the City and, if required, to temporarily remove the public art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works.

Local Planning Policy 3.21 – West End Heritage Area

Table 3 – LPP3.21 Assessment

Element 1: Urban Structure	
<ul style="list-style-type: none"> Buildings and elements with heritage significance are retained. New development fits into the established urban structure The urban grain of each precinct is maintained Urban design prioritises pedestrian amenity whilst accommodating slow moving traffic and service access. 	<ul style="list-style-type: none"> The State heritage listed building will be preserved and refurbished to protect its heritage significance. The urban structure and grain will be maintained due to the setback of the additions from the parapet wall facade of the existing building. This will allow for the original building façade and parapet edge to be interpreted.



<ul style="list-style-type: none"> Existing open space is preserved and enhanced. 	<ul style="list-style-type: none"> Materialisation of the urban grain will be maintained due to the complete retention of the external building façade. The adjoining public open space will benefit from the revitalisation and extension of the existing building. There will be minimal impact to footpaths as access to underground parking will be taken from the existing crossover.
Element 2: Land Use	
<ul style="list-style-type: none"> Land use diversity and mixed use character is maintained through the West End Land uses are to be compatible with the traditional built form of each precinct. Concentration of retail and active pedestrian-focussed uses along the High Street ground floor frontage. Land uses (where the planning scheme allows discretion in this) compatible with surrounding uses and mixed use environment. 	<ul style="list-style-type: none"> The proposal will introduce a new residential land use to the site. The mixed use development will be consistent with other combinations of this nature within the West End. The refurbishment of the office spaces which includes the addition of new windows will assist in providing a high quality commercial space. The proposed uses are compatible with the build form as the existing heritage listed building will be largely retained in its existing form. The residential land use will be contained within the new additions to the roof with the office being contained within the original warehouse.
Element 3: Massing and Height	
<ul style="list-style-type: none"> Developments maintain simple, rectilinear form to the street. Developments encourage a sense of mass and depth beyond the façade. Buildings maintain the continuous urban wall to the street and reinforce the sense of enclosure. 	<ul style="list-style-type: none"> The proposed additions are considered rectilinear and consistent with the form of the existing building. The dwelling additions are setback from the parapet edge of the existing building. The roof terrace and shade structures/arbors will assist in providing a sense of mass and depth beyond the façade.



<ul style="list-style-type: none"> • Development reflects the building height and proportions characteristic of the West End. 	<ul style="list-style-type: none"> • The proposed additions exhibit high quality architectural design in the resolution of the facades, the use of quality materials and in the sympathetic response to the existing building and surrounds.
Element 4: Roofscape, Views and Skyline	
<ul style="list-style-type: none"> • Buildings maintain the continuous urban wall to the street, and the frame of the skyline. • Existing vistas, views and skyline are retained or enhanced. • The general roofscape and form are maintained. 	<ul style="list-style-type: none"> • The continuous urban edge of the building will be maintained. • Views and vistas will be maintained (particularly along Pakenham Street towards to the port. • The dwelling additions will be consistent with the existing skyline and scale of development within the area. • The multiple dwelling additions are setback behind the existing parapet edge of the existing building and are of a flat roof and simple design, • No mansard roof forms are proposed. • The roof form of the multiple dwelling additions will be visible from the streetscape and is not sufficiently hidden behind the parapet of the building. • The additions will feature a flat roof which will not be visible from the streetscape (only the roof edge). • The significant view towards the port along Pakenham Street will be maintained.
Element 5: Facades	
<ul style="list-style-type: none"> • New development reflects the classical proportions and character of adjacent building and the streetscape whilst remaining discernible as contemporary. The contrast should be clear but subtle. 	<ul style="list-style-type: none"> • There will be a clear contrast between the existing heritage listed building and the proposed additions. • The additions are contemporary and will be discernible from the existing building. • The contrast is considered subtle due to the setback of the



	<p>additions from the existing parapet and the retention of the external facade.</p> <ul style="list-style-type: none"> • The proposed additions mirror how the existing building presents to both street frontages (Pakenham and Phillimore).
Element 6: Building Types	
<ul style="list-style-type: none"> • New development (including additions) do not diminish the legibility of original building type. • New development is compatible with the precinct, sit comfortably along side existing buildings, and assists in interpreting the history of the area. 	<ul style="list-style-type: none"> • The legibility of the retained building will not be diminished. It is clearly distinguished by the complete retention of the existing building and the delineation between the existing and proposed additions. • The new development features a high level of amenity and will sit comfortably alongside existing buildings. It is not considered to be overbearing or significantly detract from the appearance of adjoining buildings.
Element 7: Details and Materials	
<ul style="list-style-type: none"> • Buildings and their facades reflect the architectural detailing of the Classical Freestyle, as well as its proportional rules. • Materials used in new development are consistent with or complimentary to the original fabric of the West End. • New development visible from the street maintains the natural characteristics of traditional materials and an ability to endure age and weather. 	<ul style="list-style-type: none"> • The conservation of the existing original fabric of the Robert Harper Building will make a positive impact on the heritage value of this building and the contribution that it makes to the quality of streetscapes in the West End. • The reinstatement of original high level warehouse windows to match existing will assist in portraying the buildings previous use. • While the proposal does involve removing brickwork, the retention of the high level windows is sufficient to retain the buildings character.

State Planning Policy

State Planning Policy 7.0 - Design of the Built Environment

Agenda – Ordinary Meeting of Council
20 December 2023



An assessment has been conducted against the design principles of SPP7.0 which are Context and character, Landscape quality, built form and scale, Functionality and build quality Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics. Refer comments below:

- The proposal has been carefully considered against the distinctive characteristics of the area. It is considered that the design is a high quality architectural design and will positively contribute to the surrounding area.
- The proposed dwelling additions are not attempting to imitate the existing building, rather offering a subtle change between the heritage listed building and the new dwelling additions.
- It is considered that the existing heritage listed building will remain as the key feature on the subject site when viewed from street level, with the dwelling additions being subservient to this existing building.
- The subject site features limited opportunity for landscaping due to the existing building (to be retained) covering the entirety of the site area. However, a quality landscaping design has been included which utilises garden terraces and arbours to provide a suitable level of landscaping.
- The landscaping has been appropriately incorporated into the design of the dwelling additions such that it will act to soften the appearance of bulk and scale on the streetscape.
- While the addition will be visible, there will not be a significant impact on views resulting from the proposal. The view along Pakenham Street towards the Port will be maintained.
- The dwelling additions are suitably setback from the parapet edge of the façade such that the impact of bulk and scale on the opposing park will be minimised.
- The proposal will not result in any significant overshadowing of adjoining properties.
- The dwellings are considered to be of a high amenity and functionality, exceeding the requirements of the R-Codes Volume 2. The office spaces will be refurbished, with new windows providing additional light and ventilation.
- A sustainability assessment has been provided with the proposal targeting the minimum 4 Star Green Star rating.
- The mix of land uses (residential and office) are considered compatible and will assist in contributing to the vitality of the building and area.
- The internal rooms of the dwellings and office spaces are considered adequately sized, comfortable, easily accessed with good levels of daylight, natural ventilation and outlook.
- The proposal features a central stairway and lift which will service the various levels. The building will have clear connections between the internal and external realm and will allow for an ease of navigation throughout the development.
- The addition of the windows on the external façade will improve safety by allowing for passive surveillance between the office spaces and the public realm. The dwelling additions will also provide a degree of overlooking towards the streetscape and park which will provide additional passive surveillance contributing to the safety and security of these spaces.
- The renovation of the offices will provide a vibrant and functional office space and will attract occupants to the area. The dwelling additions will provide opportunity for additional people to reside in the West End.
- The overall development is considered logical and appropriate and is of a high quality architectural design.



Multiple Dwelling Assessment

- Primary controls

Clause 2.2.1 of LPP3.21 states that “*Table 2.1 ‘Primary Controls’ of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments is superseded by planning scheme controls and this policy. No specific residential plot ratio restriction applies: floorspace is governed by the building envelope established by lot size, height, setbacks and other elements*”.

Regardless of the abovementioned LPP3.21 clause, comments against the R-Codes Volume 2 Primary Controls have been provided below.

Table 4 – Primary Controls

Element	Requirement	Proposed / Comment
Site R-Coding	N/A	No specific R-Code density is applied to the subject site.
Building height	-	Refer building height assessment above.
Boundary wall height	1-2 storeys	2 storeys / 5.5m of additional boundary wall is proposed above the existing building on the south aspect. The primary controls of the R-Codes Volume 2 are superseded by LPP3.21 and planning scheme controls. The boundary wall is setback 4m from the existing parapet façade on Pakenham Street. The boundary wall will not result any detrimental impact on the adjoining lot to the south as it opposes a roof area only.
Primary / secondary street setbacks	While LPP3.21 states that the Primary Controls of the R-Codes Volume 2 does not apply, the development is considered a Medium-Rise	The existing building is completely built out on the subject site (nil setback to all boundaries. The proposed multiple dwelling additions are setback 4.2m from Pakenham Street and 4.05m from Phillimore Street.



	development and would otherwise be subject to a primary / secondary street setback of 2m.	
Minimum side setback	3m	Refer above.
Minimum rear setback	3m	3m
Plot ratio	N/A	As per LPP3.21, no specific residential plot ratio restriction applies: floorspace is governed by the building envelope established by lot size, height, setbacks and other elements.

- **Siting the development**

The proposed dwellings are suitably oriented to address the street and reflect the desired streetscape character and relationship to the public realm. The dwellings are consistent with the orientation of other buildings along Pakenham and Phillimore Street which feature a rectilinear, uniform appearance. The orientation and design of the dwellings enhances access to ventilation and solar access which is accessed via the east and west and is accessible from all habitable rooms.

The site is completely built out with no opportunity to provide a deep soil area for landscaping. The required deep soil area would be approximately 72m² if the site wasn't completely built out. To offset this absence of deep soil area, the proposal includes 50m² of garden bed/planting on structure and 16 trees. While the acceptable outcome requires two times the shortfall of deep soil area be provided by planting on structure, the applicant has justified the shortfall due to the sensitive nature of the heritage building. It is considered that the character of the West End is also such that excessive landscaping would be inconsistent with the surrounding area. The proposed landscaping, which features vertical planting on trellises, a community garden planter and the provision of garden beds, is considered sufficient to satisfy the applicable acceptable outcomes and element objectives. The proposal features an informal seating area with landscaping on level 2. The communal space is considered safe, universally accessible and will provide a high level of amenity for residents.

Table 5 – Parking

Element	Requirement	Proposed	Extent of Variation
Office (existing)	See Note 1.		



Multiple dwellings	Car bays 1 bay per dwelling 1 visitor bay 5 bays required	8	Complies
	Bike racks Resident - 0.5 space per dwelling Visitor – 1 space per 10 dwellings 3 spaces required	Sufficient space for >3 bikes along rear basement wall	Complies
Total	5	8	N/A

Note 1: The Office is not required to comply with the minimum on-site parking requirements under clause 77E of the *Planning and Development (Local Planning Schemes) Regulations 2015* as development approval is not required for the land use. In addition, it is an existing land use with no parking currently allocated.

- Designing the building

The proposed dwelling additions are suitably orientated to maximise solar and daylight access. The orientation of the dwelling is largely defined by the existing heritage building however, the provision of large windows/major openings featured on the east and west aspects as well as the location of habitable rooms maximises access to daylight. All the proposed dwellings feature similar levels of natural ventilation which is maximised by major openings on both the east and west aspect as well as via the internal configuration of the dwellings. The proposed dwellings exceed the total floor area and habitable room area requirements as well as the minimum ceiling heights which is stated in Table 6 below.

Table 6 – Minimum Internal Area, Private Open Space Area, Storage Area and Ceiling Height Requirements

Element	Requirement	Proposed / Comment
Dwelling area	2 x 2 dwelling – 67m ² (+5m ² for additional bathroom) – 72m ² 3 x 2 dwelling – 90m ² (+5m ² for additional bathroom) – 95m ²	2 x 2 dwelling – Approx. 120m ² 3 x 2 dwelling – Approx. 188m ²



Habitable room area	Master bedrooms – 10m ² (min. dimensions 3m) Other bedrooms – 9m ² (min. dimensions 3m)	Floor areas and ceiling heights Apartment A - 3 x 2 dwelling Master bedroom 1 – 17m ² (does not include walk in robe) Bedroom 2 – 15.5m ² Bedroom 3 – 14m ² Apartment B – 2 x 2 dwelling Master bedroom 1 – 22.5m ² Bedroom 2 – 14m ² Apartment C: 2 x 2 dwelling Master bedroom 1 – 22.5m ² Bedroom 2 – 14m ² Apartment D: 2 x 2 dwelling Master bedroom 1 – 22.5m ² Bedroom 2 – 12.5m ² *All living rooms and bedrooms exceed minimum dimension requirements.
Private open space area	2 bedroom – 10m ² 3 bedroom – 12m ²	Apartment A - 2 x 2 dwelling 90m ² private open space Apartment B – 2 x 2 dwelling 21m ² private open space Apartment C: 2 x 2 dwelling 21m ² private open space Apartment D: 18m ² private open space *All private open space exceeds minimum 2.4m dimensions.
Storage area	2 x bedroom – 4m ² 3 x bedroom – 5m ²	Each apartment is allocated a storage room in the basement carpark of the building. Dimensions 2.1m x 4.8m (10.5m ²), min. height 2.1m.



Ceiling height	Habitable rooms – 2.7m Non-habitable rooms – 2.4m	Ceiling heights minimum of 2.7m for habitable and 2.4m for non-habitable rooms.
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The proposed dwellings have been designed with a key focus on providing a high level of amenity for residents. The new dwelling additions to the existing heritage buildings are considered contemporary and complementary and will not detract from the character and scale of the existing building. The mixed use development will provide an adequate level of energy efficiency (5.5 star NatHERS for the building as a whole and an average of 7 star NatHERS for the residential component).

Noise Impact Assessment

Given the subject site's location in proximity to the Fremantle City Centre, rail infrastructure and the Fremantle Port, the proposal is subject to additional acoustic considerations covered under the following policies:

- State Planning Policy 5.4: Road and Rail Noise
- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source

The above policies seek to impose additional acoustic standards and requirements to mitigate the potential for recognised noise sources to impact the amenity of future residents and to acknowledge the development is located within an area subject to increased noise levels.

The applicant submitted an Acoustic Report which is included as attachment 6 that acknowledges all of the above policies and seeks to demonstrate the proposal is capable of compliance with all requirements stated in the policies and guidelines, providing recommendations where appropriate and noting that acoustic treatments will be further specified when detailed designs and a full mechanical equipment schedule is provided for further assessment.

A number of appropriate conditions of approval and advice notes have been recommended to ensure the proposal is developed in full accordance with relevant requirements of the above policies and all required acoustic treatments are implemented successfully and for the life of the development.

These conditions include notifications on the certificates of titles of dwellings to notify owners and prospective purchasers of any dwelling that the land is located in the City Centre, in proximity of the Fremantle Port and rail infrastructure and as a result, the land may be affected by activities and noise levels not normally associated with residential development.



Conclusion:

Approval is sought for a mixed use development at No. 49 (Lot 51) Phillimore Street, Fremantle which includes renovations to the existing building currently being used as an office as well as the addition of four (4) two storey multiple dwellings above the existing building. The Robert Harper building is a state heritage registered site as well as a level 1B City heritage listed building. The site also falls within the West End Heritage Area. The heritage aspect of this proposal has been a key consideration in the assessment of the application. After completing a comprehensive assessment on the various aspects of the proposal as well as receiving comments and advice from the Heritage Council, the proposal is deemed acceptable for conditional approval.



**C2312-12 ENGAGEMENT PLAN – HERITAGE REVIEW – SOUTH
FREMANTLE HERITAGE AREA REVIEW – STAGE 1**

Meeting date: 20 December 2023
Responsible officer: Manager Strategic Planning and City Design
Decision making authority: Council
Attachments:
1. Schedule of Engagement – South Fremantle Heritage Area Review
2. Engagement Plan - South Fremantle Heritage Area Review

SUMMARY

The purpose of this report is to present for Council’s consideration the submissions received during first stage of community engagement for the South Fremantle Heritage Area Review.

The South Fremantle Heritage Area Review - Stage 1 Engagement Project was advertised from 21 August 2023 to 6 October 2023 (48 days) for public comment. The public consultation period included a community information session held at the Local Hotel at the Precinct Group Meeting.

At the close of the community engagement period, the City sent 3777 letters in a mail out to owners and occupiers, launched a My Say Freo page, invited one-to-one meetings with a heritage officer and attended 1 Precinct meeting. The City had 422 My Say Freo visitors, 61 My Say Freo interactions and 12 submitted My Say Freo Surveys. Further to this online response the City received 31 handwritten surveys, conducted 8 booked face-to-face meetings and had 2 phone calls.

Of these 53 submissions, 3 raised concern relating to one or more aspects of the South Fremantle Heritage Area, one submission was for noting a change of address and 49 submissions were positive in nature in regard to the South Fremantle Heritage Area.

14 respondents had further specific information, history, plans, maps or photographs about their place or about the South Fremantle Heritage Area.

It is recommended that Council proceed to the next stage of the South Fremantle Heritage Area Review Project which is to prepare reporting for Council regarding:

- **Recommended updates to the Local Heritage Survey and Heritage List**
- **Identified contributory and non-contributory places for the South Fremantle Heritage Area informed by what we have learnt from**



recent engagement with community regarding what they value about their heritage area.

BACKGROUND

Engagement Plan

South Fremantle is the first Heritage Area to be reviewed under new best practice principles. As well as an assessment of the South Fremantle Heritage Area this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Planning Regulations and the Heritage Act 2018.

On 10 May 2023 the Engagement Plan – Heritage Review - South Fremantle Heritage Area was presented to the FPOL Committee and then subsequently Council on 24 May 2023 for adoption.

The plan proposed engagement be undertaken in two key stages to allow for discussion and input from the community:

Stage 1: Community Input (Non-statutory process)

Purpose:

- Ask the community and gain understanding of what they like/value about their heritage area
- Invite the community to contribute information to their place record - history and heritage
- Inform community of current heritage listings

This stage is now complete and is the subject of this report.

Stage 2: Community consultation (Statutory process)

Purpose:

- To update the Local Heritage Survey, Heritage List and establish contributory and non-contributory places for the South Fremantle Heritage Area based in the knowledge of what the community value about their heritage area.

Stage 2 is to be undertaken following a report to Council requesting approval to proceed with Engagement Project – Stage 2 – consultation on the recommendations for changes to the Local Heritage Survey (LHS) and Heritage List and the defining of contributory and non-contributory places with the Heritage Area.

Fremantle's Heritage Listings

The City of Fremantle local heritage framework is made up of a non-statutory database that holds the information on heritage places and then two separately adopted registers: the Heritage List and Heritage Areas.



<p>Local Heritage survey (LHS): (Previously Municipal Heritage Inventory (MHI)) Non statutory database</p>	<p>Originally adopted on 18 September 2000 and contained approximately 4000 places. The LHS provides information on each place and the level of heritage significance (Levels 1-4 provided below) as per LPP 1.6 Heritage Assessment and Protection. The LHS requires continual review for consistency and accuracy.</p>
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Level 1

Level 1a – Exceptional Significance – State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. This place is entered into Western Australia's State Register of Heritage Places.

Level 1b – Exceptional Significance – Not State Listed

The City of Fremantle has identified this place as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required. It is recommended that this place be considered for entry in the Heritage Council of Western Australia's Register of Heritage Places.

Level 2

The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

Level 3

The City of Fremantle has identified this place as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced and its significant parts conserved.

Level 4 - Historic Record Only

The City of Fremantle has identified this place as being of interest for historical reasons and/or for structures that no longer exist. These places are part of Fremantle's rich cultural heritage but are not included on the Heritage List.

<p>Heritage List: Statutory protection</p>	<p>Places identified within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.</p>
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Heritage Area:
Statutory protection

Those areas where heritage significance is attached to a grouping of places or streetscape value rather than (or sometimes in addition to) their individual significance. The Regulations require local governments to prepare a local planning policy for each Heritage Area which sets out:

1. A map of the area.
2. A statement of significance for the area.
3. A record of places of heritage significance in the area (Contributory Places).

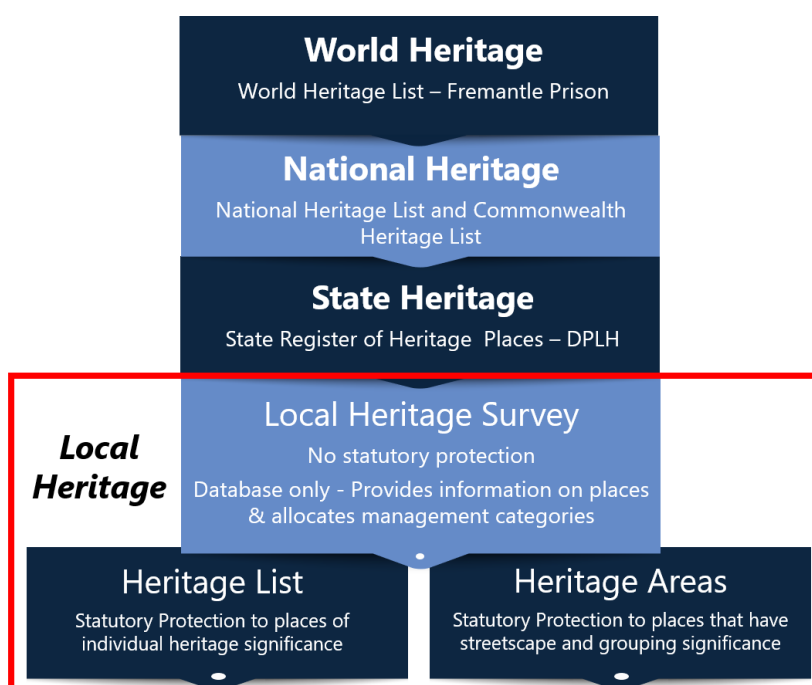


Figure 1. Local Heritage Framework and where it sits within the wider heritage framework

Heritage Places and Heritage Area Review Projects

Since the gazettal of Local Planning Scheme No. 4 (LPS4) in 2007 and the establishment of the City's Heritage List, and subsequently the City's Heritage Areas, the heritage framework has undergone several changes including the gazettal of *State Planning Policy 3.5 – Historic Heritage Conservation*, gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and, most recently, update of heritage legislation and guidelines. These changes have required the City to reconsider and update the way it manages its heritage framework.

As well as annual and periodic reviews of the Heritage List, the City has more recently:



- Replaced the term 'Municipal Heritage Inventory' (MHI) with 'Local Heritage Survey' (LHS) and amended how the LHS is reviewed.
- Reduced the number of Heritage Areas to 18 (revoking nine).
- Introduced Local Planning Policy 3.6 – Heritage Areas (LPP3.6) to provide the Heritage Area boundaries and statements of significance in alignment with the requirements of the Regulations. LPP3.6 also includes provisions around siting and scale, form of development, infill development, garages and carports, street fencing etc used to assess development applications in heritage areas.

Further work is required to identify the contributory places for each Heritage Area (as per the Regulations). In the interim where identification of contributory places has not been completed, or is incomplete, assessment is made when a development application is lodged.

Further work is also required to review street by street the Local Heritage Survey and heritage List to ensure it is up to date, accurate and consistent. As stated above South Fremantle is the first Heritage Area to be reviewed under new best practice principles. As well as an assessment of the South Fremantle Heritage Area this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Planning Regulations and the Heritage Act 2018.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015* specify the requirement and process for the establishment and maintenance of a heritage list under the local planning scheme, and for the designation, amendment or revocation of heritage areas as well as the procedures for advertising and adopting a local planning policy.

The *Heritage Act 2018* requires periodic update and review of the LHS.

CONSULTATION

The *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) 2015 Regulations* specify consultation requirements with the landowners of all affected properties prior to modification to the Local Heritage Survey and Heritage List, respectively.

The Planning Regulations also specify consultation requirements for the designation or amendment of heritage areas, and for the adoption or amendment of local planning policies.



Following adoption of the South Fremantle Heritage Area Review for community engagement – Stage 1, officers undertook a community engagement process as per the Engagement Plan in Attachment 2:

At the close of the community engagement period, the City sent 3777 letters in a mail out to owners and occupiers, launched a My Say Freo page, invited one-to-one meetings with a heritage officer and attended 1 Precinct meeting. The City had 422 My Say Freo visitors, 61 My Say Freo interactions and 12 submitted My Say Freo Surveys. Further to this online response the City received 31 handwritten surveys, conducted 8 booked face-to-face meetings and had 2 phone calls.

Of these 53 submissions, 3 raised concern relating to one or more aspects of the South Fremantle Heritage Area, one submission was for noting a change of address and 49 submissions were positive in nature in regard to the South Fremantle Heritage Area.

14 respondents had further specific information, history, plans, maps or photographs about their place or about the South Fremantle Heritage Area.

Submissions were invited to respond to a questionnaire which included the questions:

- *What do you value about the South Fremantle Heritage Area?*
- *What do you see as the key elements and/or themes that contribute to the South Fremantle Heritage Area?*

The themes raised in these submissions are summarised in Table 1 below.

Key Theme	Selection of comments (summarised)
Home	<ul style="list-style-type: none">• Value of my one and only home• It is home



Key Theme	Selection of comments (summarised)
Mixed use	<ul style="list-style-type: none"> • The transformation and regentrification has reflected an increasing awareness and appreciation of the importance of heritage, streetscape and mixed use • Rich mixture • Varied housing and commercial properties • Community based activities and businesses that promote the character, architecture and heritage of the area • Streetscapes that are sympathetic to the 19th and 20th century architecture but also contemporary and funky • A mix of small industry and homes.
Low scale	<ul style="list-style-type: none"> • The low-rise nature of the precinct (ie not overdeveloped) • The ambiance of a mixed single lot residential street scape without unnecessary high rise development • The human scale, character and history of the older homes and buildings
Beach	<ul style="list-style-type: none"> • Key elements: Federation-era workers cottages South Beach and surrounding parks/trees • South Beach is another key element in what I value • One of Perth's most interesting, comfortable, quirky, lively yet quiet, places to live, because of the physical atmosphere of the houses of various ages - please also note that the coast and beaches are a critical component of our lifestyle and reason for living here.
Recreation	<ul style="list-style-type: none"> • Landscape along the beach front in regard to transport, recreation and natural environment • Mixture of housing, businesses and recreation areas • a recreation hotspot which had baths, pavilion, horses, stables, beach houses.
Environment	<ul style="list-style-type: none"> • street trees to be provided on the street verge of properties that would otherwise be utilised for resident parking. The benefits from an environmental perspective should not be ignored • natural environment.



Key Theme	Selection of comments (summarised)
Shipping/ Fishing Industry	<ul style="list-style-type: none"> • Shipping Business with combined living arrangements (ie Captains Homes) overlooking passage of ships, Crayfishing Industry and Marine Communications • History of fishing • Fishing and migrant influence.
Industrial / Commercial	<ul style="list-style-type: none"> • Historical industrial buildings • Older commercial buildings • Industrial built heritage • Mix of classic 1900s stone houses, contemporary homes, plus recycled warehouses, factories as designer homes. Mix of commercial, light industrial and residential • Old Cottages that have been modernised and constant change as modernisation occurs.
Historic Buildings	<ul style="list-style-type: none"> • Historic older homes, shops and cafes • The visible heritage features of the South Fremantle Heritage Area are an insight into the history of the area and should be preserved where there is intrinsic social value in doing so. • The most valuable asset in the South Fremantle precinct is the sense of community. I believe this is enhanced by the retention of the large number of retained old buildings that make up the streetscapes that is not possible in the cookie cutter housing in new suburbs. • The way the built form illustrates (often without our realising it) the rich history of our community.
Building retention and conservation	<ul style="list-style-type: none"> • I appreciate the restoration of historical structures • Maintenance of architectural character of homes on heritage streets • South Fremantle largely intact built heritage • The older 1 & 2 storey buildings / houses and shops. • Preservation of historical aspects of the area, especially preservation of historical housing stock and interesting and appropriate updating and renovation of the housing stock.



Key Theme	Selection of comments (summarised)
Property owners' rights should override council and neighbours' rights	<ul style="list-style-type: none"> Property owners should be granted priority over both neighbours' and council's perspectives concerning these properties. Consistency in permitting variations by the council is crucial, and the planning department's recommendations should be informed by previous approved precedents for variations.
Trees and vegetation	<ul style="list-style-type: none"> The low-rise nature of the precinct (i.e. not overdeveloped) street trees and plantings Lack of infill – so many houses still have gardens and trees. Use of verges to grow plants/trees Maintenance of houses in centre of blocks which allows trees to be retained Gardens, verges and other plantings including shade trees.
Parks and open spaces	<ul style="list-style-type: none"> Surrounding parks/trees The Gold Street Park (although not strictly heritage) is an important community gathering place for me. Wilson Park is a heritage green open public space. Open spaces and parkland Pocket parks and dog parks.
Buildings from different periods / variety of architecture	<ul style="list-style-type: none"> Eclectic mix of housing styles not limited by imposing faux heritage characteristics/styles on new builds physical atmosphere of the houses of various ages Streetscapes that are sympathetic to the 19th and 20th century architecture but also contemporary and funky Varied housing and commercial properties. Quirky variety of architecture Variety and style of housing and buildings especially cottages and large old family homes Mix of classic 1900s stone houses, contemporary homes, plus recycled warehouses, factories as designer homes. Mix of commercial, light industrial and residential.
Walkability and Ride-ability	<ul style="list-style-type: none"> That it's (mostly) pedestrian and bike-friendly Pedestrian friendly by provision of lighting and quality paths We have lived in Freo for over 30 years and are now retirees who cycle or walk everywhere locally.



Key Theme	Selection of comments (summarised)
Diversity	<ul style="list-style-type: none"> • Remains a unique area with character and diversity and attracts a similarly interesting range of people.
Entertainment / Cafes / Pubs Restaurants	<ul style="list-style-type: none"> • Cafe culture, small local shops • unique range of very good local cafes, pubs, bars, shops and useful small businesses • Walk to shops, café, beach • Many cafes and old hotels which attract local residents as well as tourists • Proximity to waterfront, marinas, beaches. South Terrace strip for shopping and leisure / entertainment.
Aboriginal Heritage	<ul style="list-style-type: none"> • Aboriginal history and connection to place • We are keen to see the area also recognised and acknowledged as Noongar Whadjuk Boodja • Keen to see the area dual named with a name likely used at the time of English settlement.
Migrant Influence	<ul style="list-style-type: none"> • Late nineteenth/early twentieth century working class residents and industry Migration Community • Migrant changes to houses to suit their needs is an important part of the heritage of the area. • The Italian, Greek and Portuguese built homes • Very multicultural • Large Italian and Greek community • Mix of people of varying ethnicity, ages, background and cultures.



Key Theme	Selection of comments (summarised)
Streetscapes	<ul style="list-style-type: none"> • The ambiance of a mixed single lot residential street scape without unnecessary high-rise development • Streetscape - enable, facilitate and monitor upkeep of streets • retention of the large number of retained old buildings that make up the streetscapes • Streetscapes that are sympathetic to the 19th and 20th century architecture but also contemporary and funky • The heritage streetscapes change between South Street and Lefroy Road from weatherboard cottages, to tuckpointed houses to grand houses. These differences tell us something about the social history of the area. • Each house has its own history as we know, but the changing in fabric of the streetscapes also has its history.
Sense of the past carrying into the future	<ul style="list-style-type: none"> • The feeling of an aged area, kept alive with memories. • The visible heritage features of the South Fremantle Heritage Area are an insight into the history of the area and should be preserved where there is intrinsic social value in doing so. • The way the built form illustrates (often without our realising it) the rich history of our community • Similar down to earth community as it would have been in the 19th & 20th centuries • A solid sense of the past carrying into the future • Sence of history and continuity.
Historic subdivision patterns	<ul style="list-style-type: none"> • The original layout of the original subdivision of this precinct with small lots along with the historical nature and value of the Laneways created at that time.
Negative loss of diversity in shops	<ul style="list-style-type: none"> • Change from a community that focussed on a wide variety of local industries whilst catering for virtually all the immediate needs of residents. We had our own shops of all kinds, ranging from all types of food through to furniture and electrical goods. Now we are almost a dormitory suburb catering for niche markets and hospitality.
Understanding future restrictions	<ul style="list-style-type: none"> • Has concerns about future sale / subdivision / loss off money/value



Key Theme	Selection of comments (summarised)
Understanding Process	<ul style="list-style-type: none"> Owns multiple properties in this located. Not individually heritage listed but all in heritage area. Explained that her properties have been in the heritage Area for a long time but we are now identifying those contributory and non-contributory places. Explained that aspects of LPP3.6 would apply to her properties. Email her a link to the policy and offered further discussions if she had more questions after looking at the policy.
Community	<ul style="list-style-type: none"> Similar down to earth community as it would have been in the 19th & 20th centuries The sense of community An emphasis on community Pro-active community Appreciates that the community gets to have a say on the future of this lovely area Narrow streets and the resultant enhancement of community engagement.
No fast food / shopping centres – uniqueness	<ul style="list-style-type: none"> No large shopping centres No fast-food outlets Remains a unique area with character and diversity and attracts a similarly interesting range of people.
Low car speeds	<ul style="list-style-type: none"> Slowing of traffic Narrow Streets / low speeds.
Dog friendly	<ul style="list-style-type: none"> Dog friendly parks and cafes.

Table 1. Summary of submission themes

OFFICER COMMENT

Since gazettal of the City's Local Planning Scheme No. 4 (LPS4) which set out the provisions for maintaining the City's Heritage List and adopting Heritage Areas, the City has undertaken an annual review and a rolling review of Heritage Places by suburb and/or request, the most recent comprehensive review being North Fremantle and Fremantle. In recent times, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) took over the requirements from LPS4 for maintaining a local government's Heritage List and Heritage Area registers.

South Fremantle is the first Heritage Area to be reviewed under the new best practice principles. As well as an assessment of the South Fremantle Heritage Area, this review will establish the process for future heritage areas being re-surveyed, consistent with current legislative requirements of the Regulations and the *Heritage Act 2018* including:

- An appropriate methodology
- An appropriate collection and storage of information
- Templates for future area reviews
- Management Category review and a test of their application in the field
- Review of Heritage Area boundaries (if required).



Figure 1. Extent of the South Fremantle Heritage Area



Conclusion

Following completion of community engagement (Stage 1) for the South Fremantle Heritage Area Review, City officers advise that:

- Community engagement has been successful in its aim of informing the community about the South Fremantle Heritage Area and specifically:
 - Asking the community and gaining an understanding of what they like/value about their heritage area
 - Inviting the community to contribute information to their place record regarding its history and heritage
 - Informing community of current heritage listings

For these reasons, it is recommended that Council proceed to the next stage of the South Fremantle Heritage Area Review Project which is to prepare reporting for Council regarding:

- Recommended updates to the Local Heritage Survey and Heritage List
- Identified contributory and non-contributory places for the South Fremantle Heritage Area informed by what we have learnt from recent engagement with community regarding what they value about their heritage area.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council:

- 1. Note the submissions received in the initial stage South Fremantle Heritage Area Review Project of the as detailed in the Officer's report and Attachment 1.**
- 2. Proceed to the next stage of the South Fremantle Heritage Area Review Project which is to prepare:**
 - a) Recommended updates to the Local Heritage Survey and Heritage List; and**
 - b) Identified contributory and non-contributory places for the South Fremantle Heritage Area informed by what we have learnt from recent engagement with community regarding what they value about their heritage area.**



C2312-13 FUTURE OF FREMANTLE

Meeting date:	20 December 2023
Responsible officer:	Director Planning, Place and Urban Development
Decision making authority:	Council
Attachments:	1. Future of Fremantle: Emerging Vision and Future Scenarios, November 2023

SUMMARY

The purpose of this report is to provide initial feedback to the state government on the recently released document *Future Fremantle: Emerging Vision and Future Scenarios*. In doing so, it also seeks to adjust the City's previous position that container freight should remain in Fremantle. This report recommends that Council:

- Indicates general support for the study and the proposed future direction of redeveloped port land, in the event that containerisation is relocated to Kwinana;
- Refrains from expressing an early opinion on the current 3 scenarios;
- Notes that the level of future investment in public infrastructure (e.g., additional bridges, maritime facilities, public transport options) is likely to be proportionate to the level of development/yield;
- Highlights three critical areas that require early planning and investment to build a strong foundation for *Future Fremantle* and an overall positive impact on the broader City of Fremantle:
 - Economic revitalisation within the existing city centre and its connections to waterfront;
 - Developing a clear integrated transport plan for North Fremantle as a place-based District Centre;
 - Investigating an appropriate governance model / agency to advance the planning and redevelopment, including a central role for local government and integration of land use and transport planning.

BACKGROUND

On **29 November 2023**, the State Government announced it had identified the preferred design configuration for the new container port in Kwinana, as well as the connecting road, rail and intermodal logistics networks.



On **24 November 2023**, the Future Fremantle Planning Committee released its report *Future of Fremantle: Emerging Vision and Future Scenarios* for public comment. (The main focus of this current report.)

On **22 August 2018**, the Council response to the establishment and initial work of the Westport Taskforce, was summarised in the following resolutions:

1. *Adopts the following as a statement of its current position in respect of the future of Fremantle Port Inner Harbour:*
 - a. *Port related employment and activity associated with the inner harbour, including supporting services and maritime industries, are a critical component of the Fremantle region's economy. To retain and if possible expand this economic activity into the future, the inner harbour should be retained in the long term as an operating port with the following characteristics:*
 - I. *shipping functions that include:*
 - i. *container handling capacity at North Quay at a scale that can be supported by future land side transport infrastructure and logistics practices which have no greater impact and where possible reduces the impact on the local community and urban fabric from congestion, air quality, noise and the transport of dangerous goods, than current port operations and associated road and rail transport arrangements.*
 - ii. *unless there are changes to land side logistics which improve the efficiency of movements overall while restricting the current levels of freight on roads during business hours on weekdays, a level of container movements that reflects a viable economic outcome balanced against existing transport infrastructure capacity; likely to be in the range of 700,000 to 1,000,000 TEUs per annum.*
 - iii. *cruise ship visits*
 - iv. *naval ship visits, excluding any vessels that are nuclear powered, or carry nuclear weapons and/or depleted uranium*
 - v. *tall ship visits*
 - vi. *pilot functions*
 - vii. *Rottnest ferry services.*
 - II. *efficient logistics practices to optimise use of the road and rail transport infrastructure network for freight movement in a manner that does not place any greater burden and where possible reduces the impact on the local community and urban fabric from congestion, air quality, noise and the transport of dangerous goods, than current transport and logistics arrangements.*
 - b. *Victoria Quay should be progressively developed for community, tourism and commercial purposes integrated with non-freight maritime functions, especially enhanced cruise ship passenger facilities. To facilitate*



this outcome, the vehicle import trade and other freight shipments currently utilising berths on Victoria Quay are a priority for transfer to an alternative port location. Consideration be given to deal with the movement of dangerous goods in a manner and location that ameliorates risk contours to help facilitate the redevelopment of Victoria Quay.

2. *Reaffirms its support for a wind farm on North Quay.*
3. *Confirms continued officer participation in the process of forming the Westport Port and Environs Strategy and in doing so officers will advance Council's position outlined in (1) above.*
4. *Requests the Chief Executive Officer to present to Council for consideration, when available, Westport's public consultation material on hypotheses formation and evaluation.*

FINANCIAL IMPLICATIONS

No identified direct Financial Implications associated with this Report.

LEGAL IMPLICATIONS

No identified direct Legal Implications associated with this Report.

CONSULTATION

Public consultation is being undertaken by the state government, through the Future Fremantle Planning Committee. A public survey is available until 15 January 2024 on the current document Future Fremantle: Emerging Vision and Scenarios. Go to:

<https://consultation.dplh.wa.gov.au/future-of-fremantle/>

In addition to the survey, Future Fremantle conducted two Open Days for members of the public to drop in and find out more about the scenarios, on:

- Saturday 2 December 2023, at Fremantle Town Hall; and
- Tuesday 12 December 2023, North Fremantle Community Centre.

It is also noted that community consultation on the broader port relocation project by Westport currently has a public survey open, closing on 31 January 2024. Go to:

<https://www.mysaytransport.wa.gov.au/westport-community-survey>



OFFICER COMMENT

This report has three main components for consideration, and will be discussed in more detail below:

1. Council's previous position on retaining container / freight operations.
2. Initial response to the latest report from Future Fremantle.
3. Key related issues requiring government consideration.

City's Position on Container Trade Location

The previous position statement from council that states that port operations, including freight trade, should remain in Fremantle is grounded by two key concerns:

- The negative impact on employment and economy, if it is moved;
- The loss of maritime activities that essentially underpins the character and identity of Fremantle.

Regarding jobs, the Future Scenarios document states that all scenarios have a common target of being 'job positive'. This should remain a critical criterion for the City regarding any future changes to port land / uses.

The Future Scenarios document proposes to maintain, or add, maritime activities to the future land-based uses. All three scenarios include various combinations of:

- Cruise ships
- Ferry points
- Marine park (business, R&D)
- Marine servicing, skills and training
- Cross-harbour ferry connections
- Aquaculture / marine regeneration
- Potential for superyacht marina, and servicing

These activities are, generally speaking, 'visitor friendly' and will enable people to better connect with the waterfront and add to the maritime identity of Fremantle.

The existing container operations on North Quay – although providing a visually dramatic 'backdrop' to the City – is not publicly accessible and could, if redeveloped, provide significantly more opportunities for people to connect to the waterfront.

It is therefore suggested that the City moderates its former position on container operations towards:

- a. Acknowledging that government is investing heavily in the Westport project and all planning activities align with moving container trade to Kwinana.



- b. Recognising that there may be significant economic (including job numbers), planning and community benefits in alternative land uses on North Quay.
- c. Acknowledging that the City will have greater influence and advocacy presence in the future discussions on Future Fremantle, if it works with the agencies and decision-makers on future plans, rather than maintain an opposing position.

Comments on Future Fremantle: Emerging Vision and Future Scenarios

VISION

The emerging vision states:

"Future of Fremantle will make the most of this unique opportunity to transform Fremantle as a future City of the South, leveraging the unparalleled potential of land, infrastructure, amenity and connectivity.

Well-planned investment will unlock the site's 370 ha of land and waterways, and 10 kilometres of waterfront, to create shared prosperity that benefits all Western Australians.

Fremantle's Inner Harbour will continue to act as Australia's western gateway to the world, generating high value, export-oriented industries to create new jobs in line with the State's economic diversification agenda.

Investment in tourism, creative arts, and maritime industries will drive economic growth and position Fremantle as a sustainable, strategic centre for Perth's expanding southern corridor. Deep and productive connections with the existing Fremantle City Centre and the Western Trade Coast will further ignite these opportunities.

Aboriginal culture will be embedded and celebrated at the outset and at every step thereafter, with a deep focus on arts, innovation, tourism and creativity, as well as on opportunities that will grow the economic capacity and wealth of Aboriginal people.

World class heritage tourism assets that connect and blend old with new, will continue to grow a city rich in spirit, creativity and soul. Underpinned by strong values and rich in cultural, creative, coastal and waterfront experiences, the Future of Fremantle will reflect the many elements that make Fremantle an exceptional place today.

Unlocking this prime urban land for new housing will help to reorientate the growth of our city by harnessing the river and the ocean as natural assets and providing a blueprint for sustainable and affordable urban living.

Capturing views to the sea and river, visually striking buildings will stand proudly across the harbour. Healthy lifestyles and welcoming and inclusive communities will be reinforced through diverse housing, compact and walkable neighbourhoods, new waterfront spaces, abundant green and natural spaces, and sustainable transport solutions.

Future of Fremantle will strengthen and enhance Fremantle's identity as an eclectic, dynamic and sustainable city that sits proudly on the world stage as one of the greatest places to live, work and visit."

These statements are considered suitable ambitious, long-term and generally in alignment with the City's values, vision and draft pillars within the 2023-34 Strategic Community Plan that is currently being developed.

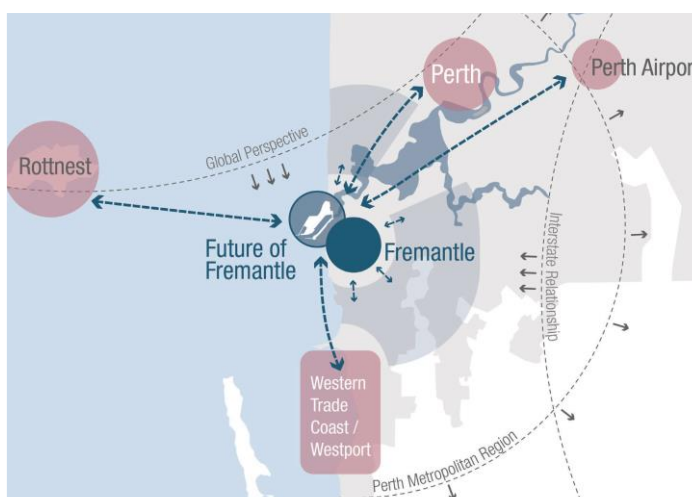
Future Fremantle has also developed goals and indicators that sit beneath the vision station – these too, appear to be generally in alignment with the City's future direction.

THREE SCENARIOS

One of the main elements of the document is the development of three scenarios that respond to the following four economic opportunities:

Economic Opportunities:

1. Supporting Fremantle's evolution
2. Leveraging the Western Trade Coast
3. Driving Economic Diversification and Exports
4. A Leading Gateway in the Indian Ocean Rim



A summary of the 3 scenarios is tabulated below:

SCENARIO 1 Harbour City	SCENARIO 2 Coastal City	SCENARIO 3 Competitive City
Future Fremantle's Description of each Scenario		
Explores a lower range of jobs and residents and a lesser range of community facilities, open space, public transport options and housing diversity commensurate with a lower yielding development.	Explores a larger population to sustain increased investment in infrastructure and diverse community facilities, as well as taller buildings freeing up space at ground level to provide new green	Explores catalytic infrastructure investment, to support high-intensity mixed use development, including public transport, community facilities and tourism investment.



15,000 –25,000 jobs 25,000 –35,000 residents	networks and improved diversity in housing. 30,000 –40,000 jobs 35,000 –45,000 residents	40,000 –50,000 jobs 45,000 –55,000 residents
City's Initial Comment		
The key issue is perhaps the limit of building heights to 5-10 storeys that suggests a lower level of funding for public infrastructure. For example, no new bridges to Fremantle Centre and buses proposed to service the new developments.	The 'medium' scenario that lifts building heights to 3-20 storeys and assumes greater financial return on land development that would assist relocating North Fremantle train station and adding a mid-tier transit loop that connects back into Fremantle.	Higher density than scenario 2, with buildings 3-30 storeys that suggests this would help fund more investment in public infrastructure, including an expanded mid-tier transit network.
City's Summary of Three Scenarios		
<p>All three scenarios are loosely based on a similar urban development 'pattern' and structure that is characterised by:</p> <ul style="list-style-type: none"> • New Urbanism planning principles. • Applying transit orientated development (ToD) principles, in response to intensity of development / projected numbers of people / development yield. • Public access to waterfront and creation of 'greener / softer' edges as well as more traditional public open spaces / urban squares. • Establishing a protected 'green' viewing corridor between Cantonment Hill and Rottnest (although actual alignment needs clarification / confirmation). • Significant reliance on new residential development to achieve 'people density' as well as a financial return on redevelopment costs. <p>Although the economic relationship between intensity (yield) of development and ability to fund public infrastructure is a well-made point, it lacks detail. Is it possible, for example, to have compact high-density of 6-10 storeys (as in Scenario One) that generates the best rate of return on land development and therefore ability to fund a higher level of public infrastructure options? (The assumption that a few 30+ towers mixed with 3 storey residential produces the best financial outcome needs further testing. The ultimate 'value' of the land will be derived from the quality and experience of the place and investor willingness to be part of the redevelopment.)</p> <p>Is there too much reliance on the residential component in all three scenarios?</p>		



A land-use / economic matter that could be raised at this early planning stage is whether the site is large enough to accommodate a major new industry / employer in addition to the proposed maritime related jobs and service related jobs. For example, could North Quay become a WA hub / HQ for global leaders in clean, renewable technology? (And more residential in 'old' Fremantle – with a walk, bike or tram ride between the two?)

As far as exploring urban development options for port land, the *Future Fremantle: Emerging Vision and Scenarios* document is considered to represent a good start to what will be a long planning process that will see many iterations, ideas, economic modelling and changes in response to community values and government priorities.

Perhaps one of the key considerations regarding successful future redevelopment will be less about finalising a masterplan and more about timing, sequencing and how current land uses are decommissioned and replaced over time. Most examples of liveable cities that people are attracted to have evolved over an extended period of time – they include anomalies, urban 'mistakes' and quirkiness, and are not planned out to every last detail. Conversely, some of the most 'lifeless' cities have been rigorously master planned and built out over a short period of time. This matter is best discussed and managed through establishing a good governance model, appropriate for a large scale redevelopment area adjacent to an historic city – discussed next.

Three Critical, Related Issues

In responding to the emerging vision and spatial scenarios, three related issues are considered critical – requiring early planning and investment to build a strong foundation for Future Fremantle and an overall positive impact on the broader City of Fremantle. These are:

- A. Economic Revitalisation of City Centre.
- B. North Fremantle Transport Plan.
- C. Governance Model for delivering the Future Fremantle project.

Each of these three critical issues are discussed in more detail, below.

CRITICAL ISSUE A: ECONOMIC REVITALISATION OF CITY CENTRE

A recurring comment that came out of the many Future Fremantle visioning workshops in 2023 was the urgent need to invest in Fremantle's existing City Centre; Victoria Quay; and the connections between the City and its Waterfront. That completing this work was critical before investment in the redevelopment of 260 hectares of port land. Most of this early investment and urban development will be articulated in the City Plan that has been initiated by the City. The following initiatives and projects are already well-known and will require support and investment from various levels of government to advance:

- Rail Crossing Improvements – to connect City to Waterfront.
- Victoria Quay Activation.
- Fishing Boat Harbour and Norfolk Street Extension.
- Fremantle Oval Precinct Project.
- Housing Affordability, densification and residential uplift in City Centre.

CRITICAL ISSUE **B**: NORTH FREMANTLE TRANSPORT PLAN

The North Fremantle peninsula has been subjected to a multitude of transport-related decisions and proposals that appear to lack integration; largely ignore North Fremantle as a local centre / place for people; and instead focus on transporting people and goods through the precinct with maximum efficiency. These include:

- Stirling Highway extension and Stirling Bridge (1970's)
- Closure of Leighton Railway Station (1990's)
- Relocation of North Fremantle Station (1990's)
- Curtin Avenue Re-alignment for Leighton Development (2000's)
- Freight Rail constructed and tied-in to Passenger Rail Bridge (2000's)
- Traffic Bridge Replacement (current MRWA project)
- Rail Bridge widening for freight (now postponed)
- Curtin Avenue Extension to Tydeman Road (MRS Plan)
- Curtin Avenue 'flyover' to Stirling Highway (MRWA alternative to Tydeman)
- Stirling Highway widening (future plans by MRWA)
- Stirling Bridge Duplication (future plans by MRWA)



Excerpt from Planning Scheme showing MRS Primary Regional Road Reserves (red) and Planning Control Area for flyover (yellow).

It was anticipated that the Future Fremantle planning project would include a review of these complex and conflicting transport issues and bring vision



and clarity to this highly constrained peninsula. Arguably, the most important issue is the alignment of Curtin Avenue extension vs a flyover – this will have a major impact on the Future Fremantle project as well as the proper and orderly planning for the North Fremantle Town Centre (categorised as a District Centre).

CRITICAL ISSUE C: GOVERNANCE MODEL

The successful transformation of port land into an integrated part of the historic city of Fremantle will be extremely challenging. It will require an in-depth investigation into various governance models of global cities that have successfully transformed docklands and port related activities into sustainable urban development that complements and draws from their existing historic towns.

Beyond master planning and ongoing economic modelling, the project success will be in the depth of understanding about how great cities evolve over time – incrementally, with an ability to adapt, change and embrace the unplanned – enabling real places to grow authentically. Establishing the right governance model that incorporates the knowledge and expertise of the local community to keep the aspiration and vision grounded in what makes Fremantle special, will be critical. In addition, the governance model must enable integrated consideration of land use and transport planning (e.g. to respond appropriately to the issues identified in Critical Issue B above). To-date the governance of the Future Fremantle project has been unable to overcome divide between state government's planning and transport portfolios. This significant piece of strategic thinking can only be successful if extended beyond the immediate cadastral boundaries of development sites / port land.

The City of Fremantle should have a significant role in analysing various governance models and being part of the solution.

VOTING AND OTHER REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council provides the following feedback to Government, in response to the *Future Fremantle: Emerging Vision and Future Scenarios Report*:

- 1. Welcomes the latest planning work from Future Fremantle that investigates significant government investment in redeveloping port land in the event that container trade is relocated to Kwinana, noting the overall vision is to create a sustainable 'extension' to Fremantle that is employment-positive and diverse in potential economic opportunities, land use, culture and place;**



2. Acknowledge the current scenarios, noting the following:
 - All three spatial scenarios are variations of a theme underpinned by fairly traditional 'new urbanism' principles;
 - extensive public engagement, detailed economic modelling and planning analysis will need to be undertaken to fully assess the assumptions, pros and cons of each of these scenarios;
 - over a period of time (10-20+ years) in the lead up the port potentially relocating, other spatial options may be explored that respond to climate change, economics, culture and how best to 'extend' historic Fremantle to the north;
3. Notes that the level of future investment in key public infrastructure (e.g., additional bridges, maritime facilities, public transport options) is likely to be proportionate to the level of development/yield that the site ultimately delivers – this is reflected in the current scenarios;
4. Highlights three critical issues that require early planning and investment to build a strong foundation for *Future Fremantle* and an overall positive impact on the broader City of Fremantle:
 - a. **ECONOMIC REVITALISATION:** City Centre to its waterfront– including further investment in Victoria Quay; connections across rail corridor; and regional City Centre investment – as a priority;
 - b. Establishing a clear, **INTEGRATED TRANSPORT PLAN** for the North Fremantle peninsula which is currently suffering from too many unresolved options and a lack of vision and alignment across agencies around place-based planning for a District Centre;
 - c. Research into successful waterfront redevelopments to determine the most suitable **GOVERNANCE MODEL** / agency for future planning and redevelopment, that incorporates a central role for local government to ensure the economic, built form, transport and cultural extension of Fremantle is the best it can possible be.



11.2 Strategic and general reports

C2312-14 HILTON PARK PLACE PLAN

Meeting date:	20 December 2023
Responsible officer:	Manager Parks and Landscape
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Draft Hilton Park Precinct Plan – Place Plan2. Draft Hilton Park Precinct Engagement Report <p><i>(Attachments to be distributed Monday, 18 December 2023, post workshop)</i></p>

SUMMARY

The Hilton Park Precinct Place Plan is being developed to guide the delivery of future infrastructure upgrades and services (aligned with City financial plans), and new additions to the precinct to enhance its functionality and the look and feel of the place for improved user experience.

This Report recommends Council note the Draft Hilton Park Place Plan for the purpose of community engagement.

BACKGROUND

The Hilton Park Project is on a 19ha site 4km from Fremantle centre, on the southeast edge of Beaconsfield and is framed by Carrington Street, Lefroy Road, Shepherd Street and Jeffery Street. This Project emerged through engagement with sporting clubs on desired use highlighting issues with facilities, infrastructure and access to suit current and future sporting requirements. The City's asset renewal information, facility assessment and long-term financial plan also highlighted the need for a redevelopment project to better cater for the communities current and future use for both active and passive recreation, and other community use.

Project Approach

The Place Plan approach has been adopted for the project to ensure the City's asset renewal program occurs in a way to meet the current, emerging and future requirements of key stakeholders and the community. The project aims to better enable the community's use of the precinct while catering for the increasing demand being placed on City public open space.

The project scope and Project Working Group (PWG) Terms of Reference were presented and subsequently adopted at the Ordinary Council Meeting on 22 February 2023. The Project Working Group was formed for stakeholder



involvement throughout the project. The PWG allows for a collaborative approach with representation from Council, City Officers, clubs and a diverse range of community members, including those with lived experience to ensure inclusivity and accessibility. An internal Cross Functional Team (CFT) made up of City Officers provides technical advice and subject matter expertise. The project is being led by a specialist consultancy team.

Project Principles

High priority project principles have been developed to provide guidance and inform project direction. Council considered and endorsed the following project principles at the 22 February Ordinary Meeting of Council:

- a) Place - Define place and land use within the precinct including: sports fields, community use, events, passive recreation, all ages play, family use, dog exercise, transport and access.
- b) Utilisation - Define and accommodate sporting club use including existing formal, informal and new or future uses and set leasing parameters and instruments (such as licenses and seasonal hire arrangements) to inform the scope of community facilities and sports infrastructure.
- c) Strategic Alignment – Align plans with City strategic documents including the Strategic Community Plan, Corporate Business Plan, Access and Inclusion Plan, Walyalup Reconciliation Action Plan, Long Term Financial Plan, Greening Fremantle Strategy and the under development Public Open Space Strategy and Community Sport and Recreation Facilities Plan.
- d) Assets and Infrastructure - Inform and guide asset renewal planning for all scales of work, inclusive of immediate projects.
- e) Services - Investigate and define needs and locations for supporting infrastructure (power, water, sewer etc).
- f) Access - Plan for strong site and precinct access considering: public transport, parking, pedestrian to and through site and Access and Inclusion Plan (AIP) integration.
- g) Character - Define character elements including palettes for materials, planting and furniture.
- h) Budget - Align the project with the City's available capital and renewal budgets in conjunction with prioritising the identification and active pursuit of additional funding sources including grants and partnerships to support the financing of the project.
- i) Sustainability - Planning to include One Planet Living principles to support the social, environmental and economic sustainability of the precinct and the long-term financial sustainability of clubs.

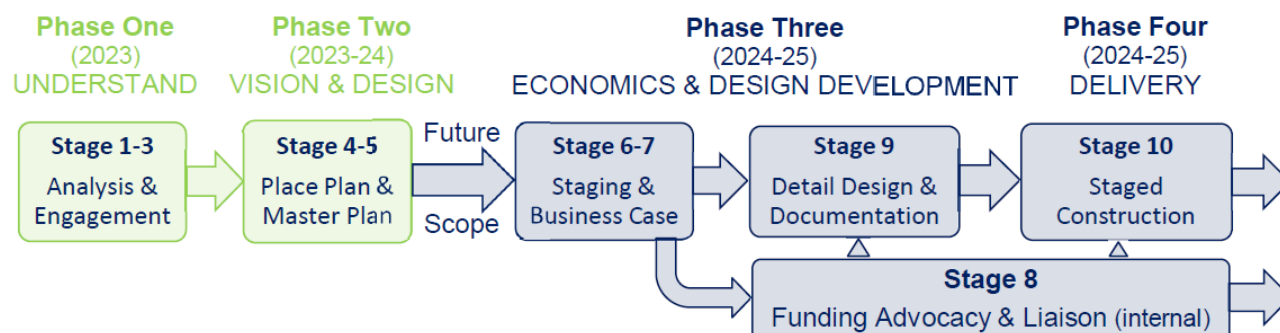
Project Progress

The Hilton Park Project is a holistic and strategic project to allow staged design, management and delivery of the facilities, public spaces and assets in the

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Hilton Park precinct. The redevelopment of Hilton Park is structured in four phases as outlined in the below diagram to ensure strategic and well-planned project development, and to best prepare for funding opportunities.



The scope of phases one and two is currently underway, due for completion in June 2024. An overview of progress is shown following:

Stage	Details of services/works	Status
<u>Stage 1 – Inception and Literature Review</u> Formal inception, detailed review of overarching City of Fremantle documents.	Desktop analysis including reviewing strategic documents resulting in a Literature Review document. Public Open Space Strategy (POSS) and Community Infrastructure Plan (CIP) are pending and due for completion and considerations early 2024.	Complete (Subject to incorporating Public Open Space Strategy and Community Infrastructure Plan upon endorsement)
<u>Stage 2 – Site Analysis Investigations</u> Familiarisation, investigations and review of site features, facilities and characteristics.	Site/Place Analysis Investigations Report undertaken.	Procurement for location and assessment of underground services underway.
<u>Stage 3a – Engagement</u> Develop, prepare for, communicate, facilitate, manage and record Stakeholder Roundtables and broader community engagement.	Needs Analysis document and Engagement Report.	Up to date, ongoing.
<u>Stage 3b – Communications</u> Inform, develop and communicate engagement undertakings.	Communications Plan document and other collateral relating to engagement events in collaboration with City's	Up to date, ongoing.



	Community Engagement and Communications and Events Teams.	
<u>Stage 4 – Place Plan</u> Strategic document based on engagement and providing direction for appropriate scope, scale, components and timing of the proposed works. Includes <ul style="list-style-type: none"> • Vision and Themes. • Place Plan (map). • Action schedule associated with the above with prioritised time frames and costs. 	Delivery of Hilton Park Place Plan.	Draft Place Plan submitted for endorsement as part of this report.
<u>Stage 5 – Master Plan</u> Preliminary design and consideration of all civil, architectural, landscape and public art elements, with development options and priorities.	Development of Hilton Park Master Plan.	Draft Master Plan due for completion May 2024.

This report provides a summary of engagement to date, the Draft Hilton Park Place Plan and recommendations on next steps.

CONSULTATION

A comprehensive engagement process has been established to capture the City's, Project Working Group (PWG) and community's needs and aspirations for the precinct. The PWG was established following the decision at the Ordinary Council Meeting on 22 February 2023. This approach ensures new infrastructure and actions are integrated into the precinct to provide the best possible place outcomes for the community.

Engagement with the PWG and the Fremantle community played a vital role in creating and testing the Place Plan, with involvement opportunities outlined in the engagement program below. This process has been supported by extensive consultation and collaboration with City Officers who provide technical advice and subject matter expertise. A summary of the engagement activities to date is as follows:

Engagement Activity and Location	Participant numbers	Focus of Activity	Date
Project Working Group Meeting 1, WCC	24	Place values: stories, wishes, users, opportunities realisation,	26 June 23

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		feel, vision priorities, investment logic mapping.	
Engaged Consultants (including Engagement & Design)	NA	Contract signing and kick-off meeting (internal).	14 July 23
Walk On Country Whadjuk Elders	3 (Elders)	Place values: stories, meaning and connection.	28 July 23
Online Engagement 1: via community feedback mapping tools available on MySayFreo	1286 (total visits to MySay)	Project launch, place values, interactive map for community pins.	07 Aug 23 (launch)
Community Workshop 1: Drop-in BBQ, onsite	150	Place values: wishes, influences, aspirations.	26 Aug 23
Project Working Group Meeting 2, WCC	24	Place needs: site planning and scaling scenarios.	15 Sep 23
Online Engagement 2: via community feedback survey tools available on MySayFreo	1286 (total visits to MySay)	Place themes: testing place vision statement, place themes, place actions.	16 Nov 23 (launch)
Community Workshop 2: Drop-in Breakfast, onsite	~60-80	Place themes: testing place vision statement, place themes, place actions.	18 Nov 23
Project Working Group Meeting 3, WCC	24	Place Plan: exploration of the draft document with stakeholders.	13 Dec 23

Key engagement findings are detailed in the Officer Comment section of this report and in detail in the Hiton Park Engagement Report.

The Draft Hilton Park Place Plan awaits Council approval prior to advertisement and release for community review, engagement and feedback. Release of the Draft Place Plan is currently set for early 2024. The process, timeline and upcoming engagement events are advertised on the City's MySayFreo platform to retain positive community involvement and understanding.

FINANCIAL IMPLICATIONS

Asset renewal works for the precinct have been forecast and scheduled in the City's asset renewal plans. A key outcome of the Place Plan and Master Plan is to inform the renewal of these assets to align with the current and future needs of the community and develop project cost estimates and recommendations based on priority, staging and delivery. A key focus of the Project is to align it with available grants and seek funding contributions and partnerships that may be available.



Current City capital budgets allocated to projects that form part of the Hilton Park precinct are:

Project	Scope	Budget
P-11989 - Design and construct - Hilton Park Precinct	Being developed through the Hilton Park project	\$780,000 (additional \$1,220,000 held in reserve)
P-12082 Design and construct - Brad Hardie Changerooms	The scope of the facility renovation is being developed through the project, focused on: <ul style="list-style-type: none"> • provision of non-gendered change facilities • increased useable change facilities • consolidation of storage area • cosmetic improvements. This is on hold pending direction from the broader Hilton Park planning.	\$200,000 (planned to be increased by a Community Sport and Recreation Facilities Fund grant submission with DLGSC)
P-12100 Design and construct - Dick Lawrence – Irrigation	Asset Renewal of Dick Lawrence inground irrigation, mainline and headworks. To include hydrozoning and improved water efficiency to increase the quality of the playing field and support higher intensity community use.	\$299,000
P-12084 Design and construct - Dick Lawrence – Lighting	Upgrade of floodlight luminaires on four existing towers to 100 lux LED luminaires with hardware that allows monitoring of usage, safe access by users, increased energy efficiencies, and increased ground capacity by allowing cricket and Australian rule football training, and games to be played under lights.	\$60,000 (awaiting outcome of DLGSC Grant for additional \$58,587)



Project	Scope	Budget
P-12197 Design and construct - Ken Allen Clubhouse	Project scope proposed to be a demolition project as per Officer Comment section of this report.	\$103,858
P-12127 Design and construct - Hilton Bowling Club – Green	Conversion of a turf bowling green to a synthetic bowling green.	\$122,335 (c/fwd from 22/23 FY, project complete).

A key aim of the project is to deliver asset renewal upgrades, such as lighting and irrigation upgrades, and the Hilton Park Bowls synthetic green, concurrently with the masterplan process. This will provide improved infrastructure and amenity to enable greater participation and access for sporting clubs and the community while the broader project is developed and implemented.

LEGAL IMPLICATIONS

Nil

OFFICER COMMENT

To lead the delivery of the Hilton Park Masterplan, the City has engaged a consultant team led by an experienced Landscape Architecture consultancy supported by a team of subconsultants including engagement/communications, civil engineering, architectural and irrigation advice services.

The Draft Place Plan key findings and directions are borne from the engagement processes with the PWG and the community.

Draft Hilton Park Precinct Place Plan

Place Plan documents are composed with the aim of providing a blueprint for future upgrades to the physical environment and for the activation of the precinct over the next ten years to create a vibrant, loved, used and functioning park. The document is structured to do the following:

- Define and refine the place analysis i.e. social/cultural, environmental/planning, and economic significance.
- Ensure harmony and preservation of the place identity and function of the place in regard to any future activities or infrastructure proposed.
- Define and refine the gathered place values and wishes.
- Consider place needs of main users, residents and visitors.
- Define, refine and test place vision statement, place themes, and place actions.
- Finalise a place proposition based on the above and provide clear direction for the function, behaviours and appearance of the environment.



The Hilton Park Place Plan forms part of the suite of documents for the Hilton Park project. The following diagram puts the Place Plan in context:

The Place Plan in Context

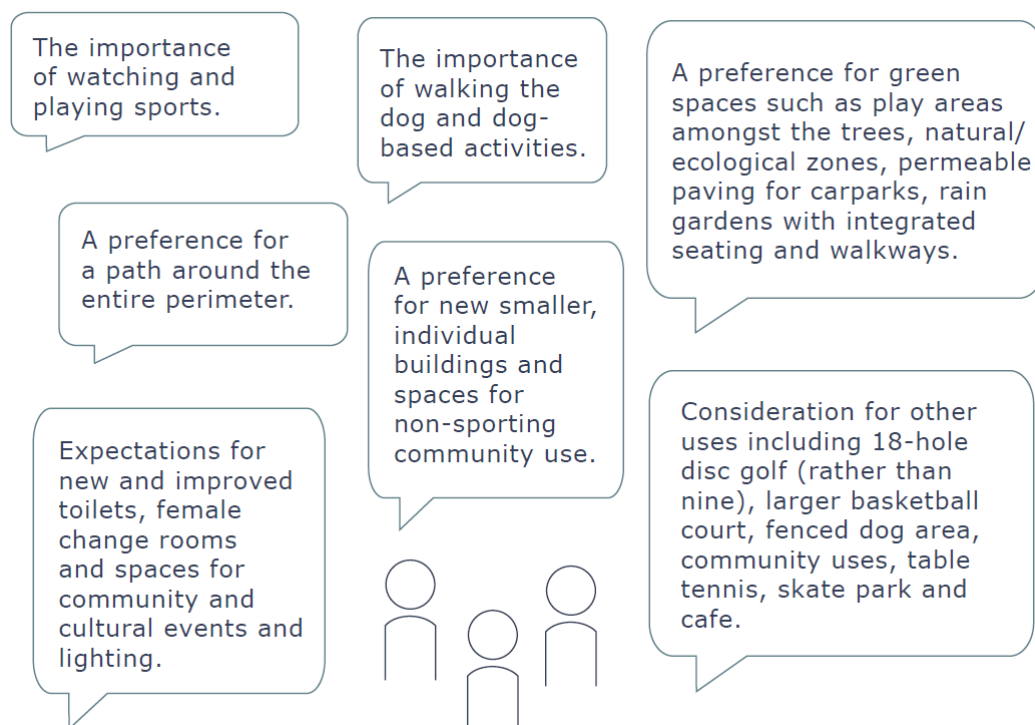
This Place Plan forms part of a suite of documents that will guide the creation of a Master Plan for the renewal of Hilton Park. The Master Plan project aims to set the foundations for a place where life, sport and art coexist, ensuring a future as a well loved community recreation and sports precinct.



The Hilton Park place values gauged via initial engagement activities received positive responses, generally related to:

- Connection with the place in general
- Importance of sport and other uses, love of sports and dogs
- Connectivity/connecting the dots/connections and paths/access and inclusion
- Preference for new smaller homely own patch club buildings, and community and cultural event spaces, facilities like toilets and changerooms
- Safety, full use, and lighting
- Preference for and protection of green spaces, vegetation, play in the area.

A summary of the values is as follows:



The place vision and themes have been developed to reflect the outcomes of the engagement activities, ensuring they align with place values and needs. The consultants created a complex spreadsheet behind their establishment of these. The place vision for Hilton Park is shaping up to be:

"Hilton Park is a place for everyone. It is a place of connection where people come together through organised sport, active and passive recreation, and community groups. Strengthened by the natural environment, Hilton Park is a place where communities thrive."

Place themes are conceptualised essence, character and atmosphere of a unique place. The 5 draft themes went to community 18 November 2023 as follows and responses to them are in brackets:

- Community Connection – Enhance the health of the community, More than Sport, Connected, Equality (ranked most popular).
- Sense of Home – Openhearted, Ritual Experience, Inclusive (ranked second most popular).
- Modern Park Enriched by Legacy – Resilient environment, Woven into the fabric of the neighbourhood, Knowing what was before, Generational (ranked middle).
- Village in a Village – Safe, Good neighbours (ranked second least popular).
- Place of Leaders – Innovative, Efficient management, Supporting community leaders, Lead by example (ranked least popular).



Since then, there was a tightening of these themes to make them 3 rather than 5 in number, they are shaping up to be:

- Better Together – acceptable balance, sharing, democracy, connection, neighbourly (smart, head icon).
- Big Hearted – rituals, safe, more than sport, health (kind, heart icon).
- Got Gumption – inner enduring spirit of contest, leaders, resilient, innovative, equality, (spirit, gut icon).

Place actions are then developed by engagement and the project team (informed by and allocated against the place themes) and are shared for review and feedback. Supported place actions can be located spatially against the place map and allocated within the Project timeline. Place actions can be used to guide current and future infrastructure and event planning and implementation for the precinct. The draft place actions might be similar to:

Access and Inclusion:

- Prioritise site accessibility
- Design for adaptable future needs
- Create well-connected walkable paths
- Implement 'complete streets' for accessible travel
- Walk to school connections
- Explore a gender-inclusive Community Shed

Fit for Function Facilities:

- A versatile community gathering space (indoor/outdoor) for all community groups
- Provide a diverse range of recreational opportunities for all (including ages), both formal and informal (including soccer, Australian rules football, cricket, lawn bowls, community shed, disc golf, skateboarding, multi ball sports court, fitness loops and path networks etc)
- Provide dedicated clubrooms for each major sporting club
- Ensure all existing and new buildings have adequate female facilities/ensure ample female facilities in all buildings
- Ensure new buildings aim for green star ratings
- Choose sustainable materials
- Modernise buildings with renewables like energy, LED lighting and green technology
- Explore a permanent café or food van setup

Parks, Arts, Amenities, Character, Technology, and Services:

- Public art and new buildings integrated into the park with a reference to Indigenous and colonial heritage of Hilton Park



- Dual name Hilton Park through the Landgate process
- Encourage extended stays with different activity options e.g. shaded picnic tables
- Establish a water management plan with Water Sensitive Urban Design (WSUD)
- Safeguard and enhance existing tree canopy
- Increase tree canopy to 30%
- Use local plants for ecosystem sustainability (including planting an understory)
- Install fauna support boxes
- Place hydration stations strategically
- Welcome pets with pet hydration and waste stations
- Incorporate natural slopes and trees for natural play spaces
- Establish a CCTV program for safety
- Ensure well-lit key destinations for safety at night
- Maintain a consistent material and furniture palette
- Design multifunctional parking areas where applicable
- Explore public electric vehicle charging stations
- Explore dog friendly trails

Programming, Strategy and Activities:

- Develop an asset management plan and maintenance schedule
- Establish quarterly meetings for site-wide collaboration
- Provide volunteer and leadership training for club support
- Prepare a parking strategy for Hilton Park considering sports club usage
- Create an advocacy strategy for attracting funding covering private, state and federal
- Establish a site-wide brand for Hilton Park to ensure the look and feel is cohesive
- Develop a comprehensive and coordinated event plan
- Note that the clubs do not desire a privatised venues management body.

Ken Allen Clubrooms Review

Ken Allen Clubrooms was constructed in 1979 and has long served the Ken Allen and Hilton Upper and South playing fields. Since 2017, concerns around the condition of the facility, notably steel and concrete, has led to the City commissioning several structural engineering investigations. The structural assessments highlighted structural issues with steel and concrete corrosion and oxidation, and suspended slab corrosion, bulging and delamination. Additionally, the building contains asbestos.

The findings of the condition assessments have led to the closure and isolation of access to portions of the facility. The facility also does not meet current functionality requirements including accessibility, gender neutral change facilities and modern accommodation requirements. Given the condition, functionality and lack of community access to the facility, the project team has been reviewing Ken



Allen facility with a view to making an early decision on whether it should be renovated, upgraded, replaced or otherwise. This has also formed a focus area for community engagement and the PWG meetings.

A range of measures were investigated to retain the existing facility including stabilisation and support of slabs, inspections and isolation of vulnerable areas. While these measures may have prolonged the life of the facility, it will ultimately require replacement as it is near the end of its useful life and the functionality issues will remain. There are also construction code compliance issues which require significant works to achieve compliance with current standards.

The Draft Place Plan supports demolition of the Ken Allen Clubrooms and replacement with a new facility, with the final location and provision still to be determined. This approach reflects the feedback of the engagement with the community, the PWG and City staff.

Investigations, desktop analysis and site research into Ken Allen Clubrooms has highlighted the following considerations for demolition:

- There is an existing budget of \$103,858 remaining in project P-12197 Design and construct - Ken Allen Clubrooms which can be attributed towards the works.
- The current use of the habitable portion of the upper floor for changerooms and storage (servicing Hilton Upper and South).
- The site is on septic sewer system and this service will need to be continuous for facilities on that southern part of the site until a new building is provided as per the Place Plan timeline.
- The unknown condition of the concealed retaining wall which stabilises the embankment which will need stabilisation or remediation post demolition.
- The requirement for the provision of temporary facilities post demolition.

The final scope, brief and budget for the demolition of Ken Allen Clubrooms and provision of temporary facilities will be submitted for Council approval through the 2023/24 mid-year budget review process following the further Place Plan engagement with the community.

Hilton Mid Works

The Fremantle City Football Club has recently qualified for the National Premier League (NPL). To facilitate the requirements of the NPL as well as provide better facilities for club use, FCFC have requested the following works:

- Hilton Mid Pitch Lighting: installation of new 100 - 200 lux LED lighting to allow eligibility to host 'Night Series' games at home. Lux levels are yet to be determined through design and consultation.
- Hilton Mid Pitch Fencing: to prevent ball runoff during games and provide opportunity for club sponsorship advertising to increase club revenue, assisting in the financial stability of the club.



- Hilton Mid Changerooms: design and delivery of shower cubicle partitions for privacy and supply and install of paint to external walls in FCFC colours.

These proposed works are currently being worked through between the City and FCFC. Additional budget requirements will be submitted through the mid-year budget review or annual budget processes.

Next Steps

Project Working Group meeting 3 was held on 13 December 2023 to workshop the Place Plan and receive feedback. The project team are reviewing and incorporating this feedback in to the Place Plan and an updated plan will be issued prior to the Council meeting on 20 December 2023 as an attachment.

Should Council approve the Draft Hilton Park Precinct Plan - Place Plan community engagement will occur early in 2024. Following community engagement of the Draft Place Plan, feedback will be considered and reflected in the plan as appropriate. The Final Place Plan will then be presented to Council for endorsement while the project will move into the master planning phase. A plan for the precinct will be developed, with its corresponding action schedule assembling time frames of short, medium, and long-term.

Officers will also finalise the scope, brief and budget for the demolition of Ken Allen Clubrooms and provision of temporary facilities and submit it for Council approval through the 2023/24 mid-year budget review process.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Note the stakeholder engagement undertaken as part of the Hilton Park Precinct project to date.**
- 2. Endorse the Draft Hilton Park Precinct Plan - Place Plan for the purpose of community engagement, noting the following actions:**
 - a. Further relevant feedback received on the Draft Hilton Park Place Plan from the Project Working Group Meeting 3 held on 13 December 2023 may be incorporated prior to community engagement.**
 - b. Further review of the proposal for the demolition of the Ken Allen Reserve Clubrooms and provision of temporary facilities to be considered as part of the mid-year budget review.**



11.3 Committee and working group reports

C2312-15 WORKING GROUP UPDATE – DECEMBER 2023

1. WRAP WORKING GROUP UPDATE

Responsible officer: Manager Community Development

Attachments: Nil

The Inaugural meeting of the Walyalup Reconciliation Action Plan Working Group (WRAP WG) was held on Friday 1 December at the Walyalup Civic Centre. A total of 23 members attended the meeting including Aboriginal Elders and representatives, local agencies such as St Patricks and Hilton PCYC, community representatives, City staff and Elected Members.

The Working Group purpose is to guide and monitor the delivery of the City's second Stretch RAP 2024 - 27 which is currently in draft form.

Key actions from the meeting were;

1. Items supported by the WRAP Working Group

- The new WRAP 2024-27 will include additional pillars of Voice, Treaty and Truth.
- The City will shift its focus from the One Day Event, to developing a Truth Telling program that will be launched with the new WRAP 2024-27 (more details at point 3).

2. Truth Telling Program Discussion Summary

One Day in Fremantle successfully ignited debate around the country, questioning the celebration of Australia on Jan 26. Many Local Governments and commercial businesses now hold inclusive celebrations on a different date and allow staff to work on the 26th if they wish.

Given this, the recent referendum result and the City's unwavering commitment to Voice Treaty Truth, the time is right to move to a new program of Truth Telling. Based on discussions with the WRAP Working Group there is a strong sense that this is the direction we want to go in.

Rather than a one-off annual event, we are planning to embed Truth Telling across our annual program. The program could manifest in many ways. It may be an exhibition, a walk and talk tour, one on one personal story telling, recorded oral histories, a residency, a weaving and yarning session, published material, poetry readings, a gig – there are no perimeters on format and no event is too small.

Our aim is to combine the above with some key events and present a yearlong program of opportunity for our community to engage in Truth Telling. The program will be centred the Walyalup Aboriginal Cultural Centre and reach



out across our City, making use of places and spaces that suit the content being delivered.

We are also looking to collaborate with Melville and Cockburn and extend programming across the southern corridor. Truth Telling can cover a range of content, from joyous to heart breaking and all points in between. We want to provide opportunity for all types of stories to be told.

3. Next Steps in developing the WRAP 2024-27

- The City will prepare a media release to inform the community about the shift to Truth Telling Program and will share this with the Working Group.
- Forward final draft WRAP shared with Working Group for comment.
- Finalise WRAP with Reconciliation Australia.
- Next meeting will be an informal introduction session to be held at the Walyalup Aboriginal Cultural Centre (WACC) in February 2024.

2. FREMANTLE OVAL PRECINCT REDEVELOPMENT UPDATE

Responsible officer:

Manager Strategic Planning and City Design

Attachments:

1. Canberra Delegation Engagement Summary
2. Fremantle Oval Precinct Redevelopment Information Pack
3. Fremantle Oval Project Working Group – Compilation of Minutes

The purpose of this report is to provide an update on the Fremantle Oval Precinct Redevelopment project. Through the Fremantle Oval Project Working Group, the City of Fremantle has been working to redevelop the Fremantle Oval as part of a broader precinct redevelopment, with its Project Partners the Fremantle Football Club, the South Fremantle Football Club and the Western Australian Football Commission.

Redevelopment of the precinct will unlock significant potential for economic growth, community use, and events while enhancing sports and recreation facilities, preserving heritage fabric, and improving amenity.

The intention is for the redevelopment to align with State and Federal Government policy priorities including housing, heritage, health, tourism, net zero emissions, and equality in sport.

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Since September 2023, the consultants City Collective have been working closely with the City and Project Partners to develop a preliminary masterplan for the precinct and an advocacy plan to engage government and attract funding.

The City of Fremantle recently led a delegation to Canberra on (Wednesday November 15 and 16) to meet with stakeholders and seek input and advice on the masterplan. Feedback from the Federal Government stakeholders was positive and is guiding further refinement of the masterplan and project scope.

Government Stakeholders

Initial consultation with Federal Government stakeholders has recently been undertaken, a summary of which is provided in Attachment 1.

A similar program of engagement is intended for State Government stakeholders over the coming months with meetings sought for representatives including:

Stakeholder	Portfolio / Role
Mr Roger Cook	Premier
Ms Rita Saffioti	Deputy Premier, Treasurer, Minister for Tourism
Mr John Carey	Minister for Planning, Lands and Housing
Ms Amber-Jade Sanderson	Minister for Health
Mr David Templeman	Minister for Sport, Heritage
Mr David Michael	Minister for Local Government
Dr Tony Buti	Minister for Education and Aboriginal Affairs
Ms Simone McGurk	State Member for Fremantle
Senior Public Servants	Portfolio / Role
Mr Michael Barnes	Under Treasurer
Mr Anthony Kannis	DG, Department of Planning, Lands and Heritage
Ms Lanie Chopping	DG, Department of Local Government, Sports and Cultural Industries
Dr D.J. Russell-Weisz	DG, Health
Mr Paul Forden	CEO, South Metropolitan Health Service
Mr Mike Rowe	DG, Housing

Precinct Stakeholders

In addition to the Working Group, a second tier of discussions have been hosted by the City within the Precinct Stakeholder Reference Group. This group comprises:

- Fremantle Hospital
- Fremantle Prison

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- State Heritage Office
- An Elected Member from the Working Group

Community Engagement

The intent is to seek preliminary community input through engagement activities early next year.

The proposed next steps in the project will focus on:

- Further refining the Masterplan;
- Preparing Federal Government funding applications;
- Seeking community input; and
- Engaging with State Government stakeholders regarding the vision for the project, potential funding opportunities and coordination with the Federal Government.

OFFICER'S RECOMMENDATION

Council receive the following working group updates for December 2023:

- 1. WRAP WORKING GROUP UPDATE**
- 2. FREMANTLE OVAL PRECINCT REDEVELOPMENT UPDATE**



**C2312-16 CEO PERFORMANCE REVIEW COMMITTEE REPORT –
DECEMBER 2023**

Meeting date:	20 December 2023
Responsible officer:	Manager People and Culture
Decision making authority:	Council
Attachments:	1. Minutes of the CEO Performance Review Committee meeting held on 6 December 2023
Confidential attachment:	1. Interim KPI Progress Report by CEO – November 2023

SUMMARY

This report makes recommendation to Council from the Chief Executive Officer (CEO) Performance Review Committee in relation to the progress of performance monitoring undertaken by the committee.

This report recommends that Council:

- 1. Receive the minutes of the Chief Executive Office Performance Review Committee meeting held 6 December 2023, as provided in Attachment 1.**
- 2. Receive the Chief Executive Officer interim progress report, for the period ending November 2023, as provided in Confidential Attachment 1.**

BACKGROUND

The purpose of the CEO Performance Review Committee (the Committee) is to coordinate and undertake the performance review of the CEO on behalf of Council, and report findings and recommendations to Council for consideration in accordance with the *Local Government Act 1995*.

This committee does not have any decision-making authority and therefore may only make recommendations to Council for consideration. The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its functions, such as:

- Appointment of an independent facilitator to assist the committee to undertake the CEO performance review.
- Development and review of Key Performance Indicators (KPI's) to be achieved by the CEO.
- Annual review of the CEO's performance in accordance with the CEO's KPI's.
- Quarterly informal reviews of the CEO's performance in accordance with the CEO's KPI's.
- Review of the CEO's remuneration package.



The CEO KPI's were adopted by Council on 23 August 2023. As part of the interim performance reviews undertaken by the Committee, the CEO is required to prepare a brief report outlining progress against these KPIs in November, and March for discussion with the CEO Performance Review Committee.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The CEO's performance review process is undertaken in accordance with the *Local Government Act 1995* and the City of Fremantle CEO Recruitment, Performance and Termination Standards, as adopted by Council on 15 December 2021.

CONSULTATION

Nil

OFFICER COMMENT

As outlined in the Minutes of the Committee meeting held 6 December 2023 (Attachment 1), the Committee received the CEO's interim progress report for the period ending November 2023 and recommended that Council receive this report.

No further action was recommended by the Committee as a result of the review and it was noted that the next review meeting will take place on Monday, 25 March 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council:

- 1. Receive the minutes of the Chief Executive Office Performance Review Committee meeting held 6 December 2023, as provided in Attachment 1.**
- 2. Receive the Chief Executive Officer interim progress report, for the period ending November 2023, as provided in Confidential Attachment 1.**



ARMC2312-1 AUDIT OF THE ANNUAL FINANCIAL STATEMENTS 30 JUNE 2023

Meeting date: 11 December 2023
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments:

1. Final Independent Auditor's Report – City of Fremantle – 30 June 2023
2. Final Financial Statements – City of Fremantle – 30 June 2023
3. Draft City of Fremantle 2022-23 Annual Report

Confidential Attachments

1. Final Audit Management Letter – City of Fremantle – 30 June 2023
2. Final IS Audit Management Letter – City of Fremantle – 30 June 2023
3. Final Audit Findings Report – 30 June 2023

SUMMARY

The audit of the City of Fremantle's Annual Financial Statements for the year ending 30 June 2023 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 2023.

The audit exit meeting is scheduled to take place at the Audit and Risk Management Committee meeting on Monday the 11th December 2023 and will be attended by 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 2023, 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. Note the draft Independent Auditor's Report and adopt the Audited Financial Statements for the financial year ending 30 June 2023.**
- 2. Note the draft City of Fremantle 2022-23 Annual Financial Statements.**
- 3. Set the date for the 2023 Annual General Meeting of Electors.**

BACKGROUND

The OAG audited the City's Annual Financial Statements for the year ending 30 June 2023 and have 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 take place during the Audit and Risk Management Committee meeting in December 2023. In attendance will be the Senior Director Practice Manager 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 and Manager Financial Services. The Audit Findings Report is 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 2023.
- 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 was satisfied during the Exit meeting held 11 December 2023.

FINANCIAL IMPLICATIONS

For year ending 30 June 2023, the closing balance as per the Rate Setting Statement (cash position) was a surplus of \$11,024,215. Original budget adoption for 2023-24 carried forward amount of \$9,020,730.

The following table provides a high-level summary of Council's financial performance for year ending 30 June 2023.



Description	Adopted Budget 2021-22 \$M	Audited Actual 2021-22 \$M	Variance (Actual to Budget) \$M
Opening Surplus	8.9	10.6	1.7
Operating			
Rate Revenue	52.8	53.4	0.6
Revenue	31.2	35.5	4.3
Expenses	(88.3)	(89.6)	(1.3)
Non-Cash Adj.	10.6	12.6	2
	6.3	11.9	5.6
Investing			
Capital Revenue	17.8	5.4	(12.4)
Capital Expenses	(27.3)	(9.6)	17.7
	(9.5)	(4.2)	5.3
Financing			
Repayment Loans & Leases	(2.6)	(3.4)	(0.8)
Reserve Transfers	(3.1)	(3.9)	(0.8)
	(5.7)	(7.3)	(1.6)
Closing Surplus	0	11	11

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.

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 its Annual Financial Statements for the year ended 30 June 2023 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 2023 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:

- a) Cash and cash equivalents – Authorised signatories
- b) Retention of supporting reports for transactions
- c) Reports and reconciliations to the Trial Balance (Debtors, Payroll)
- d) Incorrect valuation rates applied to asset categories (Infrastructure)



- e) Management estimate assessment not aligning the carrying with the building cost index.

The exit meeting will take place at the Audit and Risk Management Committee meeting. Once the signing officers review and sign 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 2023.

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, Grant Revenue)	No			✓	✓
3. Reports and reconciliations to the Trial Balance (Debtors, Payroll)	No			✓	✓
4. Incorrect valuation rates applied to asset categories (Infrastructure)	No		✓		
5. Management's fair value assessment - Buildings	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 2022–23 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 2023 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 SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ARMC2312-1 **(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Fedele Camarda

Council:

- 1. Receive the Independent Auditor's Report, provided in Attachment 1, issued by the Office of the Auditor General for the financial year ending 30 June 2023.**



- 2. Receive the Financial Audit Management Letters, as provided in Confidential Attachment 1, and the Information Systems Audit Management Letter as provided in Confidential Attachment 2, as issued by the Office of the Auditor General for year ending 30 June 2023.**
- 3. Accept the Audited Financial Statements, as provided in Attachment 2, for the City of Fremantle for the financial year ending 30 June 2023.**
- 4. Accept the City of Fremantle 2022-2023 Annual Report, as provided in Attachment 3, 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 2023 Annual General Meeting of Electors as Monday, 5 February 2024, to be held at the Walyalup Civic Centre at 6pm, in accordance with Section 5.27 of the *Local Government Act 1995*.**

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**

Additional Officer's Comment:

Following the Audit and Risk Management Committee on Monday 11 December 2023, draft attachments have now been replaced with final versions as shown in the Council Meeting Attachments. There have been 3 changes in finding ratings, which have been changed to minor from moderate. This change has been reflected in the above report.



ARMC2312-2 APPOINTMENT OF INDEPENDENT AUDIT COMMITTEE MEMBER

Meeting date:	11 December 2023
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. Terms of Reference
Confidential Attachments:	1. Expressions of Interests received

SUMMARY

The purpose of this report is to consider the appointment of an independent member to the Audit and Risk Management Committee.

This report recommends that Council appoint Hayley Manser as an independent member of the Audit and Risk Management Committee, for a term of two years until the next Local Government Ordinary Election in 2025.

BACKGROUND

In accordance with the Audit and Risk Management Committee Terms of Reference, the appointment of an independent member to the Audit and Risk Management Committee is made following a public notice period calling for applicants/expressions of interest.

A public notice was placed in the Fremantle Herald on the 16 September 2023 and on the 7 October 2023. The notice was also placed on the City's website and noticeboard, located at the Walyalup Civic Centre for the duration of the notice period, from 16 September 2023 until 7 October 2023.

FINANCIAL IMPLICATIONS

In accordance with the Audit and Risk Management Committee terms of reference, the external member will be entitled to receive reimbursement of reasonable expenses to a maximum of \$250 per meeting.

LEGAL IMPLICATIONS

Part 7, Division 1A, section 7.1A of the *Local Government Act 1995* requires that all local governments establish an audit committee.

Part 5, Subdivision 2, of the *Local Government Act 1995*, outlines the requirements for the appointment of members to committees of Council.

There is no legislative requirement to appoint an independent member to an audit committee, however, Council adopted a Terms of Reference to include an independent member, as it is considered best practice.



CONSULTATION

A public notice was placed in the Fremantle Herald on the 16 September 2023 and on the 7 October 2023. The notice was also placed on the City's website and noticeboard, located at the Walyalup Civic Centre, for the duration of the notice period from 16 September 2023 until 7 October 2023.

All candidates have been notified that their applications will be considered, and a decision will be made at the Ordinary Meeting of Council on Wednesday, 20 December 2023 in relation to the appointment of an independent member to the Audit and Risk Management Committee.

OFFICER COMMENT

The City received three applications for the independent member on the Audit and Risk Management Committee, as outlined in Confidential Attachment 1.

The Chief Executive Officer and Manager Governance reviewed all three applications in accordance with the Terms of Reference, and concluded that Hayley Manser's skills, qualifications and experience was most closely aligned to the requirements of the position and is the preferred applicant.

It is recommended that Hayley Manser be appointed as an independent member of the Audit and Risk Management Committee until the next Local Government Ordinary Election in 2025, and that the second position remain vacant.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COMMITTEE RECOMMENDATION ARMC2312-2 (Officer's recommendation)

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

Council appoint Hayley Manser as the independent member of the Audit and Risk Management Committee, for a term of two years until the next Local Government Ordinary Election in 2025.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-3 APPOINTMENT OF COMPLIANCE AUDIT RETURN INDEPENDENT AUDITOR

Meeting date:	11 December 2023
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	1. 2022 Compliance Audit Return Results
Confidential Attachments:	1. 2023 CAR Independent Auditor Quotes 2. 2023 CAR Independent Auditor Assessment

SUMMARY

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*, each local government authority is required to carry out a compliance audit for the period 1 January to 31 December of each year.

It is recommended that Council approve to appoint an independent auditor to assist with the completion of the 2023 Compliance Audit Return and provide the City with a report on the findings, including recommending solutions on any issues that may arise.

BACKGROUND

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*, each local government authority is required to carry out a compliance audit for the period 1 January to 31 December of each year.

In previous years the City has engaged independent consultants to assist with the completing of the Compliance Audit Return (CAR), who provide an in-depth report outlining findings and recommendations. Quantum Assurance was engaged for the 2021 and 2022 CAR, and other independent consultants in years prior.

Each year the questions contained in the CAR change, focusing on the local government's compliance with the requirements of the Act and its Regulations, in relation to the following matters:

- a) Commercial Enterprises by Local Governments
- b) Delegation of Power / Duty
- c) Disclosure of Interest
- d) Disposal of Property
- e) Elections
- f) Finance
- g) Integrated Planning and Reporting
- h) Local Government Employees
- i) Official Conduct
- j) Optional Questions
- k) Tenders for Providing Goods and Services



The questions are released by the Department of Local Government, Sport and Cultural Industries in January.

The independent auditors report and CAR responses for the 2022 period are provided in Attachment 1, to indicate what is expected in the 2023 Compliance Audit Return, to be completed in March 2024.

Under Regulation 14 (3A) of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Management Committee is required to review the compliance audit return and make recommendations to Council on any action required in response to the audit findings. The Council are required to adopt the CAR prior to it being submitted to the Minister for Local Government before the deadline of 31 March 2024.

FINANCIAL IMPLICATIONS

The expenditure associated with the annual Compliance Audit Return was included in the 2023/2024 Budget.

LEGAL IMPLICATIONS

In accordance with Section 7.13(1)(i) of the *Local Government Act 1995* and Regulations 13, 14 and 15 of the *Local Government (Audit) Regulations 1996*, local governments are required to carry out an audit of compliance for the period 1 January to 31 December each year.

Following preparation of the return a local government is to:

- a. Review the audit report at its audit committee,
- b. Present the audit report to council,
- c. Adopt the audit report, and
- d. Record the audit report in the minutes of that meeting.

The return is to be signed by the Mayor and Chief Executive Officer before it is submitted to the Department of Local Government, Sport and Cultural Industries by the 31 March following the period to which the return relates.

CONSULTATION

On 1 November 2023 the City sought a quote from five different providers, including:

1. Francis A Jones
2. Macri Partners
3. Moore Australia
4. Paxon Group
5. Quantum Assurance

Consultants were informed that the Compliance Audit Return questions for the 2023 year are yet to be circulated by the Department of Local Government,



Sports, and Cultural Industries but are anticipated to be similar to previous years. Additionally, consultants were informed that the scope of works is to respond to the audit areas raised by the Department by collecting the data using the City's records and through discussions and advice from officers. They are to provide the City with a report on the findings, including recommending solutions on any issues that may arise.

Quotes were requested to be received by 29 November 2023. The City received a total of three quotes, which are provided in Confidential Attachment 1. The remaining independent auditors failed to provide a quote to consider. To protect the City's relationship with each organisation that provided a quote, they will be referred to as Auditors A, B and C. The name of the appointed auditor will be included within the minutes of the Audit and Risk Management Committee as a committee recommendation, for Council consideration.

OFFICER COMMENT

It is important to the City that non-compliances are identified, and solutions are implemented, which is why an independent consultant is engaged each year to identify gaps and provide advice based on their findings.

To provide a recommendation to the Audit and Risk Management Committee and Council, the City assessed each quote received against criteria including experience, value proposition, and cost. The assessment is provided in Confidential Attachment 2.

In the interest of receiving a comprehensive audit and report to assess the City's compliance, and based on the quotes provided and assessment completed in line with the City's Purchasing policy, **Auditor C** is recommended to be appointed as an independent auditor to assist with the completion of the 2023 Compliance Audit Return.

The matters identified as non-compliant in the CAR will be reviewed by officers and appropriate action will be taken to improve compliance, in addition to being reported to the Department. All actions required as an outcome of the audit will be recorded in the City's Audit Register and will be monitored and reported accordingly.

The final report from the independent auditor will be provided to the Audit and Risk Management Committee and Council in March, in addition to the final responses to be sent to the Department of Local Government, Sports and Cultural Industries by 31 March 2024.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



**COMMITTEE RECOMMENDATION ARMC2312-3
(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

Council approves to appoint Quantum Assurance as an independent auditor to assist with the completion of the 2023 Compliance Audit Return.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-4 PURCHASING POLICY EXEMPTIONS AUGUST TO NOVEMBER 2023

Meeting date: 11 December 2023
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Purchasing Policy Exemption Detail – August to November 2023

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 August to November 2023.

This report recommends that Council receive the Purchasing Policy Exemptions report for August to November 2023.

BACKGROUND

At the Ordinary Meeting of Council of 25 November 2020, Council adopted a new 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.

CONSULTATION

Nil.



OFFICER COMMENT

August 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$68,264.96** for the month of August 2023.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consulting Advice	\$35,540.00
Original Equipment Manufacturer (OEM)	\$4,200.00
Request for Artist	\$28,524.96
Total	\$68,264.96

Details regarding individual exemptions can be found in Attachment 1.

September 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$107,835.09** for the month of September 2023.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consulting Advice	\$68,476.00
Statutory Advertising	\$14,950.00
Request for Artist	\$24,409.09
Total	\$107,835.09

Details regarding individual exemptions can be found in Attachment 1.

October 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$144,098.50** for the month of October 2023.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consulting Advice	\$110,000.00
Original Equipment Manufacturer (OEM)	\$34,098.50
Total	\$144,098.50

Details regarding individual exemptions can be found in Attachment 1.



November 2023

The total value of spending exempt from the City of Fremantle Purchasing Policy was **\$28,000.00** for the month of November 2023.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consulting Advice	\$20,000.00
Request for Artist	\$8,000.00
Total	\$28,000.00

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ARMC2312-4 **(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Jenny Archibald

Council receive the information report on Purchasing Policy exemptions for August to November 2023.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-5 TENDERS AWARDED UNDER DELEGATION AUGUST TO NOVEMBER 2023

Meeting date: 11 December 2023
Responsible officer: A/Procure to Pay Team Leader
Decision making authority: Council
Attachments: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and Committees during the period August to November 2023.

This report recommends that Council receive the report on tenders awarded under delegation between August to November 2023.

BACKGROUND

Tenders awarded by the City are awarded under the following delegations, approved at Council on 25 May 2022:

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

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

FINANCIAL IMPLICATIONS

All tenders were awarded within the 2022-23 budget approved at Council on 30 July 2022.

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 2022-23, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.



CONSULTATION

Nil.

OFFICER COMMENT

Below is a list of tenders awarded under delegation between August to November 2023.

September 2023

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

October 2023

Tender Description	Awarded By	Contractor(s)	Contract Term	Contract Value
FCC628/22 Walyalup Koort Surrounding Streets Lighting Upgrade	Director	Greenlite Electrical Contractors Pty Ltd	One-Off	329,086.86
FCC646/23 - Beach Raking	Director	Nutracs Rural Contracting	5 Year	\$269,800.00

November 2023

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

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



**COMMITTEE RECOMMENDATION ARMC2312-5
(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Fedele Camarda

**Council receive the information report on tenders awarded under
delegation for August to November 2023.**

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-6 EMERGING ISSUES REPORT – NOVEMBER 2023

Meeting date:	11 December 2023
Responsible officer:	Manager Governance
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Corporate Issues Summary Report (November)

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 the significant emerging 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.

CONSULTATION

Nil.



OFFICER COMMENT

The confidential table attached with this agenda identifies the 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 corporate and organisational 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 corporate 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 SPECIAL REQUIREMENTS

Simple majority required

COMMITTEE RECOMMENDATION ARMC2312-6 **(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Jenny Archibald

Council receive the emerging issues report for November 2023.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-7 OVERDUE DEBTORS REPORT AS AT 30 NOVEMBER 2023

Meeting date:	11 December 2023
Responsible Officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	Nil
Confidential Attachments:	1. Summary of Overdue Debts above Threshold

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 30 November 2023, 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 30 November 2023.

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 2022 an amount of \$165,134 was held as an allowance for impairment of sundry receivables. As at 30 June 2023, the current allowance held as impairment is \$160,937 with a total of \$4,197 being



waived or written off to date in the 2022/23 financial year of which one debt is over \$1,000 which is reportable to the Audit and Risk Committee.

Summary of Sundry Debtors

As at 30 June 2023 a total of \$4,197 in Sundry debts have been waived or written off during the 2022/23 financial year.

Summary of Rates Debtors

As at 30 June 2023 no Rates debts have been waived or written off during the 2022/23 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.

CONSULTATION

Nil.

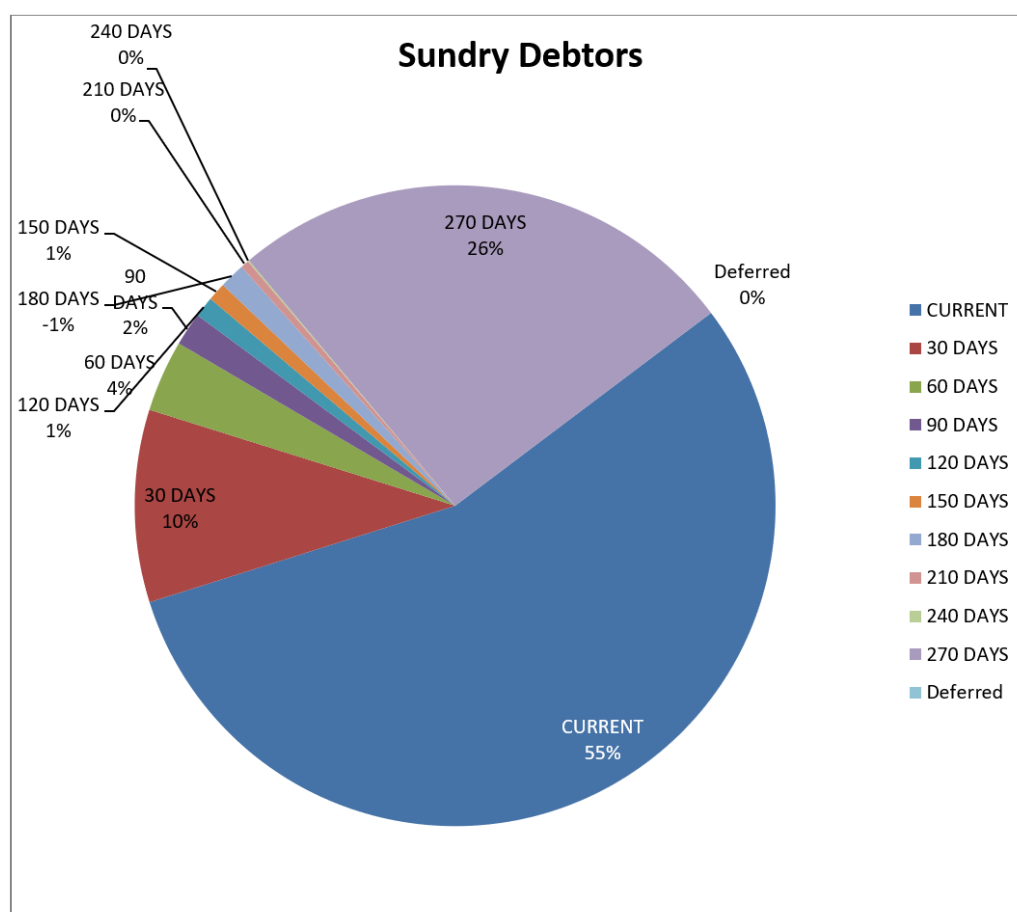


OFFICER COMMENT

The total of debts outstanding as at 30 November 2023 was \$1,037,954. A breakdown of aged debt for the current period compared to prior year is tabled below.

Period Ending	Current	30 Days	60 Days	90+ Days	Total
July 23 – November 23	57%	10%	4%	29%	100%
	590,416	103,468	38,498	305,572	1,037,954
July 23 – November 23 Excl. Commercial Properties	80%	11%	5%	4%	100%
	359,834	49,459	23,075	18,398	450,766
July 22 – November 22	446,200	51,289	38,854	380,465	916,808

The graph below shows the aged debt balances as at 30 November 2023:



Compared to the report of overdue debtors as at 31 July 2023, presented to Audit and Risk Management Committee at the 14 August 2023 meeting, the total value of outstanding debts has increased slightly from \$990,949 to \$1,037,954.



Total outstanding debt over 90 days has reduced from \$358,632 at the end of the previous reporting date to \$305,572.

The number of overdue debtors over 90 days, and above the total debt reporting threshold of \$10,000, has decreased from eight to five. Of the five reported, one debtor has decreased and one has increased values of debt since the prior reporting period.

These five debtors have a total debt owing of \$242,066 of which \$239,793 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.

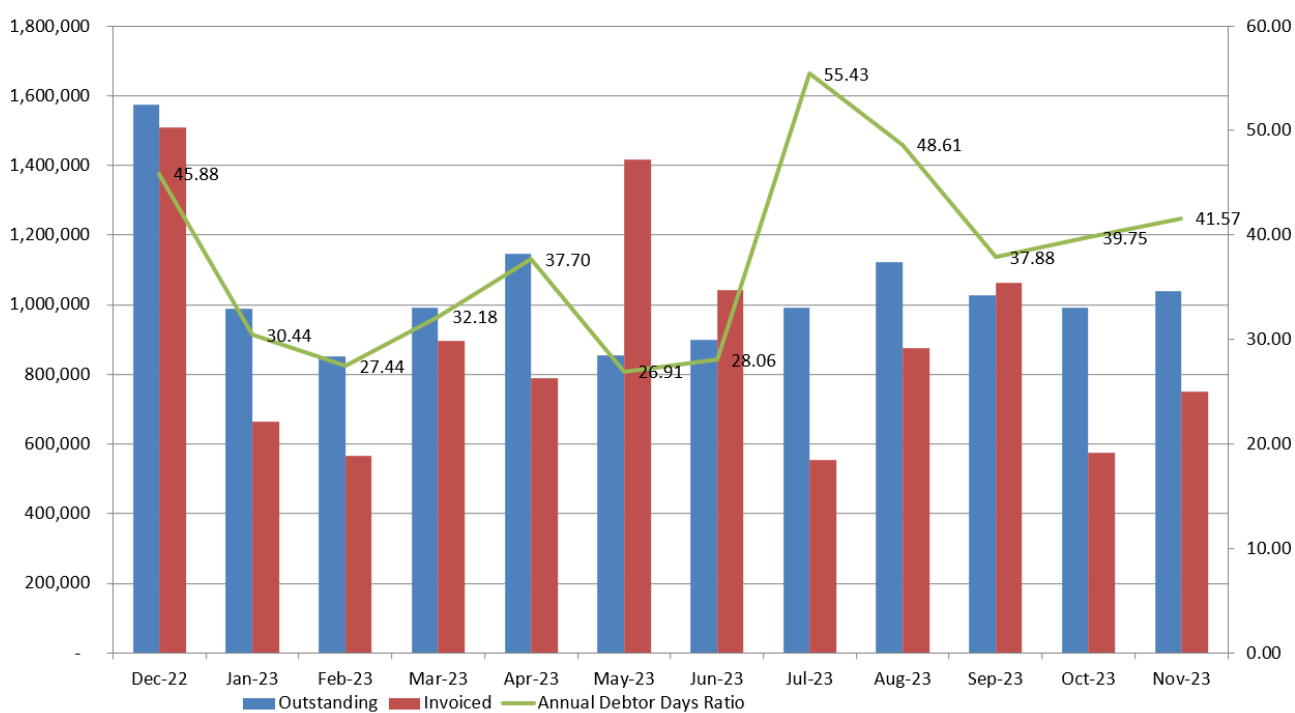
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Prior financial year information is presented together with the current financial year as a comparative to demonstrate the City's ability to collect funds owed to the City when due.

As at 30 November 2023, the Debtor Day Ratio was 41.56 – being a decrease from the prior reporting period as at 31 July 2023 – of 55.43. Of outstanding debt as at 31 July 2023, 55.43% related to current invoices that were not yet due.

The chart to follow indicates the debtor days over the last 12 months. Of the 12 months, 9 months are below 41 debtor days. This indicates that the overall debt collection policy is effective to contain the debtor days. Additionally, on occasions that the debtor days rise it is brought back down in subsequent months.



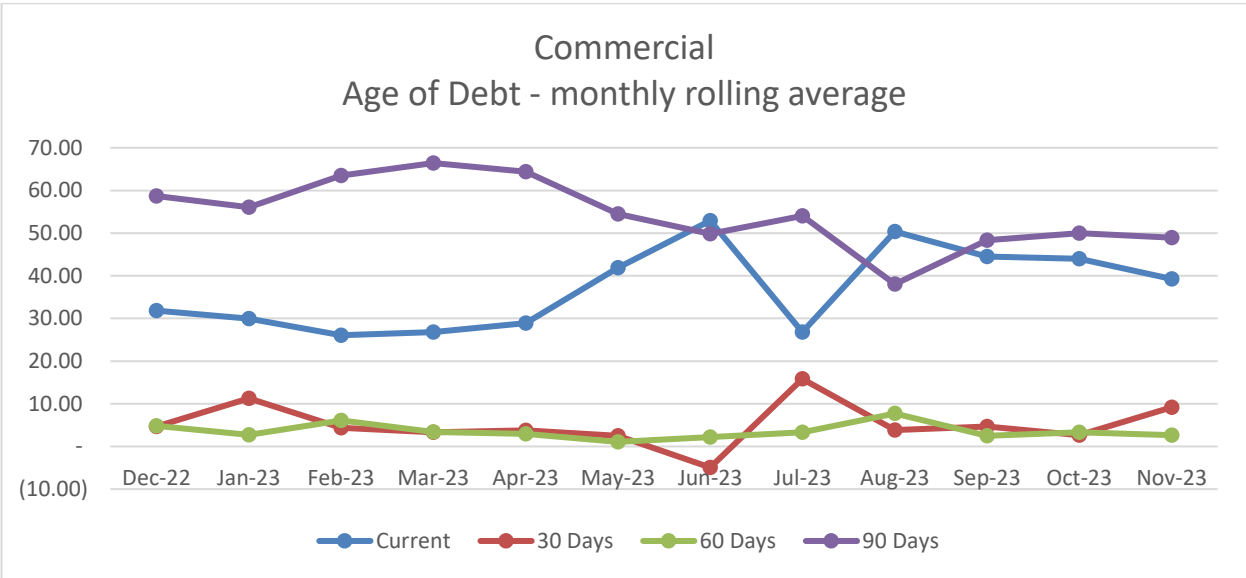
Age of Debt

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.

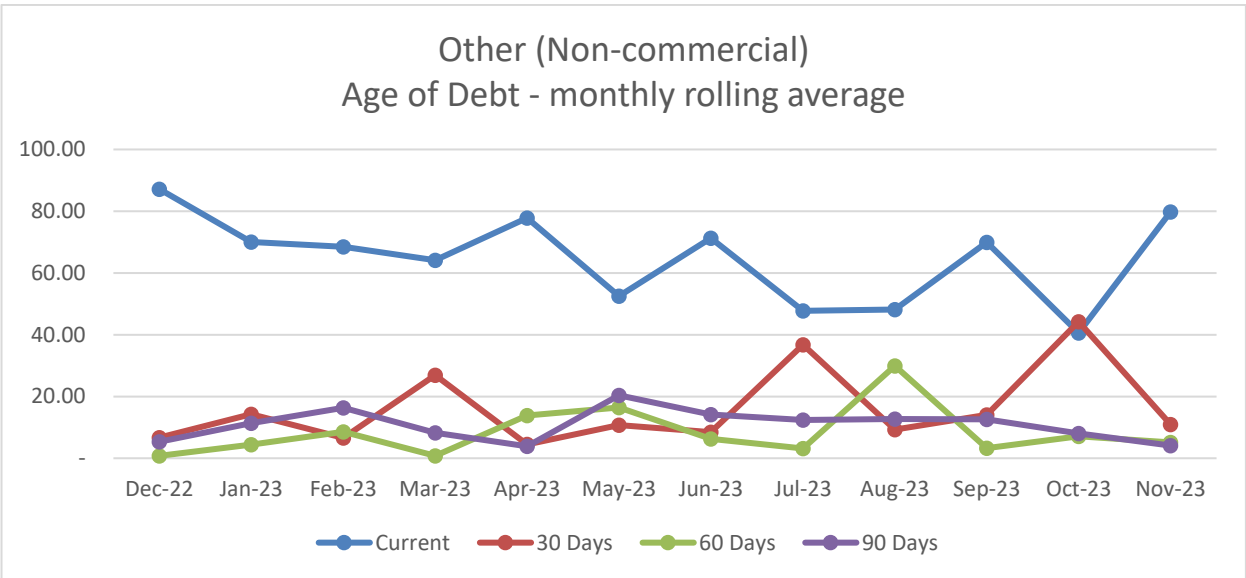
The monthly rolling average of Commercial debt shows that the portion of debt that is current ended November 2023 at 39% and remained relatively steady below 52% over the year. The portion of debt that is over 90 days has remained steady over time and appears to be slightly decreasing in recent months. This currently includes debts associated with 2 commercial property debtors carrying a



significant portion of the outstanding debt. This represents a positive trend and indicates an increasing percentage of debt being paid earlier. The portion of debt in the 30-59 days and 60-89 days has not significantly changed.

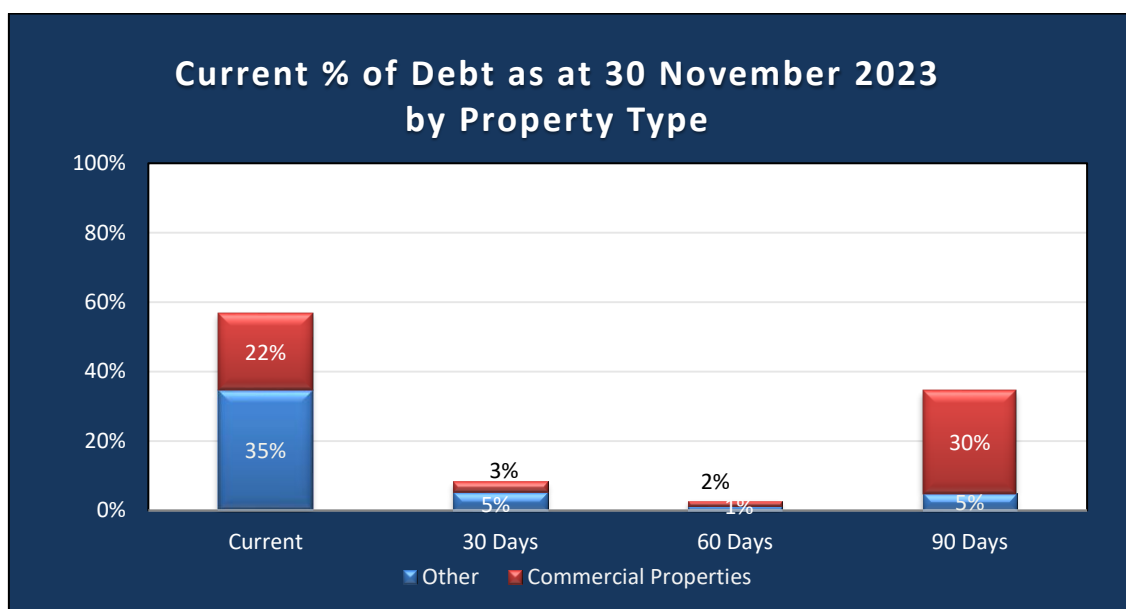


For Other (non-commercial) debt, the category with the highest amount outstanding is for the current category. All other categories remain much lower than the current trend line. This indicates a high degree of debts being collected timely.





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 total debt, Commercial Properties account for 39% (\$230K) of Current, and account for 94% of the debt owing 90 days or more (\$287k).

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

Impact of COVID on Commercial Property

As at 1 April 2021 all COVID-19 waiver arrangements came to an end and 100% of normal rent became payable.

The total amount waived for commercial properties relating to COVID-19 during both the emergency period and recovery period was \$656,975.

After waivers the City invoiced a total of \$492,579 for commercial properties.

To date, of the \$492,579 only \$7,090 remains outstanding. This is a reduction from the prior reporting period of \$3,776 with all debtors currently paying their debts progressively via direct debit arrangements.

Rate Exemption Approvals

Under the provisions of Section 6.26 of the Local Government Act 1995 the following properties were granted approval for rate exemptions:

- 13-19 William St, Fremantle PID 1031 – Good Sammys – S6.26(2)(g) – charitable purposes - \$24,673.04 for 2023/2024 Rates.



- 10 Blamey Pl, O'Connor – PID 5913 – Southern Metropolitan Muslim Assoc Inc – S6.26(2)(d) – place of public worship - \$6,705.01 for 2023/2024 Rates.
- 92 Adelaide St, Fremantle – PID 452 – DADAA Ltd – lessee from CoF - S6.26(2)(g) – charitable purposes – Correction of back rates initially levied in 2019 - \$16,606.42

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

During the reported period there were no waivers or write offs greater than \$1,000.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

**COMMITTEE RECOMMENDATION ARMC2312-7
(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Ingrid van Dorssen

Council receive the Overdue Debtors Report as at 30 November 2023, and the confidential attachment listing overdue debts exceeding 90 days with the combined value, by debtor, exceeding \$10,000 as at 30 November 2023.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



ARMC2312-8 GRANTS AND SPONSORSHIP FY 2022-2023 INFORMATION REPORT

Meeting date:	11 December 2023
Responsible officer:	Manager Community Development
Decision making authority:	Council
Attachments:	<ol style="list-style-type: none">1. Grants and Sponsorship Policy Funding Report – FY 2022-232. Grants and Sponsorship Policy

SUMMARY

This information report outlines the City’s annual financial support provided to the community, organisations, and businesses within the 2022-23 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 2022-23 financial year, a total monetary spend of \$345,896.00 and \$173,433 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.

Funding Program Details

The Grants and Sponsorship framework has several funding streams outlined in the Grants and Sponsorship Policy. Grant and sponsorship programs are accessed by the community through program guidelines, assessment criteria and an acquittal process.



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 2022-23 financial year. 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>	NA		
Community Development <i>Direct Sponsorships</i> <ul style="list-style-type: none"> • Fremantle Surf Lifesaving Club • St Patricks - Imagined Futures Funding Partnership • Fremantle Men’s Shed • Fremantle Foundation 	4		\$79,864.00
Economic Development <i>Annual Partnerships</i> <ul style="list-style-type: none"> • Fremantle Football Club • Fremantle Chamber of Commerce 	2		\$90,250.00
Total	6		\$170,114.00
Grants/ Sponsorships			
Arts <i>Arts Grants</i> (Allocated Budget: \$50,000.00)	8		\$44,200.00
Community Development <i>Community Grants</i> (Allocated Budget: \$60,000)	13	\$714.00	\$44,994.00
Neighbourhood Quick Response (Allocated budget: \$15,000)	4		\$4,500.00

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Sporting Clubs (Allocated budget: \$10,000.00)	4		\$2,000.00
Events			
Application Sponsorships			
<ul style="list-style-type: none"> • Street parties • Events & Programs • Annual community events (Allocated Budget: \$100,800.00)	46	\$168,358.00	\$61,147.00
Total	75	\$169,072.00	\$156,841.00
In-kind Support			
Venue Support	6	\$3,565.58	
Waste Minimisation (Rebates)	35		\$3,498.12
Total	41	\$3,565.58	\$3,498.12
Individual Assistance			
Sporting Individual (Youth) (Allocated budget \$10,000)	19		\$5,700.00
Positive Ageing Assistance (Allocated budget: \$5,000.00)	32		\$4,800.00
Total	51		\$10,500.00
Donations			
Community Donations (Allocated budget: \$5,000.00)	10		\$4,715.69
Donate Without a Doubt (Matched funding)			\$159.55
Total	10		\$4,875.24
TOTAL	183	\$172,637.00	\$345,828.00

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 six direct cash sponsorships to organisations/events valuing \$170,114 in the 2022/23 financial year. Organisations and businesses were approved for grants/applicant sponsorships valuing \$156,841.00 and in-kind value of \$169,072. Six businesses and organisations were supported through venue hire support to activate the City's places and spaces. Donations and matched funding through the Donate Without Doubt program contributed funding to St Patrick's Community Support Centre.

51 community members were supported through the individual assistance programs, both for participation in sport and ability to remain independent in their



homes. 35 families were supported with waste minimisation rebates for cloth nappies, compost infrastructure and reusable sanitary items.

This equates to 183 occasions of financial and in-kind support with a much broader community impact and reach. Further information on the community impact of the Arts and Community Grants is available in attachment 2.

Items to note:-

- There has been an exponential increase in demand to the Arts Funding program. The average number of applications to recent program rounds is 12 applications with an average success rate of 23%. The last Arts Funding round received 31 applications equating to a success rate of 13%. Many of the unsuccessful applications were high quality proposals from the arts, culture and creative industries with positive and constructive feedback and messaging around their value to the City provided to the applicants to manage relationships and expectations. A current review of the program is underway, and the increase is a reflection on arts, culture, and creative sector interest in Fremantle as a cultural hub, and stagnant investment in arts and culture funding at State and Federal level.
- The September and March Community Grant rounds, Community Donations and Neighbourhood Quick Response Grants included 28 community projects.
 - Of these projects, sixteen are based in Fremantle only. There are also projects in Hilton, Beaconsfield, O'Connor, White Gum Valley and North Fremantle.
 - Nine of the grants directly target vulnerable people including people in need of support with meals and groceries, children from CALD communities, Aboriginal children, at-risk young people and people experiencing homelessness.
 - Fourteen of the grants include measures to improve mental health and combat social isolation.
 - Four of the grants are directed towards older people and women's interests.
 - The majority of these grants align with the Health and Happiness pillar of the current Strategic Community Plan. Additionally, each grant application is assessed based on its alignment with the City's Walyalup Reconciliation Action Plan, Positive Ageing Plan and Access and Inclusion Plan. Applications which support these plans are prioritised in grant assessments.
 - The next iteration of the Strategic Community Plan is currently in development. Objectives for the grant programs will be reviewed to ensure that outcomes of the grants progress the overall goals of the Plan.



The funding program has been successful in delivering on the objectives of the guidelines for each of the funding streams and contributing to the City's broader strategic objectives.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

**COMMITTEE RECOMMENDATION ARMC2312-8
(Officer's recommendation)**

Moved: Cr Frank Mofflin

Seconded: Cr Fedele Camarda

Council receive the Grants and Sponsorship Policy Funding report, as provided in Attachment 1.

Carried: 4/0

**Cr Frank Mofflin, Cr Fedele Camarda,
Cr Ingrid van Dorssen, Cr Jenny Archibald**



11.4 Statutory reports

C2312-17 STATEMENT OF INVESTMENTS – NOVEMBER 2023

Meeting date:	20 December 2023
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	1. Statement of Investments – November 2023

SUMMARY

This report outlines the investment of surplus funds for the month ending 30 November 2023 and provides information on these investments for Council consideration.

This report recommends that Council receive the Investment Report for the month ended 30 November 2023, as provided in Attachment 1.

The investment report provides a snapshot of the City's investment portfolio and includes information as at 30 November 2023 in relation to:

- **Portfolio details;**
- **Portfolio credit framework;**
- **Portfolio liquidity;**
- **Portfolio fossil fuel summary;**
- **Interest income; and**
- **Investing activities.**

BACKGROUND

In accordance with the Investment Policy adopted by Council, the City of Fremantle invests its surplus funds, long term cash, current assets and other funds in authorised investments as outlined in the policy.

Due to timing differences between receiving revenue and the expenditure of funds, surplus funds may be held by the City for a period of time. To maximise returns and maintain a low level of credit risk, the City invests these funds into appropriately rated and liquid investments, until the City requires the money for operational expenditure.

The City's investment policy seeks to limit investments in financial institutions which support, either directly or indirectly, fossil fuel companies, while balancing compliance with the Investment Policy, and achieving a suitable return on those investments.



FINANCIAL IMPLICATIONS

Investment interest earned year to date is \$1,046,383 against a full year budget of \$1,106,375. Interest earnings year to date are higher than YTD budget by \$585,379 with \$256,336 being earned in November. The strong investment performance is due to the attractive interest rates at the current market. The current official cash rate as determined by the Reserve Bank is 4.35%, which was increased by 25 basis points at their November Board meeting. The current cash rate remains the highest since April 2012.

The City's investment portfolio is invested in highly secure investments with a low level of risk yielding a weighted average rate of return of 4.65% for the month of November 2023. The City's actual portfolio return in the last 12 months is 3.79%, which is higher comparing on par with the benchmark Bloomberg AusBond Bill Index reference rate of 3.76% (refer to Attachment 1 point 8).

LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- *Local Government (Financial Management) Regulations 1996* Regulation 19 – Management of Investments; and
- *Trustee Act 1962* (Part 3)

Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards which are overviewed by the Australian Prudential Regulation Authority (APRA).

CONSULTATION

Nil

OFFICER COMMENT

The City's Investment Portfolio Manager has provided a comprehensive Investment Report for the month ending 30 November 2023 which can be viewed in the Attachment. A summary of the investment report is provided below.

1. Portfolio Details

As at 30 November 2023, the City's investment portfolio totalled \$61.98m. The market value of this investment was \$62.81m at that time, which takes into account accrued interest.



The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$7.48m
Term Deposits (> 3 months)	\$ 54.50m
TOTAL	\$ 61.98m

Of which:

Unrestricted cash	\$ 51.48m
Restricted cash (Reserve Funds)	\$ 10.50m
TOTAL	\$ 61.98m

The current amount of \$51.48m held as unrestricted cash represents 57.19% of the total adopted budget for operating revenue (\$90.02m).

2. Portfolio Credit Framework

The City's Investment policy determines the maximum amount to be invested in any one Tier, or any one financial institution within a Tier, based on the credit rating of the financial institution. Council adopted amendments to this policy at its Ordinary Council Meeting held on 25 November 2020, and the current adopted Counterparty Credit Framework is noted below.

Portfolio Credit Framework limits

The Portfolio Credit Framework limits prescribe the limit of investments that may be made within any Tier of financial institutions. The maximum allocation to be invested in each Tier, and the City's actual investment allocation in those Tiers as at 31 October 2023, is outlined below. It shows that the distribution of the City's investments across the four Tiers is compliant with the City's investment policy.

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	22,456,847.25	36.23%	100.00%	36.23%	63.77%	0.00%
Tier 2	31,022,669.27	50.05%	60.00%	83.42%	16.58%	0.00%
Tier 3	8,500,000.00	13.71%	35.00%	39.17%	60.83%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
61,979,516.52						
Values used in the above calculations exclude interest for term deposits and other simple interest securities.						

Within each Tier, the Counterparty Credit Framework limits prescribe the limit of investments that may be made with any one financial institution. The maximum



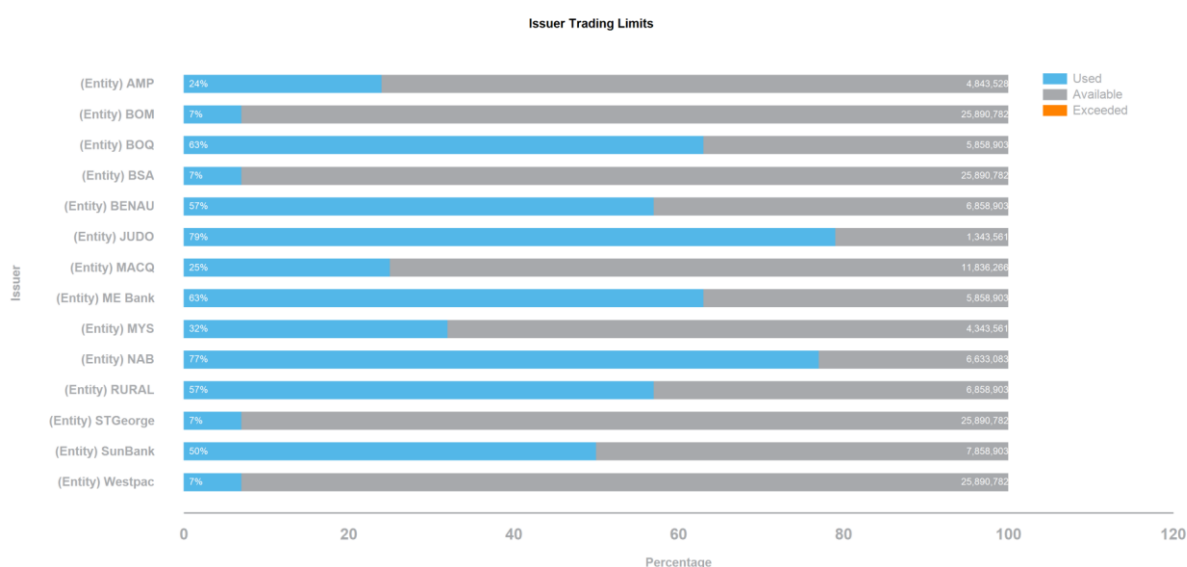
percentage of investments to be held with any one financial institution, within a given Tier, are outlined below.

Counterparty credit framework

Investments are not to exceed the following percentages of average annual funds invested with any one financial institution and consideration should be given to the relationship between credit rating and interest rate.

Credit quality	Maximum % of total investments
Tier 1 (excl. AAA government) AAA to AA-	45%
Tier 2 A+ to A-	25%
Tier 3 BBB+ to BBB-	10%
Tier 4 Unrated	(\$1m)

The City's funds invested as at 30 November 2023, relative to the Counterparty Credit Framework limits were as follows:



As highlighted in the chart above, the City's portfolio of investments as at 30 November 2023 is compliant with the City's investment policy.

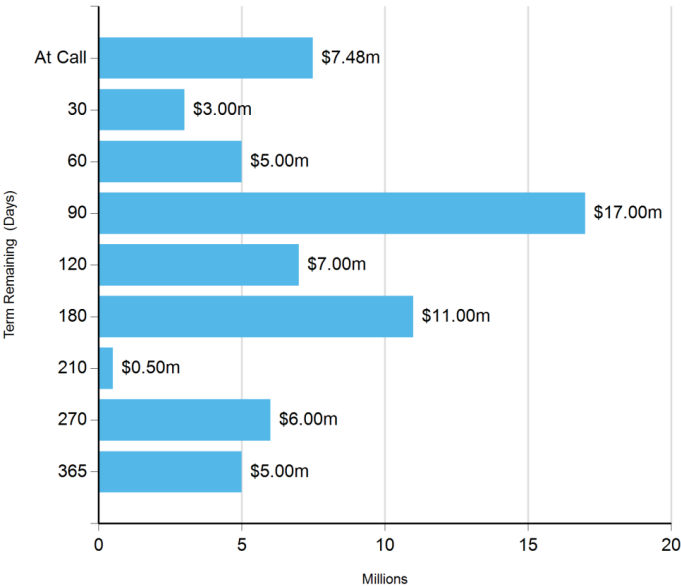
3. Portfolio Liquidity Indicator

The City's investments are to be made in a manner to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements, without incurring significant costs due to the unanticipated sale of an investment.

The below graph provides details on the maturity timing of the City's investment portfolio as at 30 November 2023. Currently, all investments will mature in one year or less.



Face Value by Term Remaining

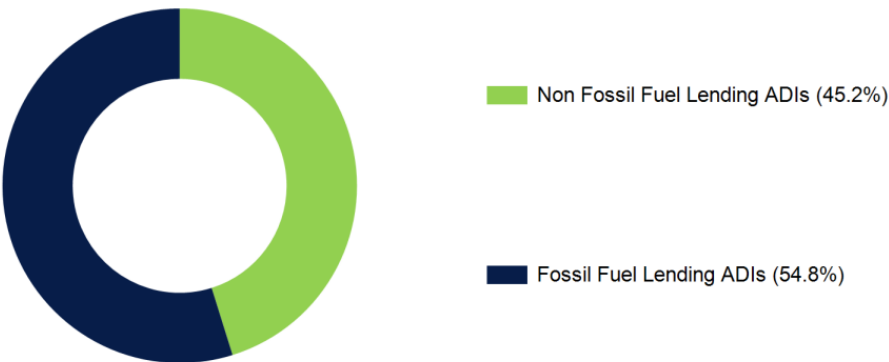


4. Portfolio Summary by Fossil Fuels Lending Authorised Deposit-Taking Institutions (ADIs)

To support the City’s ability to undertake greater fossil fuel divestment, a review of the Investment Policy was presented and adopted by Council on 25 November 2020 which incorporated a minor change to the investment framework to increase the percentages allocated to Tier 3 and Tier 4 categories, allowing greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase the percentage invested in “Green Investments”; being ADIs that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel Lending ADIs).

As at 30 November 2023, \$28m (45.2%) of the City’s portfolio was invested in “Green Investments”.

Fossil Fuel vs
Non Fossil Fuel
Lending ADI





Refer to Attachment 1 (Note 7) for details on which financial institutions these investments are held in.

Managing risk amid volatility in the global banking sector

Noting the intent of the policy, the City continues to monitor risk associated with current global economic conditions and the impact this may be having on the solvency of some banks, and subsequent security of the City's investments.

While Australia's banking sector remains relatively strong, and the City is not currently exposed to the situation in the U.S, Australia is not immune from the issue of high interest rates, making the possibility of a mild recession likely if the Reserve Bank's current strategy around interest rates slows the economy at a faster rate than expected.

Given the current volatility in the banking sector the City is currently prioritising higher rated banks (Tier 1 & 2) when it comes to investment activity. If a non-fossil fuel lender is providing competitive rates that will generate a suitable return, and fall within a tier 1 or 2 category, these lenders will be prioritised. However outside of this the City will prioritise low risk investment activity across higher tier banks in order to limit the City's exposure to the increasing risk being faced across the sector as some of the world's larger economies begin to face the prospect of recession.

5. Interest Income for Matured Investments

Per Attachment 1 (Note 9), interest income earned during November 2023 from matured investments was \$139,626.

6. Investing Activities

In November 2023, 4 new term deposit of \$6m was invested. Full details of the institutions invested in, interest rates, number of days and maturity date for investments held as at 30 November 2023 are provided in Attachment 1 (Note 10).

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

OFFICER'S RECOMMENDATION

Council receive the Investment Report for the month ending 30 November 2023, as provided in Attachment 1.



C2312-18 SCHEDULE OF PAYMENTS – NOVEMBER 2023

Meeting date:	20 December 2023
Responsible officer:	A/Procure to Pay Team Lead
Decision making authority:	Council
Attachments:	1. Schedule of Payments and Listings 2. Purchase Card Transactions <i>Attachments viewed electronically</i>

SUMMARY

The purpose of this report is to present to Council a list of accounts paid by the Chief Executive Officer under delegated authority for the month ending 30 November 2023, as required by the *Local Government (Financial Management) Regulations 1996*.

This report recommends that Council accept the list of payments made under delegated authority and accept the detailed transaction listing of Purchase Card expenditure.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's municipal or trust fund. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid under delegation for the month of September 2023, is provided within Attachments 1 and 2.

FINANCIAL IMPLICATIONS

A total of \$8,302,788.35 in payments were made this month from the City's municipal and trust fund accounts.

LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*
 - (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*



- (c) the date of the payment; and*
 - (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing*
 - (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name;*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
 - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under sub-regulation (1) or (2) is to be —*
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) recorded in the minutes of that meeting.*

CONSULTATION

Nil

OFFICER COMMENT

The following table summarises the payments for the month ending 30 November 2023 by payment type:

Payment Type	Amount (\$)
Cheque / EFT / Direct Debit/International Payments	\$ 5,586,092.24
Purchase card transactions	\$ 54,028.04
Salary / Wages / Superannuation	\$ 2,662,668.07
Total	\$ 8,302,788.35

Attachment 1 provides a detailed listing of the payments by Cheque, EFT and Direct Debit, while Attachment 2 provides a detailed listing of Purchase Card transactions for the month ending 30 November 2023.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council:

- 1. Accept the list of payments made under delegated authority, totalling \$8,302,788.35 for the month ending 30 November 2023 including the Cheque /EFT/ Direct Debits/ International Payments as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, totalling \$54,028.04 for the month ending 30 November 2023, as contained within Attachment 2.**



C2312-19 MONTHLY FINANCIAL REPORT - NOVEMBER 2023

Meeting date:	20 December 2023
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	1. Monthly Financial Report – November 2023

SUMMARY

The monthly financial report for the period ending 30 November 2023 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

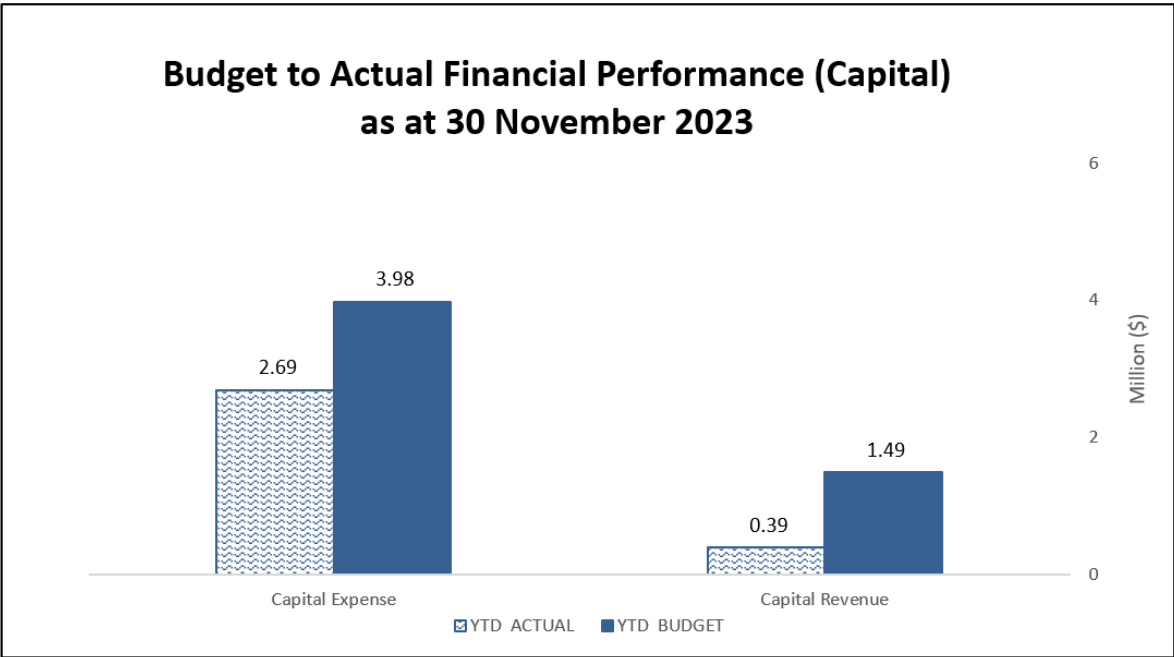
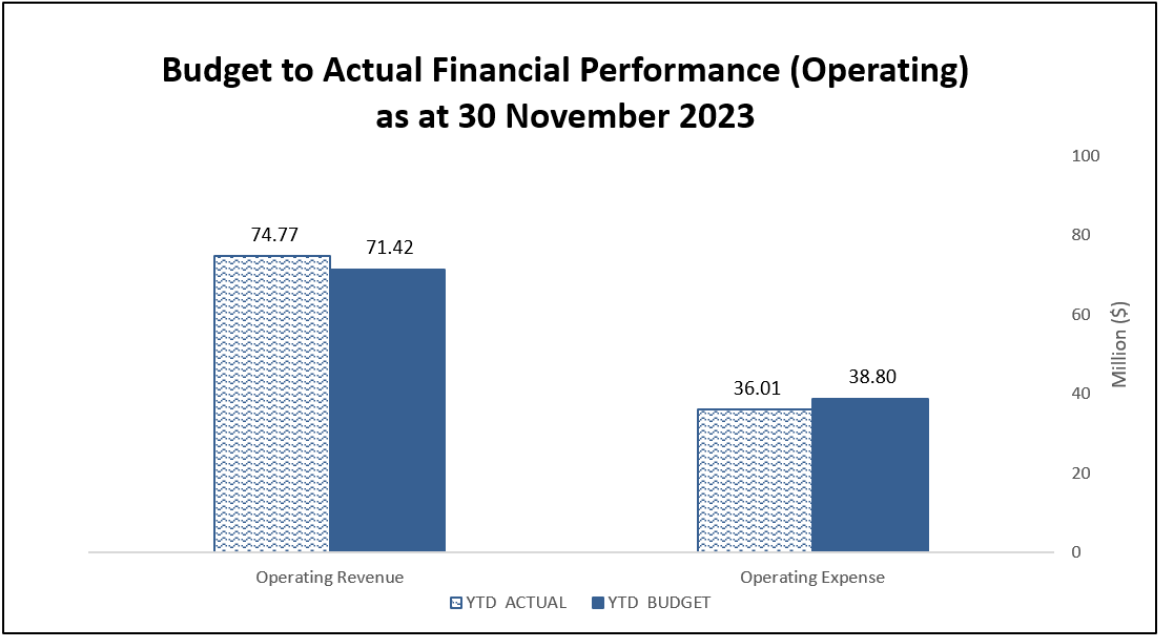
This report provides an analysis of financial performance up to November 2023 based on the following statements:

- **Statement of Comprehensive Income by Nature and by Program;**
- **Statement of Financial Activity by Nature and by Directorate; and**
- **Statement of Financial Position with Net Current Assets.**

This financial report for the period ended 30 November 2023 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums. Please note 2022/23 FY figures reported as comparisons for 30 November 2023 in this report are draft unaudited numbers only and subject to change with end-of-year adjustments.

BACKGROUND

The following charts and table provide a high-level summary of the Council's year to date financial performance as at 30 November 2023.



STATEMENT OF FINANCIAL ACTIVITY – BY NATURE FOR THE PERIOD TO 30 NOVEMBER 2023

The table to follow provides a summary of the year-to-date Statement of Financial Activity by Nature, to 30 November 2023. The detailed Statement can be found in the attached Monthly Financial Report.



Description	YTD Adopted Budget	YTD Actual	Variance	Variance
	\$M	\$M	\$M	%
Opening Surplus	9.08	11.02	1.94	21.36%
Operating				
General Rate Revenue	57.70	59.53	1.83	3.18%
Revenue (Exc. Rates)	13.72	15.24	1.52	11.08%
Expenses	(38.80)	(36.01)	2.79	7.19%
Non-Cash Adj.	4.88	4.94	0.06	1.28%
	37.50	43.72	6.22	(16.58%)
Investing				
Capital Revenue	1.49	0.39	(1.10)	(73.89%)
Capital Expenses	(3.98)	(2.69)	1.29	32.55%
	(2.49)	(2.30)	0.19	7.79%
Financing				
Repayment Loans & Leases	(0.74)	(0.74)	0.00	0.85%
Reserve Transfers	0.89	(0.01)	(0.90)	(100.81%)
	0.15	(0.75)	(0.90)	(617.76%)
Closing Surplus/(Deficit)	44.24	51.69	7.45	16.85%

STATEMENT OF COMPREHENSIVE INCOME – BY NATURE AND TYPE FOR THE PERIOD TO 30 NOVEMBER 2023

As detailed in the Statement of Comprehensive Income by Nature and Type, operating income and expenses have varied to the Adopted Budget as follows:

Description	YTD Adopted Budget \$	YTD Actual \$	Variance \$	Variance %
Operating Income				
Rates (including Annual Levy)	57,695,889	59,532,530	1,836,641	3.18%
Service Charges	3,666	10,742	7,076	193.02%
Op. Grants, Subsidies & Contributions	1,403,513	1,448,308	44,795	3.19%
Fees and Charges	10,695,018	11,282,534	587,516	5.49%
Interest Earnings	836,494	1,461,214	624,720	74.68%
Reimbursement Income	581,189	734,584	153,395	26.39%
Other Income	210,646	298,936	88,290	41.91%
Total	71,426,415	74,768,847	3,342,432	4.68%
Operating Expenses				
Employee Costs	(18,895,758)	(16,921,799)	1,973,959	10.45%



Employee costs - Agency Labour	(271,550)	(441,863)	(170,313)	(62.72%)
Materials and Contracts	(12,522,877)	(11,773,843)	749,034	5.98%
Depreciation – Non-Curr. Assets	(4,879,098)	(4,941,529)	(62,431)	(1.28%)
Interest Expenses	(191,260)	(58,084)	133,176	69.63%
Utility Charges	(889,760)	(803,255)	86,505	9.72%
Insurance Expenses	(486,494)	(443,083)	43,411	8.92%
Other Expenditure	(665,726)	(629,973)	35,753	5.37%
Total	(38,802,523)	(36,013,429)	2,789,094	7.19%

Further explanation of material variances can be found within the Officer's Comment section of this report.

FINANCIAL IMPLICATIONS

This report is provided to enable Council to assess how revenue and expenditure are tracking against budget, and to identify any budget issues of which the Council should be informed.

LEGAL IMPLICATIONS

Local Government (Financial Management) Regulation 34 requires a monthly financial activity statement and an explanation of any material variances to be prepared and presented to an Ordinary Council meeting.

CONSULTATION

Nil

OFFICER'S COMMENT

Summary of financial performance

As at the end of November 2023, the City demonstrated strong financial performance with a closing funding of \$51.69m.

In summary, as at the end of November 2023, the current closing position exceeds the YTD amended budget by \$7.45m. This is mainly due to favourable variances against the year-to-date budget across the following areas:

- Increased carry forward funds from the 2022-23 financial year of \$1.94m compared to the adopted budget;
- Increased Rates revenue of \$1.84m;
- Increased revenue from Fees and charges of \$0.59m;
- Increased revenue from Interest earnings of \$0.62m;
- Operating expenditure underspend of \$1.97m from Employee Cost;



- Operating expenditure underspend of \$0.75m from Material and Contracts;
- Operating expenditure underspend of \$0.13m from Finance costs;
- Capital expenditure underspend of \$1.30m.

These favourable variances are offset by:

- Decreased revenue of \$1.11m recognised for Capital grants and contributions
- Decreased Reserve transfer of \$0.89m.


It should be noted that 2022-23 figures remain subject to end of year processing and the finalisation of the audit and will remain draft and subject to change until such time as these processes have been completed. The depreciation expenditure for 2023-24 financial year is calculated based on the budget amount, which will be amended to actual depreciation based on the fair value revalued as at 30 June 2023 once the audit of 2022-23 financial year is completed.

Explanation of Material Variances & YTD Performance






In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopted the level to be used in Statements of Financial Activity by Nature in the 2023-24 financial year for reporting material variances as 10% together with the minimum value of \$100,000 (Refer Item C2306-1 from Council meeting on 28 June 2023).

The material variance thresholds are adopted annually by Council and indicate whether actual expenditure or revenue varies materially from the year-to-date budget. The following is an explanation of significant operating and capital variances to budget as identified in the Statements of Financial Activity by Nature.



Building on the favourable opening surplus for the year, the following items explain the City's major variances in operating performance for this financial year, as highlighted in the year-to-date Financial Activity Statement as at 30 November 2023:

Description	Variance Amount (\$)		Comment
Interest Earnings	624,720		74.68%
Major Variances:			
Receive investment income	585,379		Higher interest earning is mainly due to higher interest rates on investments along with higher cash holdings due to above budget revenue




Description	Variance Amount (\$)	Comment
		and cost savings. Current investment markets continue to offer attractive interest rates.
Reimbursement Income	153,395	 26.39%
Major Variances:		
Administer the emergency services levy (ESL)	54,717	Timing variance – ESL recoverable billed in November is budgeted for March. Budget phasing to be amended.
Plant Trees - road reserves and carparks	37,757	Reimbursement of costs associated with removal and replanting of trees. To be adjusted at mid-term budget review.
Employee costs - Agency Labour	(170,313)	 (62.72%)
Major Variances:		
IT Operating Team	(59,705)	Agency labour used to cover vacant positions, offset by savings in staff establishment budget.
Construction and Maintenance Team	(41,766)	
Waste Collection Team	(38,902)	
Traffic and Engineering Design Team	(27,815)	
Employee costs	1,973,959	 10.45%
Major Variances:		
Employee Costs – Staff Establishment	1,652,957	Awaiting EBA finalisation and salaries to be realigned.
Interest Expenses	133,176	 69.63%
Major Variances:		
Interest Payment - Civic & Library building	140,910	Loan interest accrual to be amended in December.
Capital Grants and Subsidies/Contributions for the development of Assets	(1,112,694)	 (74.55%)
Major Variances:		



Description	Variance Amount (\$)	Comment
P-11882 Design and construct Fremantle Golf Course Clubhouse	(295,907)	Timing variance – Grants have been received, to be recognised as revenue when the cost is incurred.
P-11823 Design and construct-Port Beach coastal adaptation	(748,275)	Project is currently in acquittal phase with Department of Transport. Revenue and Expense to be updated once acquitted.
Payment for Construction of infrastructure	1,206,848	 42.00%
Major Variances:		
P-11823 Design and construct-Port Beach coastal adaptation	705,114	Project complete and is in the acquittal phase with Department of Transport.
P-12082 Design and construct-Brad Hardie Changerooms	200,000	Project is still in planning stage
P-12096 Design and construct-Pioneer Park - Bore	130,000	Contract awarded and works have commenced on site. Completion is forecast by 22 December
P-12100 Design and construct-Dick Lawrence - Irrigation	127,963	Contract awarded with works on site in December 2023 – February 2024.
P-12123 Design and construct – Leighton Reserve - Playground	101,958	The playground installation has been postponed and will commence on site on 8 January 2024 with completion in early February 2024. This decision was made to prevent Leighton Beach Reserve being a construction site through the Christmas period impacting on the community.
Reserve Transfers	(891,728)	 (100.81%)
Major Variances:		
Transfer from Reserve (Restricted) – Capital	(822,513)	Timing variance: variance is primarily attributed to an underspend on capital works, therefore, the required funding from Reserves is less than budgeted year to date.



Description	Variance Amount (\$)	Comment
Surplus or Deficit at the start of the Financial Year	1,940,246	 21.36%
Major Variances:		
Carry forward funds from the 2022-23 financial year	1,940,246	The End of the Financial Year reconciliation process is still in process. The final carry forward amount will be reported to Council once the annual financial statements are signed off by the auditor.

Accounting methods

The City manages its finances in line with the requirements of the Local Government Act 1995, associated regulations and Australian accounting standards.

The City carries out accounting on both an accrual basis and a cash basis.

Accrual accounting requires accounting transactions to be recognised and recorded when they occur, regardless of whether payment/receipt has been made at that time, in accordance with the Australian Accounting standards.

The City accounts for Rates, Service Charges, Interest income on term deposits, Insurance expenses and Interest expenses on borrowings (loans) & leases on an accrual basis.

The remainder of income and expenditure items are recognised and recorded at the period they are encountered.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Monthly Financial Report, as provided in Attachment 1, including the Statement of Comprehensive Income, Statement of Financial Activity, Statement of Financial Position and Statement of Net Current Assets, for the period ended 30 November 2023.



12. Motions of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

C2312-20 NOTICE OF MOTION – REQUEST FOR OPTIONS FOR RETENTION AND INCREASE OF TREE CANOPY – CR BEN LAWVER

Meeting date: 20 December 2023
Responsible officer: Chief Executive Officer
Decision making authority: Council
Attachments: Nil

ELECTED MEMBER SUMMARY

The purpose of this Notice of Motion is to provide Elected Members with a report identifying a range of options to assist with implementing the City of Fremantle's "Urban Forest Plan" and "Greening Fremantle: Strategy 2020".

Both the "*Greening Fremantle: Strategy 2020*" and the "*Urban Forest Plan*" broadly strive to achieve goals that include increasing overall tree canopy across Fremantle to help mitigate the Urban Heat Island Effect, provide other positive benefits to residents' health and well-being, and improve the overall liveability in Fremantle's various neighbourhoods.

At the Ordinary Council meeting on 22/11/2023 Council decided to temporarily scale back its tree planting program. This decision allows for an opportunity to look at the effectiveness of what we are currently doing, consider alternate approaches to reaching (or exceeding) canopy targets, and potentially use the temporary budget savings to pilot new programs aimed at increasing and retaining tree canopy coverage.

CHANGES TO OUR EXISTING PROGRAM

Are there any barriers or advantages to creating separate canopy/vegetation coverage targets for distinct areas such as verges, public parks, and private properties?

Currently, our Urban Forest Plan has a target of 20% canopy coverage across all of Fremantle, but having one target doesn't recognise the challenges different spaces have in building and retaining canopy/vegetation coverage. Creating individual targets for specific areas would allow for bespoke solutions to address challenges and provide pathways to reach (or exceed) the overall canopy target outlined in Fremantle's Urban Forest Plan.



Separate canopy targets for each category (which collectively meet or exceed the current 20% overall canopy goal) will also allow Council to better track where we are doing well and also where our policies/actions might be falling short and need improvement.

Should we change yearly targets to track/measure canopy coverage instead of just the number of trees planted?

Currently, targets in the Urban Forest Plan are focussed on the number of trees that are put into the ground each year and the city strives for 80% of these trees to be planted in public parks/verges and the remaining 20% in natural areas. While this activity is important, ultimately, we are striving to increase tree canopy coverage across the city.

Would it be more accurate to measure progress based on an actual increase in canopy the collective efforts (including planting) are delivering?

Given trees take some time to form a canopy, what might be a reasonable and cost-effective frequency be for measuring canopy cover? What is the cost of measuring canopy cover compared to the budget for planting and maintaining the City's newly planted trees?

Would it be advantageous to separately measure areas where trees might struggle to survive and vegetative cover might be a more appropriate outcome to mitigate the impacts of climate change.

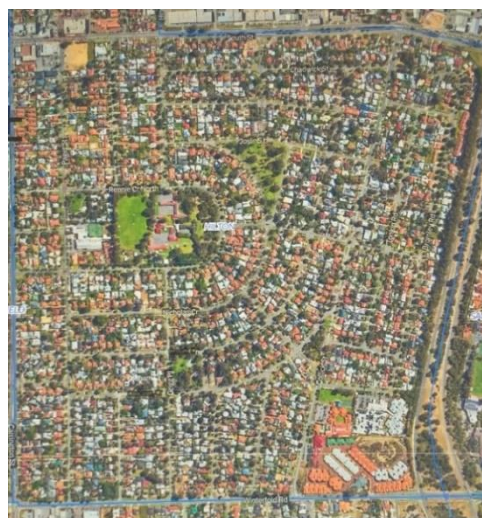
Specifically, are there any areas in Fremantle where trees might struggle to thrive and planting vegetation might be more suitable to deliver the outcomes outlined in our Urban Forest Plan such as reducing urban heat island effect?

If so, how would we implement and measure progress on this?

Can we expand our "verge tree" planting program to include private properties?



Aerial picture of the "Hilton Garden Suburb Precinct" taken in 2009



Picture of the "Hilton Garden Suburb Precinct" taken in 2021

When you compare photos of the Hilton Garden Suburb Precinct – it's easy to see the entire neighbourhood has less canopy today than it did in 2009 and almost all of this loss is due to trees being cut down on private properties.

Expanding our tree planting program to include private properties could be a simple solution where officers could have more options to deliver the tree planting targets in our Urban Forest Plan while also saving some future costs as residents would be responsible for the maintenance and care afterwards.

Such a program could be modelled after the subsidised annual APACE plant sale, might include a requirement for residents to prove they have a suitable place prepared (a hole in the ground) on their property ready to receive a tree, and possibly come with a caveat the tree will automatically be listed on the city's Significant Tree Register.

Additionally, are there any impediments for the City to work with local community groups to grow trees from seed or seedlings to then be offered to the community?

Size Matters:

What can the city do to plant the largest possible tree suitable for a particular location?

Can we identify areas in Fremantle where planting larger trees is appropriate to provide immediate relief as well as to deliver long-term benefits for residents and visitors? For example: areas with little/no existing canopy coverage and high pedestrian traffic could possibly benefit most from planting a large tree that provides immediate benefit.

If areas can be identified where large (approx. 5m) trees would provide the most benefit for residents, what are the costs and lead time required for the City of Fremantle to incorporate this into our tree planting program?

Are there particular species that transplant well when mature and/or planted as advanced specimens?



Trees planted at Hilton Town Centre are barely 1m tall and will take several years to provide any benefit to the pedestrian/public realm



Trees approximately 5m tall planted on Williams St provide immediate shade and provide benefit to the public realm from day one.

POLICY, SCHEME, & LOCAL LAW UPDATES

Does staff have any specific recommendations where our local policies could be improved to provide greater protections for existing canopy coverage and to encourage planting new vegetation and trees?

Numerous local councils have policies that provide greater protection for existing tree canopy than what currently exists in Fremantle. What would the process be for Fremantle to adopt new, or change our current, policies to help achieve the goals in our Urban Forest Plan?



For example, Serpentine/Jarradale has adopted the policy below:

Serpentine Jarradale:

Part 1 - Significant Tree Removal and Replacement

1.0 Tree Removal

1.1 Unless exempt in accordance with the Shire's Town Planning Scheme No.2 (TPS2), development approval is required for tree removal.

1.2 The Shire will consider the following matters in respect of a development application for tree removal:

1.2.1 The existing character and amenity of the area;

1.2.2 The level of amenity provided by the tree/s to be removed and the impact of their removal;

1.2.3 Whether any replacement planting is proposed to offset the impact of the tree removal;

1.2.4 Whether the tree/s provide a habitat or support to a threatened or endangered species;

1.3 Generally tree removal will not be supported where the tree/s proposed to be removed:

1.3.1 Are visually prominent within the streetscape and landscape;

1.3.2 Contribute significantly to the character and amenity of the area; and/or

1.3.3 Would result in an area deficient of tree coverage.

1.4 Replacement Planting

1.4.1 Where the removal of trees is supported by the Shire, they should be replaced (one for one) within the subject lot.

1.4.2 Where a tree is proposed to be removed that cannot reasonably be replaced elsewhere on the lot, the Shire may consider replacement with street tree/s.

1.4.3 Replacement tree/s must comprise of species to the satisfaction of the Shire and should be mature with a sufficient size and canopy.

1.4.4 Street trees should be located so as to provide sufficient shading of the street verge and enhance the visual amenity of the streetscape.

1.5 Financial Contribution



1.5.1 Where trees proposed to be removed cannot reasonably be replaced within the subject site or the street, a financial contribution may be made to the Shire.

1.5.2 The financial contribution shall be used towards tree planting in the Shire to increase canopy cover in accordance with the Urban Forest Strategy.

1.5.3 A payment of \$600 dollars in lieu of each tree is required to be paid to the Shire prior to the removal of any tree/s. This amount represents the cost to purchase a suitable advanced tree plus watering for the first two summer periods.

1.5.4 The Shire shall purchase and maintain any trees funded through this policy thereafter.

Can staff offer advice on how Council might adopt a change to our local planning scheme requiring approval before a significant tree is removed or require new trees to be planted at the time of development?

Some local councils have already adopted amendments to their local planning scheme requiring approval before trees of a significant size can be removed. Those amendments are waiting to be approved or disallowed by State Government, but how would Fremantle Council be able to consider a similar change should the community and/or Elected Members wish to put something similar forward.

Can staff offer advice on any potential Local Laws that Council might adopt that would result in greater protection for existing tree canopy coverage and/or encourage planting on private properties?

Given the reluctance of the Minister for Planning and the WAPC to allow tree protection within the planning framework, to what extent can tree protection be addressed through an alternative head of power, such as developing a local law?

Deep soil planting:

Can amendments be made to our planning scheme, local laws, or policies that would require more area reserved for deep soil planting before planning applications can be approved?

Are we able to use local schemes to require more deep soil planting zones or are their incentives that could be considered such as allowing zero lot lines or two storey development that might not otherwise be approved if a proposal increases deep soil zones AND plants and maintains trees. What changes to planning regulations at the State Planning level significantly increase the quantity of deep soil planting zones should we be advocating for?



What is the viability of using existing heritage policies to help retain mature trees?

Some of the streetscapes in Fremantle are protected by local planning policies because of their heritage value to the suburb as a whole. These heritage policies generally place restrictions on the built form and placement of buildings and to my knowledge have zero ability to help preserve mature trees even when trees are defined as being a critical part of the streetscape.

For example: our local planning policy for Hilton mentions mature trees as one of the defining characteristics of the distinct and cohesive streetscape character but the removal of mature trees is routine (see photos below) and has resulted in a significant overall reduction in canopy coverage across the "Garden Suburb".

LOCAL PLANNING POLICY 3.7

HILTON GARDEN SUBURB PRECINCT - HERITAGE AREA LOCAL PLANNING POLICY

*"Hilton has aesthetic value for its parks, streetscapes, **mature trees**, areas of indigenous vegetation and birdlife. Its stock of relatively intact modest housing, including both timber and brick cottages, set on large lots, **many with mature trees and gardens, contribute to the ambiance of the area and create a distinct and cohesive streetscape character.**"*



Contribution to the streetscape before removal of trees



Change in streetscape after the removal of several large trees.



Change in streetscape before, during, and after removal of a significant tree on a property boundary in the Hilton Garden Precinct Suburb.



CHANGES TO SIGNIFICANT TREE REGISTER

As the current WAPC "*preferred method*" for protecting mature trees on private land what changes could be made to our Significant Tree Register to encourage more uptake?

Can we make a change in the criteria to allow for trees on public lands to be listed on the register?

As above.

Are there any barriers to creating a scheme incentivising residents to voluntarily register mature trees on the Significant Tree Register?

It is going to be extremely difficult to reach the overall canopy target in our Urban Forest Plan unless we are able to slow the loss of mature trees on private properties.

By encouraging people to voluntarily register a significant tree with the city, we ensure at least some of the existing canopy is retained while the trees planted today grow large enough to provide some benefit to our community in the future.

Large mature trees on private properties provide a benefit to the community around them, but they also require maintenance, and creating an incentive scheme could be a way to help offset some of the costs currently shouldered by a landowner.

An incentive scheme could be created as a "temporary" registration so the significant tree would only be guaranteed to remain on a private property for a set period of time, or it could be a temporary incentive to place a tree on the current register.

Ideally, an incentive scheme would guarantee trees meeting a certain definition of "significant tree" remain for at least 10-15 years.

A significant tree could be defined as having the following, or similar, characteristics:

- Trunk equal to or in excess of 100mm measured at 1.4m above ground level, or
- Is equal to or in excess of 6m in height, or
- Has a canopy spread of 4m or more, and
- Is not identified as an unwanted tree species.

The incentives to retain a significant tree on private property through this scheme could be structured in any number of ways but a few options to consider



might be offering different amounts based on the number of trees and/or their size.

Time	Tree #1	Tree #2	Tree #3
1 year	\$100	\$75	\$50
10 years	\$1,000	\$750	\$500
15 Years	\$1,500	\$1,125	\$750
20 years	\$2,000	\$1,500	\$1,000

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required.

ELECTED MEMBER MOTION

Council:

- 1. Request the CEO provide a report within six months (June 2024) on options to retain existing trees and significantly increase tree canopy across Fremantle in line with Council's Urban Forest Plan.**
- 2. Noting the report should include comments on the feasibility of implementing the items outlined in this Notice of Motion, as well as any other measures the CEO would like Council to consider that might help meet or exceed the canopy goals in Fremantle's Urban Forest Plan.**

OFFICER COMMENT

Officer's will consider the notice of motion and will bring a report back to Council for consideration.



13. 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.

Nil.

14. 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.

Nil.

15. Confidential business

Members of the public may be asked to leave the meeting while confidential business is addressed.

C2312-21 CITY OF CANNING – WASTE COLLABORATION AGREEMENT

Meeting date:	20 December 2023
Responsible officer:	Director Infrastructure
Decision making authority:	Council
Confidential attachments:	1. Member Councils and City of Canning Memorandum of Understanding

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting*

16. Closure