



# Agenda

## Ordinary Meeting of Council

Wednesday 22 November 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 22 November 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**

16 November 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

## **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**

There were no questions asked at the Ordinary Meeting of Council on 8 November 2023.

## **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 8 November 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

**C2311-11      LOT 34 (NO. 8) POINT STREET, FREMANTLE - EIGHT  
STOREY MIXED USE DEVELOPMENT COMPRISING 215  
MULTIPLE DWELLINGS AND RESTAURANT/CAFE AND  
OFFICE USES (ED DAP006/23)**

<b>Meeting Date:</b>	22 November 2023
<b>Responsible Officer:</b>	Manager Development Approvals
<b>Decision Making Authority:</b>	Council
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Site Survey</li><li>2. Amended Development Plans</li><li>3. Amended Development Summary</li><li>4. Planning Report (without Appendices)</li><li>5. Architectural Design Report</li><li>6. Amended Landscaping Design Report</li><li>7. Heritage Impact Statement</li><li>8. Sustainability Report</li><li>9. Additional Sustainability Memo</li><li>10. Applicant R-Code Vol. 2 Assessment</li><li>11. Acoustic Report</li><li>12. Transport Impact Statement</li><li>13. Amended Waste Management Plan</li><li>14. Preliminary Stormwater Plans</li><li>15. Applicant DAC Presentation (Meeting 3)</li><li>16. DAC Minutes Combined (DR1 – DR3)</li><li>17. Public Submission Schedule</li><li>18. Applicant Legal Opinion – Building Heights</li><li>19. Applicant Response to DAC Meeting 3 (DR3 Advice and Recommendations)</li><li>20. Site Photos</li></ol>

#### **SUMMARY**

**Approval is sought to construct an eight (8) storey mixed-use development comprising 215 Multiple dwellings and Restaurant/café and Office uses at No. 8 (Lot 34) Point Street, Fremantle.**

**As the proposed development value exceeds \$10 million, the application is required to be determined by the Metro Inner-South Joint Development Assessment Panel (JDAP). The City's Responsible Authority Report (RAR) is referred to Planning Committee for endorsement of the recommendation.**

**The application is recommended for conditional approval.**



## **PROPOSAL**

### **Detail**

Approval is sought to construct an eight (8) storey (plus basement level) mixed use development comprising:

- 215 Multiple Dwellings across ground floor up to Level 7
  - 108 x one-bed/studio apartments (50.2%)
  - 102 x two-bed apartments (includes 3 two-bed townhouses) (47.5%)
  - 5 x three-bed apartments (2.3%)
- 3 x commercial 'Office' tenancies at ground floor fronting Adelaide Street (213sqm total floor area).
- 2 x 'Restaurant/Café' tenancies at ground floor on north-east and south-east corners of building (583 sqm total floor area).
- On-site parking provisions (across basement and ground floor levels):
  - 214 total car bays:
    - 209 residential parking bays; and
    - 5 non-residential staff parking bays.
  - Bicycle parking:
    - 56 resident bicycle bays in ground floor store (plus intent for resident bicycles to be parked within unit store).
    - 4 x non-residential staff bicycle bays.
    - 7 x shared visitor bicycle bays.
  - 14 motorcycle/scooter bays.
  - 1 x loading/service bay at ground level.
- Storage, utilities and services infrastructure across basement and ground floor levels.
- 2 x residential lobbies, pedestrian entries and stair/lift cores accessed from Adelaide and Cantonment Street frontages.
- Single, two-way vehicle entry and exit from Point Street frontage.
- Landscaped podium deck, pool and associated residential amenities (lounge, dining, bathroom and exercise/gym facilities) at Level 1.

A development summary schedule is provided at **Attachment 3** of this report and the amended development plans are provided at **Attachment 2**.

### **Site/application information**

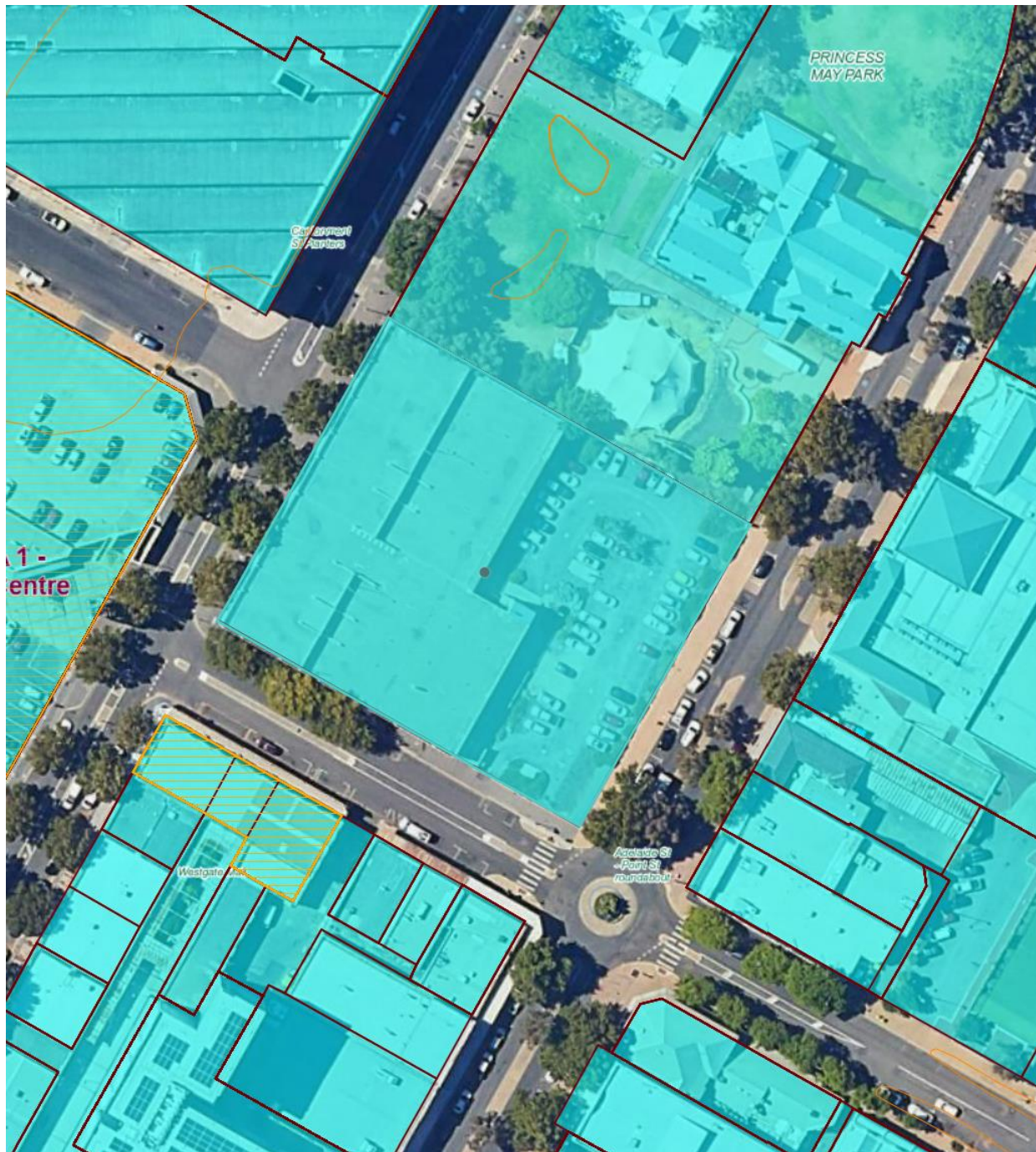
Date received:	24 July 2023
Owner name:	Point Street Partners
Submitted by:	Element Advisory
Scheme:	City Centre (R-AC3)



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Heritage listing:	Not Listed
Existing land use:	Public Car Park
Use class:	Multiple Dwelling, Office, Restaurant/Cafe
Use permissibility:	D, P, D





## OFFICER'S RECOMMENDATION

### Council

**SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the eight (8) storey mixed-use development comprising 215 multiple dwellings and restaurant/café and office uses at No. 8 (Lot 34) Point Street, Fremantle, subject to conditions, for the reasons outlined in the Responsible Authority Report (RAR)**

**LOT 34 (NO. 8) POINT STREET, FREMANTLE - EIGHT STOREY MIXED USE DEVELOPMENT COMPRISING 215 MULTIPLE DWELLINGS AND RESTAURANT/CAFE AND OFFICE USES**

### Form 1 – Responsible Authority Report (Regulation 12)

<b>DAP Name:</b>	Metro Inner-South JDAP
<b>Local Government Area:</b>	City of Fremantle
<b>Applicant:</b>	Element Advisory
<b>Owner:</b>	Point Street Partners
<b>Value of Development:</b>	\$100 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)
<b>Responsible Authority:</b>	City of Fremantle
<b>Authorising Officer:</b>	Chloe Johnston, Manager Development Approvals
<b>LG Reference:</b>	DAP006/23
<b>DAP File No:</b>	DAP/23/02354
<b>Application Received Date:</b>	24 July 2023
<b>Report Due Date:</b>	7 December 2023
<b>Application Statutory Process Timeframe:</b>	90 Days (plus additional 46 days agreed)
<b>Attachment(s):</b>	<ol style="list-style-type: none"> <li>1. Site Survey</li> <li>2. Amended Development Plans</li> <li>3. Amended Development Summary</li> <li>4. Planning Report (without appendices)</li> <li>5. Architectural Design Report</li> <li>6. Amended Landscaping Design Report</li> <li>7. Heritage Impact Statement</li> <li>8. Sustainability Report</li> <li>9. Additional Sustainability Memo</li> <li>10. Applicant R-Code Vol. 2 Assessment</li> <li>11. Acoustic Report</li> <li>12. Transport Impact Statement</li> <li>13. Amended Waste Management Plan</li> <li>14. Preliminary Stormwater Plan</li> <li>15. Applicant DAC Presentation (meeting 3)</li> </ol>



	16. DAC Minutes Combined (DR1 – DR3) 17. Public submission schedule with applicant responses 18. Applicant Legal Opinion Support for Building Height Variations. 19. Applicant Responses to DAC Meeting 3 (DR3) Advice and Recommendations.	
<b>Is the Responsible Authority Recommendation the same as the Officer Recommendation? *</b>  <b>*TBC</b>	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A  <input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

### Responsible Authority Recommendation

That the Metro Inner South JDAP resolves to:

- Accept** that the DAP Application reference DAP/23/02354 is appropriate for consideration as “Multiple Dwelling”, “Restaurant/Café and “Office” land uses and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4
- Approve** DAP Application reference DAP/23/02354 and accompanying plans (DA-0999(C), DA-1000(C), DA1001(C), DA-1002(C), DA1004(C), DA1006(C), DA1007(C), DA1008(C), DA2001(C), DA2002(C), DA2003(C), DA2004(C), DA2501(C), DA2502(C), DA2503(C), dated 13 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 the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

### Conditions

- 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.
- This decision constitutes planning approval only and is valid for a period of four (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.
- All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
- This approval does not relate to any proposed work(s) located outside of the cadastral boundaries of the subject site including the adjacent Point Street, Adelaide Street and Cantonment Street road reserves and the Princess May Park reserve, with the exception of awnings for weather protection. Any proposed works within these reserves will be subject to separate applications and approval from the City of Fremantle.
- Any proposed works that may impact existing street trees within the adjacent road reserves and the Princess May Park and/or any proposal to remove or prune existing





trees or provide new trees within the adjacent reserves will subject to separate applications and approval from the City of Fremantle.

6. Prior to the lodgement of a Building Permit application, revised plans are to be submitted to and approved by the City of Fremantle, on advice from the Design Advisory Committee, that reflect and detail the design improvements to the development as follows (summarised):
  - i. Enhanced façade ‘break’ to the Adelaide Street and Point Street elevations at stairwell locations.
  - ii. Improved connection and openness of the café/restaurant tenancy on the northern elevation to the adjacent Princess May Park.
  - iii. A direct stair connection for residents to the adjacent Princess May Park from the communal landscaped courtyard at podium level.
  - iv. Direct external private resident access from ground floor dwellings where adjacent the Princess May Park.
  - v. Alterations to the Adelaide Street canopy where necessary to protect existing street trees.
  - vi. Modifications to internal corridors to improve natural daylight/sunlight within and provide views out to the park to the north and port to the west. Length of corridors to be broken up by escape stair(s) that also provide additional natural daylight/sunlight penetration.
  - vii. Alterations to the 1-bed southern corner apartments in the northern block to reorientate dwellings east-east to address potential visual privacy concerns.
7. Prior to the lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials, is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City’s Design Advisory Committee.
8. Prior to the lodgement of a Building Permit, the following information and/or additional detail is to be provided to the satisfaction of the City of Fremantle on the advice of the Heritage Council of Western Australia:
  - i. A dilapidation survey of the former Fremantle Boys’ School is to be prepared by a suitably qualified professional prior to any works being undertaken.
  - ii. A Construction Management Plan that includes:
    - a) an appropriate strategy for the protection of landscaping to Princess May Reserve.
    - b) vibration monitoring of the former Fremantle Boys’ School including a requirement for alarmed monitoring of deformation, tilt, vibrations and existing cracks with a trigger level set at 2mm/s for the unit.
  - iii. Information is to be provided that demonstrates how all contractors are to be made aware of the potential for archaeological material to be uncovered during excavation works, and a clear procedure is to be in place to ensure that any archaeological material is dealt with appropriately.
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 lodgement of a Building Permit application, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
11. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
12. Prior to the lodgement of a building permit application, the detailed landscaping plans shall be updated to the satisfaction of the City of Fremantle. Additional detail shall be provided with regards to deep soil areas, on structure planting, species selection, tree planting and the interaction of any landscaping with the adjacent Princess May Park reserve. The revised landscaping plans shall be submitted to, and approved by the City of Fremantle.
13. Prior to the occupation of the development, the approved landscaping plans shall be completed in accordance with the approved plans or any approved modifications thereto and be maintained for the life of the development, to the satisfaction of the City of Fremantle.
14. Prior to the occupation of the development, the proposed on-site tree planting (including the provision of 2 large, 12 medium and 20 small trees) shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
15. Prior to the lodgement of a Building Permit application for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
16. 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.
17. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
18. Prior to occupation of the development hereby approved, a detailed Car Parking Management Plan shall be submitted to, and approved by the City of Fremantle. The approved car parking management plan shall be implemented for the life of the development unless otherwise approved.
19. Prior to the lodgement of a Building Permit 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.

20. Prior to occupation of the development hereby approved, all bicycle parking/racks shown on the approved plans shall be provided to the satisfaction of the City of Fremantle and must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
21. 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 maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
22. Prior to the issue of a Building Permit for the development hereby approved, end of trip facilities shall be provided, to the satisfaction of the City of Fremantle as follows:
  - 1 male and 1 female (or 2 unisex) shower facilities for the non-residential units, and four (4) lockers.

Prior to occupation of the development the approved end of trip facilities must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.

23. Prior to the lodgement of a demolition permit application, a Demolition Plan including full details and scope of demolition works is to be submitted to, and approved by the City of Fremantle. The approved Demolition Plan shall be adhered to at all times unless otherwise approved.
24. Prior to the lodgement of a Building Permit application, a Construction 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;
  - m) Works affecting pedestrian areas;
  - n) Asbestos removal management plan;
  - o) Dilapidation reports of nearby properties; and
  - p) Any other matter deemed to be relevant by the City of Fremantle.



The approved Demolition and Construction Management Plans shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

25. Prior to the lodgement of a Building Permit application, a Dewatering Management Plan is to be submitted to the satisfaction of the City of Fremantle upon the advice of the Department of Water and Environmental Regulation to address:
  - a) The impact of dewatering;
  - b) Compliance with WQPN 13 Dewatering of Soils at Construction Sites; and
  - c) Any required amelioration including sediment control and regular monitoring.
26. Prior to the lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the Acoustic Report (prepared by Stantec, dated 22 June 2023) are to be implemented is to be submitted to, and approved by the City of Fremantle. The measures shall be constructed and maintained for the life of the development.
27. Prior to the 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 (A) 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.
28. 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.
29. Prior to the lodgement of a Building Permit application for the residential development hereby approved, the design and materials of the development is to demonstrate adherence to the requirements set out within City of Fremantle Local Planning Policy 2.18 – New Residential Developments in the City Centre Zone – Noise from an Existing Source. Specifically, the development shall provide the following at a minimum:
  - a) to all external openings (windows and doors):
    - i. airtight rubber seals to provide acoustic protection; and
    - ii. sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
    - iii. standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
    - iv. standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass;



- b) to all external walls:
    - i. shall achieve a sound rating of Rw 45 dB or greater;
  - c) to all floors and ceilings:
    - i. A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
    - ii. Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or
    - iii. Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.
30. 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.
31. 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.
32. Prior to the lodgement of a Building Permit application (but not including a Demolition Permit), the applicant shall submit a Crime Prevention Through Environmental Design (CPTED) report, prepared by a suitably qualified consultant and at the expense of the applicant, assessing the proposal's compliance with CPTED standards, specifically in relation to the two main pedestrian access points. Any design recommendations made in the report shall be integrated into the design and constructed accordingly, to the satisfaction of the City of Fremantle.
33. 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.
34. 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 5 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.





35. 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 5 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.

36. 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 \$100 million dollars the contribution to be made is \$1 million dollars;

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.

37. Prior to the issue of a building permit, amended development plans shall be submitted to the satisfaction of the City of Fremantle, which include a minimum of:

- i. 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia), OR
- ii. 5 per cent of dwellings to be designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).

The dwellings shall be maintained as such for the life of the development.

38. Prior to the issue of a building permit, details are to be submitted that demonstrate that each dwelling will be individually metered for water use to the satisfaction of the City of Fremantle.

39. 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 demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
2. 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.
3. The applicant is advised of the requirement to prepare a 'Planning Condition Schedule' that outlines how each of the above conditions have been addressed, with specific reference to plans and/or other supporting documentation where relevant and share this with officers to assist City officers in the process of clearance of relevant conditions.

The applicant will need to submit an application for request for condition clearance and the pay the requisite fee to commence this process.

4. The applicant is advised that with respect to Landscaping Plans and trees within the adjacent road reserves and Princess May Park, the City's Parks and Landscape teams advise the following:
  - No works, including any landscape works, shall be undertaken in the adjacent Princess May Park without the prior approval of the City of Fremantle. In relation to any works or cooperation to develop landscape proposals adjacent the development, please contact the City's Parks and Landscape team.
  - All trees in the adjacent road reserves and Princess May Park are to be protected during construction (in accordance with the City's Street and Reserve Tree Policy which mentions AS 4970-2009), bonded and maintained for 2 years following construction. Should the awning need to be modified to protect existing street trees this should be considered.
  - The City does not support the removal of the *Ulmus parvifolia* or Chinese Elms on Point Street.
  - Should the applicant wish to pursue removal, the helliwell assessment indicates the expected value to be \$92,192.48, to compensate their loss. Should the City entertain removal, replacement would require ~1000L stock, bonding and maintenance for 2 years.
  - There is a proposal for 3 new street trees along Adelaide Street and this and their positioning is support by the City, however, the City is no longer allowing the planting of any *Platanus acerifolia* or London Plane trees due to Polyphagous shot-hole borer. While the City is still developing its urban design plan for this area and does not have a confirmed list of species required, more suitable species could include *Melaleuca quinquenervia* or Broad-leaved Paperbark.
  - 2 x 2 metre pits are required for any newly proposed street trees, trees should also be deciduous to benefit solar access of commercial and residential tenants on the Adelaide Street side of the development.



- A services scan should be carried out to confirm extent of underground services in this location.
- The species chosen for on-site planting appear to be high maintenance and the applicant is recommended to review the species selected.

5. The applicant is advised that the placement of some laundries is non-compliant with the City's Health Local Laws 1997 and the *Health Act (Laundries and Bathrooms) Regulations (WA)*. Amended plans will be required with laundries separated from kitchens in a separate room or removed entirely.

For clarification, the *Health Local Laws 1997* require a laundry that:

1. has a minimum floor area of 3 square metres and is constructed of concrete or other approved impervious material of an approved thickness and the minimum width of the room shall be not less than 1.5 metres;
2. is properly surfaced, with an even fall to a floor waste, suitably trapped and discharging to –
  - a. the sewer of a licensed water service operator; or
  - b. a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
3. is not a room in which food is stored, prepared, served or consumed.

Further to this:

4. Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
5. Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall –
  - a. not be more than 1220 millimetres wide; and
  - b. have a door which when closed shall completely fill the opening.
6. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.
7. The applicant is encouraged to maintain the adjacent verge in accordance with the City's Verge Garden Policy which can be found on the City website at: <https://www.fremantle.wa.gov.au/resident-perks>
8. If the development utilises an air-handling system as defined in AS 3666, which uses water or other liquids to operate, humidify, clean, maintain, heat or cool the air, the system must apply for, and obtain, approval for the air-handling system, water system or cooling tower, from the City of Fremantle as required under the *Health (Air-handling and Water Systems) Regulations 1994*. For further information contact Environmental Health Services on 9432 9856 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).
9. 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>

10. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
11. 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.

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

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

13. The proponent must make application to the WA Department of Health's Chief Health Officer for any new aquatic facility under regulation 5 of the *Health (Aquatic Facilities) Regulations 2007* using the [construction, alteration, or extension of an aquatic facility application form \(Word 212KB\)](#) form. A Building Permit cannot be issued for the aquatic facility, until the WA Department of Health has granted approval for the Facility. For further clarification please contact the City's Environmental Health Section on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au) for further information.
14. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an [application to notify/register a food business](#). The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).



15. The applicant is advised that where contamination is detected, the site is required to be reported to the Department of Water and Environmental Regulation and remediated in accordance with the requirements of that Department. For further information, please see the Department fact sheet on Identifying and Reporting Contaminated sites available online at [https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact\\_sheets\\_tech\\_advice/Fact\\_sheet\\_1.pdf](https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/Fact_sheets_tech_advice/Fact_sheet_1.pdf)
16. The owner is advised that an obstruction permit will be required from the City for any future obstruction of the Point, Adelaide or Cantonment road reserves. An application for obstruction permit can be found via [www.fremantle.wa.gov.au](http://www.fremantle.wa.gov.au).
17. The applicant/owner is advised that a verge bond deposit fee must be paid prior to the issue of a demolition permit or building permit. Details in regard to the verge bond can be found on the City's website at: [https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge Bonds](https://www.fremantle.wa.gov.au/residents/trees-and-verges#Verge_Bonds)
18. The applicant is advised that the proposed works indicated outside of the lot boundaries of the subject site do not form part of this approval. Should the applicant wish to undertake these works separate approval is required from the City. Queries relating to these works should be directed to the City's Technical Officer, Parks and Landscape via [info@fremantle.wa.gov.au](mailto:info@fremantle.wa.gov.au) or 9432 9999.
19. The applicant is advised that any signage may be subject to a separate application for planning approval.
20. The applicant is provided the following advice from the City's Waste Services:
  - i. All bins (FOGO 3 bin system; general waste, recycling and FOGO) are collected by side arm vehicle and must be presented by the property by 0600hrs on collection day and returned by the property after servicing.
  - ii. This apartment building will not receive access to bulk verge collections.
  - iii. All residential bins must be purchased by the property via City web site prior to use.
21. The GBCA Green Star project registration and design assessment demonstrate sustainable built design performance requirements in accordance with Local Planning Policy 2.13.

A Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), and that includes, but is not limited to:

  1. Statement of compliance that the building's design will achieve, or has achieved in construction, the performance requirements of a 4 Star Green Star building using the current GBCA Green Star Buildings rating tool.
  2. A comprehensive report detailing the sustainability initiatives incorporated in the building design described in full with referenced supporting documentation.
  3. A Green Star Scorecard matrix showing targeted credit points with detailed comments documenting how the credit is satisfied and referenced to supporting documentation.
  4. Report author GSAP credentials.
  5. Evidence to substantiate each credit claim and to demonstrate the level of performance as per the Green Star Buildings rating tool Submission Guidelines.



6. List of supporting documentation referencing information used such as calculators, modelling, specifications, contracts, brief requirements, client instructions, plans, reports, and drawings including working drawing stages.

Note 1: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

Note 2: Minimum expectations of the current Green Star Buildings rating tool need to be met. Partial points can not be awarded under Green Star 'Buildings' rating tool, and the total credit points targeted to include a reasonable buffer of points.

22. The GBCA Green Star final certification demonstrates sustainable built design and construction performance requirements in accordance with Local Planning Policy 2.13. The Green Star certification may be submitted within 2 years from practical completion of the project.

Green Star 'equivalency' self-assessment pathway requires a Sustainable Design Assessment Report aligned to the current GBCA Green Star Buildings rating tool, prepared by a practicing Green Star Accredited Professional (GSAP), demonstrating that the Green Star rating outcomes have been achieved for the building as constructed with a supporting documentation produced as part of the design, procurement, construction or commission process.

Note: A Green Star 'equivalent' self-assessment pathway does not allow the building to be marketed or promoted as a Green Star building nor use the Green Star logo or trademark.

23. The applicant is advised of the need to liaise with the Water Corporation to obtain and necessary approvals in relation to the development and the relocation/alteration of water infrastructure.
24. 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](mailto:info@fremantle.wa.gov.au) or 9432 9999.
25. The existing tree(s) within the road reserve and/or adjacent Princess May park reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction.

Additional information with regard to the tree protection zone requirements can be found here: <https://www.fremantle.wa.gov.au/residents/trees-and-verges>





## Reasons for Responsible Authority Recommendation

\*TBC – if differs from Officer recommendation

## Details: outline of development application

Region Scheme	Central City
Local Planning Scheme	City Centre Zone
Use Class and permissibility:	Multiple Dwelling (D); Restaurant/Café (D); Office (P)
Lot Size:	5015sqm
Existing Land Use:	Public Car Park
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input 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:

Approval is sought to demolish all existing buildings on the subject site and construct an eight (8) storey (plus basement level) mixed use development comprising:

- 215 Multiple Dwellings across ground floor up to Level 7
  - 108 x one-bed/studio apartments (50.2%)
  - 102 x two-bed apartments (includes 3 two-bed townhouses) (47.5%)
  - 5 x three-bed apartments (2.3%)
- 3 x commercial 'Office' tenancies at ground floor fronting Adelaide Street (213sqm total floor area).
- 2 x 'Restaurant/Café' tenancies at ground floor on north-east and south-east corners of building (583 sqm total floor area).
- On-site parking provisions (across basement and ground floor levels):
  - 214 total car bays:
    - 209 residential parking bays; and
    - 5 non-residential staff parking bays.
  - Bicycle parking:
    - 56 resident bicycle bays in ground floor store (plus intent for resident bicycles to be parked within unit store).
    - 4 x non-residential staff bicycle bays.



- 7 x shared visitor bicycle bays.
- 14 motorcycle/scooter bays.
- 1 x loading/service bay at ground level.
- Storage, utilities and services infrastructure across basement and ground floor levels.
- 2 x residential lobbies, pedestrian entries and stair/lift cores accessed from Adelaide and Cantonment Street frontages.
- Single, two-way vehicle entry and exit from Point Street frontage.
- Landscaped podium deck, pool and associated residential amenities (lounge, dining, bathroom and exercise/gym facilities) at Level 1.

A development summary schedule is provided at **Attachment 3** of this report and the amended development plans are provided at **Attachment 2**.

**Background:**

The subject site comprises a single lot (Lot 34, No. 8 Point Street, Fremantle) that is approximately 5015sqm in area and is bound and has frontage to Point Street (to the south), Cantonment Street (to the west), Adelaide Street (to the east) and Princess May Park (to the north). The existing site contains a three-level public car parking facility beside an at-grade, hardstand public car parking facility known as the Point Street car park.

The subject site is not individually heritage listed or within a Heritage Area, however, is adjacent to a number of State Registered Heritage Places known as *Princess May Reserve*, 92 Adelaide Street, Fremantle and *Elders Woolstores*, 38 Cantonment Street, Fremantle.

The adjacent sites and immediate locality is characterised by a mix of building types and character, varying between 2 storey commercial (retail and office) development to the east, large, warehouse heritage buildings and places to the north and west and some larger, mixed use developments to the south including the 9 storey Adelaide Court (23 Adelaide Street) and the recently constructed development at 52 Adelaide Street (comprising 71 multiple dwellings and 7 commercial tenancies at ground floor).

The development site is located within and subject to Schedule 7 – Local Planning Area 1, Sub Area 1.3.2 provisions which provide specific development controls for the site and other sites within the sub-area. The subject site is identified in the sub-area as one of 13 key development sites in the City Centre and comprises sites 3a and 3b within the area with site 3a having frontage to Princess May Park and site 3b bound by Point, Adelaide and Cantonment Street.

Planning history relevant to the subject site is outlined as follows:

- On 22 May 2015, JDAP granted development approval for a proposal (City ref. DAP80008/13 varied by ref. DAPV003/15) at the subject site for *Demolition of Existing Buildings and Construction of a Seven (7) Storey Mixed Use (150 Hotel Rooms, 98 Multiple Dwellings, Restaurant, Shop, Liquor Store and Market) with Two (2) Basement levels of Car Parking*. The demolition of the building that previously fronted Adelaide Street was acted upon, but the construction of the building was never commenced.
- On 20 March 2020, JDAP granted development approved for a proposal (City ref. DAP004/19) at the subject site for *Seven Storey Mixed Use Development (168 Room*



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*Hotel, Shops, Offices, 45 Multiple dwellings*). This development approval remains extant, however, has not been acted upon and the property has since changed ownership.

After lodgement of the application in July 2023, amended development plans and documentation were submitted to the City on 13 October 2023 in response to a *Further Information Request* that included comments and advice from the City's Design Advisory Committee (DAC), internal City departments, external referral agency comments, public submissions and planning assessment items. A summary of key design changes and revised documentation is outlined as follows:

- Reduction in the overall dwelling number from 220 to 215;
- Introduction of an additional Restaurant/Café tenancy at the north-east corner of the ground floor of the building (replacing previously proposed dwellings) with frontage to Adelaide Street and the Princess May Park;
- Increased non-residential (Restaurant/Café) frontage to Point Street;
- Revised car parking and servicing (waste) layout and arrangements across the basement and ground floor levels;
- Increased canopy depth of 2.4m to Adelaide Street frontage and majority of Point Street frontage;
- Introduction of five (5) non-residential staff car parking bays at ground level;
- Increased motorcycle/scooter parking (8 to 14 bays);
- Additional design responses to DAC (DR2) comments (refer **Attachment 15**)
- Additional deep soil area at the interface with Princess May Park and revised landscaping and tree planting plans for the landscaped podium deck (refer **Attachment 6**);
- Amended Waste Management Plan (refer **Attachment 13**); and
- A supporting sustainability statement from Stantec addressing comments received in relation to the 5 Star Greenstar pathway (refer **Attachment 9**).

The amended development plans can be found at **Attachment 2**.

**Legislation and Policy:**

Legislation

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

1. Metropolitan Region Scheme (MRS);
2. *Planning and Development (Local Planning Schemes) Regulation 2015* (WA) (the Regulations); and
3. City of Fremantle Local Planning Scheme No. 4 (LPS4).

*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 Planning Scheme No. 4:

- Clause 3.2.1 (b)- City Centre zone objectives
- Table 1 - Zoning
- Table 2 – Vehicle Parking requirements
- Clause 4.7.3 – Relaxation of Parking requirements
- Clause 4.8.1 – Variation to height requirements
- Clause 4.8.2 – Variation to other requirements
- Clause 4.8.4 – Additional criteria that must be taken into consideration by Council in exercising its powers under clause 4.8.2
- Clause 5.16 – End of Trip Facilities
- Schedule 1 – Dictionary of Defined Words and Expressions
- Schedule 7 – Local Planning Area 1 (City Centre) – Sub Area 1.3.2
- Schedule A - Clause 78B Advisory Committees

### Local Planning Policies

- Local Planning Policy 1.3: Public Notification of Planning Proposals (LPP 1.3)
- Local Planning Policy 1.6: Preparing Heritage Assessment (LPP 1.6)
- Local Planning Policy 1.9: Design Advisory Committee and Principles Of Design (LPP 1.9)
- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3)
- Local Planning Policy 2.13: Sustainable Buildings Design Requirements (LPP2.13)
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source (LPP2.18)
- Local Planning Policy 2.19: Contribution for Public Art/and or Heritage Works (LPP2.19)
- Local Planning Policy 3.1.5: Precinct 5 (LPP3.1.5)

### **Consultation:**

#### Public Consultation

The application was advertised to the public from the 7 August 2023 until 4 September 2023 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on the site frontage, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also held on the 4 September 2023 at the City's library.

In response, the City received a total of 10 submissions; 8 raised concerns/objections to the proposals and 2 were in support of the development. Full details and a schedule of the public submissions can be found at **Attachment 17** that also includes the applicant's responses to these comments.



The matters raised in the submissions (summarised) are discussed below and/or elsewhere in this report as indicated in the following table:

**Table 1. Summarised Public Submissions and Officer Responses**

<b>Issue Raised</b>	<b>Officer comments</b>
Concerns were raised over the height of the development which would exceed that of adjacent developments and dominate the streetscape and locality in terms of scale.	Detailed comments on the building height, scale and bulk are provided within the officer comment section of this report including an assessment of the proposal against the relevant building height controls for the subject site.
Concerns were raised regarding the adverse impact the development would have upon the heritage significance of the adjacent Princess May Park and other heritage listed places within proximity to the development.	Detailed comment on the heritage impact of the proposal is provided by the Heritage Council of Western Australia (HCWA) and the City's Heritage Officers in the following sections of this report and evaluated in the officer comment section of this report.
Concerns were raised regarding the architectural design and appearance of the proposal and that it did not fit in with the character of Fremantle.	The design of the proposal has been considered and evaluated in detail by the City's Design Advisory Committee (DAC), detailed in the relevant DAC section of the report below.
Concerns were raised the proposal would impact activities and trees within the adjacent Princess May Park.	These concerns are also held by City officers and no development is permitted within the Princess May Park and protections will be in place to prevent damage to the adjacent park and the trees within.
Concerns the construction and servicing of the proposal will be a significant disruption to traffic and servicing of adjacent properties.	The construction and servicing of the proposal will be subject to City approval of a Construction Management Plan and Waste Management Plan with an aim to mitigate any amenity impact or disruption to adjacent properties are to be secured by appropriate conditions of approval.
Concerns the plant on the roof of the development will cause adverse noise impacts upon adjacent residential dwellings.	Potential noise emissions from the rooftop heat pumps and cooling towers have been addressed in the submitted acoustic report ( <b>Attachment 11</b> ), and acoustic design treatments have been recommended to mitigate any adverse impact on nearby noise sensitive land uses. These recommendations are to be secured by



	appropriate conditions of approval and the development will need to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.
Supportive comments were provided that commended the design and redevelopment of this site and how it may contribute to a rejuvenation of the areas generally.	The supportive comments are noted by Officers.

### Western Power

Western Power noted that the existing property contains a district substation located in the south-west corner of site and if the substation is to be relocated, then an alternative suitable location will need to be provided to Western Power, including all the requirements. The developer was required to submit an application for large scale relocation through the customer funded team.

The applicant confirmed that the project team was aware of the existing Western Power asset and is intending to relocate the substation to the eastern end of the basement as shown in the development plans.

The applicant acknowledged this is being worked through separately with Western Power, and the team has lodged a standard Design Quotation Application (DQA) with Western Power to progress this. This matter is being addressed directly with the service provider and is separate to this development approval process.

### Water Corporation

The Water Corporation confirmed the applicant made a separate application in May this year to outline their proposals to relocate/divert the sewer under the development site which was the main concern of the Water Corporation. The applicant previously received a response advising that their proposed sewer diversion would be acceptable and therefore the Water Corporation was satisfied any concerns could be addressed and were being handled under a separate process.

The Water Corporation did request an advice note on any approval to inform the proponent to liaise with and obtain further approvals from the Water Corporation to divert the sewer where relevant and this will be recommended should JDAP be of the mind to approve the application.

### Fremantle Port Authority

The Fremantle Port Authority requested that the relevant requirements of Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines (LPP2.3).

As the site sits in the 'Buffer Zone 2', these requirements will be secured by appropriate conditions of approval.



Heritage Council of Western Australia

The Heritage Council resolved that the proposal was considered in the context of the identified cultural heritage significance of the *Princess May Reserve* (including the Princess May Girls' School and Fremantle Boys' School building which sit in the reserve and the adjacent *Elders Woolstores*, 38 Cantonment Street, and the following advice was given:

*Findings*

- *Princess May Reserve has cultural heritage significance for its role in the development of education in Western Australia, and in more recent times, for its adaptation for ongoing community uses. It was the site of Princess May Girls' School and Fremantle Boys' School, both of which are still extant. The boys' school is rare as one of a small number of colonial buildings in the Victorian Tudor style to survive in an urban centre. It is a landmark of significant value to the community.*
- *Elders Woolstores, 38 Cantonment Street, has cultural heritage significance as a rare and good example of a massively scaled utilitarian warehouse building. It is also a landmark due to its massive scale and location lining the railway reserve to the north.*
- *The proposal is for an eight storey with basement mixed use development at 8 Point Street, Fremantle, which is adjacent to Princess May Reserve and in proximity to Elders Wool Stores, 38 Cantonment Street. The proposed development presents as an eight storey built form at the north boundary to take advantage of the relationship to Princess May Reserve, with the upper levels set back to mitigate the impact on the Elders Wool Stores, 38 Cantonment Street.*
- *Although the proposed development presents a more substantial built form to the north boundary than previous proposals that stepped down towards the Reserve, it is not considered to have an adverse impact on the cultural heritage significance of Princess May Reserve or Elders Woolstores, 38 Cantonment Street.*
- *Due to the proximity of excavation to the former Fremantle Boys' School, it is recommended that appropriate strategies are implemented prior to and during the works phase.*

*Advice*

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

- 1. A dilapidation survey of the former Fremantle Boys' School is to be prepared by a suitably qualified professional prior to any works being undertaken.*
- 2. The Construction Management Plan should include:*
  - c) an appropriate strategy for the protection of landscaping to Princess May Reserve.*
  - d) vibration monitoring of the former Fremantle Boys' School including a requirement for alarmed monitoring of deformation, tilt, vibrations and existing cracks with a trigger level set at 2mm/s for the unit.*
- 3. All contractors are to be made aware of the potential for archaeological material to be uncovered during excavation works, and a clear procedure is to be in place to ensure that any archaeological material is dealt with appropriately.*



Should JDAP be of the mind to approve the application, the recommended conditions above would be applied to any determination.

#### CoF Heritage Comment

The City has reviewed the proposal and the applicant's Heritage Impact Statement (**Attachment 7**).

The existing development at 8 Point Street has little heritage value as it contains no built fabric of cultural heritage significance and is unlikely to contain any sub-surface archaeological material related to earlier uses and buildings on site. The demolition of all existing structures on site and construction of the proposed 8 storey mixed use development will have no discernible impact on the heritage value of 8 Point Street.

8 Point Street is surrounded by several places whose considerable cultural heritage significance is recognised by their inclusion on the State Register of Heritage Places. Princess May Reserve is adjacent to 8 Point Street and the Elders Wool Stores and St Patrick's Basilica are located opposite the site on Cantonment and Adelaide Streets. Princess May Reserve contains the former Fremantle Boys School (currently DADDA), the former Princess May Girls School (currently Fremantle Education Centre) and Household Management Centre (currently Clancy's Fish Pub) together with limestone boundary walls and historic trees. Princess May Reserve is also included on the City of Fremantle Heritage List and has been allocated the highest management category on the Local Heritage Survey for its exceptional contribution to the cultural heritage significance of Fremantle.

Concerns about the need to protect the setting of Princess May Reserve by graduating the height of any adjoining new development of the subject site led to special height controls across the subject site with lower building heights set for part of the site where adjacent the park (site 3A) with the bulk of the remainder of the site (3B) having a greater permissible building height. As a result, given some variations are proposed to these building height controls, particularly where adjacent the park, careful consideration needs to be given as to how the proposed development may affect the setting of these heritage places and how the construction process may affect the condition of these significant heritage places.

Ultimately, the Heritage Council of Western Australia (HCWA) reviewed the proposed developments' impact upon all of the adjacent heritage places included on the State Register of Heritage Places and have advised that they support the proposed development subject to several conditions. These conditions relate to the protection of the Fremantle Boys School during construction and to ensure that any archaeological material found on site will be treated appropriately (refer detailed HCWA comment above).

#### CoF Waste

The City provided commentary on the Waste Management Plan submitted with the application initially and the applicant responded to these comments with the preparation of a revised Waste Management Plan (**Attachment 13**).

The City reviewed the amended Waste Management Plan and while generally supportive had some additional comments and advice before the plan could be approved. This advice included recommendations in relation to bin collection frequencies and optimisation, bin size/types and advice to assist strata management and responsibilities. At the time of writing this report



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the plan had not been updated further and therefore an amended plan will be required for City approval via appropriate conditions of approval should JDAP be of the mind to approve the application.

CoF Sustainability

The City provided commentary on the Sustainability Report submitted with the application (**Attachment 8**) and in response, the applicant provided an additional memo addressing how the proposal will be targeting GBCA Green Star 5 Star equivalency.

Should JDAP be of the mind to approve the application, appropriate conditions of approval are recommended to secure the proposals 5 Star Green Star equivalency as is proposed.

CoF Environmental Health

The City reviewed the proposal and recommended a number of standard conditions and advice notes should the application be approved.

Furthermore, the placement of some laundries is non-compliant with the City's *Health Local Laws 1997* and the *Health Act (Laundries and Bathrooms) Regulations (WA)*. Environmental Health have advised amended plans will be required with the laundries separated from kitchens in a separate room in accordance with the above legislation.

The applicant responded with an understanding the referenced laundry requirements under the City's Health Local Law (1997) are intended to apply to single dwellings only. The laundries within the development are designed to comply with the National Construction Code requirements for multiple dwellings and are considered acceptable accordingly.

The City acknowledged this response but their advice would not be modified for the following reasons:

*The development is made up of dwelling houses, under the definition of the Health Local Laws 1997 (Local Laws):*

*"dwelling house" means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located"*

*As such, it is required to comply with both the National Construction Code and the specific requirements of the Local Laws. These requirements are also drawn from Health Act (Laundries and Bathrooms) Regulations which remains legislation in force.*

On this basis, an appropriate advice note is recommended in relation to amended plans being required to address the placement of some laundries in kitchen areas in accordance with City's *Health Local Laws 1997* and the *Health Act (Laundries and Bathrooms) Regulations (WA)*.

CoF Infrastructure Engineering

A number of conditions and advice notes in relation to demolition/construction management, works within and or impacting road reserves, crossovers, car parking layout/manoeuvrability, obstruction and stormwater are recommended.



These recommended conditions and advice notes shall be applied in full, should JDAP be of the mind to approval the application.

#### CoF Landscape and Parks

Detailed comment was provided to the applicant on the landscaping report and plans initially submitted with the application. In response, the applicant has prepared amended landscaping plans (**Attachment 6**). The City's reviewed the amended landscaping and development plans raised some further queries and provided some additional advice on the landscaping proposals and suggestions regarding the proposals impact and interaction with the adjacent road reserves and Princess May park.

The landscaping report plans are not yet endorsed, with some improvement and detail still required and therefore, appropriate conditions of approval are recommended.

#### CoF Parking Technical Services

There is proposed to be a loss of four (4) street parking bays along Point Street adjacent the development site to make way for vehicle access to the parking levels of the development and a dedicated hardstand are for fire and emergency services. The loss of these street parking bays could result in a loss of street parking revenue from each of these bays (approx. \$5000 per bay, per annum).

The applicant provided the following response to the above comment:

*With respect to the loss of on-street parking bays on Point Street, this is a function of needing to appropriately service the development in a manner that accommodates both the City's preferred waste collection arrangements and the Department of Fire and Emergency Services access requirements.*

*Replacing the five on-street bays on Point Street that will be removed in another location immediately adjoining the subject site is also not a feasible option in this instance, on the basis that:*

- *The Adelaide Street frontage is already occupied by on-street parking bays along its full length; and*
- *The existing cross section of Cantonment Street prevents the provision of on-street parking immediately adjacent the subject site.*

*It is noted however that the loss of bays on Point street could be further minimised by providing for time limited parking within the proposed on-street waste collection bay.*

*However, as this matter relates to works within the road reserve, it is considered that the exact configuration and usage restrictions for remaining on-street parking bays can be resolved separately to the development application process, and is ultimately within the City's control.*

*With respect to the issue of lost revenue for the City associated with the loss of on-street fee paying car parks, we also note the considerable resident base that the proposed development will accommodate, and the resultant annual residential rates this will generate for the City on an ongoing basis.*





While the loss of four (4) street parking bays in adjacent road reserve surrounding the development and the revenue associated with these bays is noted it is considered by officers to be offset and balanced against the positive contribution this development will make to activating and revitalising this part of Fremantle and delivering on strategic goals to increase the resident population within the City centre.

#### Design Review Panel Advice

The applicant engaged with the City's Design Advisory Committee (DAC) a total of three times, once prior to lodgement of the application and twice following its submission (at the DAC meetings in June, August and October 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 (SPP7 - Design of the Built Environment):

Full details of all the DAC meeting minutes (DR1 – DR3) can be found at **Attachment 16** to this report. The latest DAC meeting minutes (DR3 – 9 October 2023) considered the amended development plans (**Attachment 2**) that were prepared in response to the previous DAC meeting comments and recommendations (DR2) and included a presentation for the panel to talk through these design responses (**Attachment 15**).

The latest DAC meeting (DR3) minutes are provided as follows:

#### **A. Strengths of the Proposal**

*The DAC commends the Applicant for addressing the DR2 recommendations and for providing the following positive design outcomes with some recommendations for further improvement and clarification:*

- *Improved massing and detailing, particularly of the north-eastern building achieved through treatment of the slab and framing on the façade that relieves the previous horizontality, however, refer to the note below on a suggested improvement.*
- *The DAC reiterates its support for the design measures to manage the additional building height and variations sought to the planning framework.*
- *New F & B use in the north-eastern ground floor corner of the building should enable people to activate and interact with Princess May Park (Park) and Adelaide Street, however, refer to the note below on a suggested improvement.*
- *Extended Co-working/Coffee Shop use along the southern ground floor of the building should enable people to activate and interact with Point Street.*
- *Improved provision of deep soil area for trees and landscaped terracing in the publicly accessible northern ground level recessed open space on the site better relates to the Park, however, refer to the note below on a suggested improvement.*



- *Improved extension of the canopy to 2.4m over the footpath along most of Adelaide Street and Point Street should improve pedestrian amenity, however, refer to the note below on a suggested improvement.*
- *Some improvement to the access of natural light and potentially ventilation via glazed openings in the communal corridors in the L-shaped building, however, refer to the note below on a suggested improvement.*
- *Improved landscape design for the podium deck with increased opportunities for residents to partake in different activities.*
- *Options presented for building servicing and waste management that the City of Fremantle will assess; the key design requirement is for minimal impact of servicing and waste collection on the public realm of the streetscape and its existing infrastructure.*
- *Improved provision of Liveable Housing numbers in both the Silver and Gold standards.*
- *Improved opportunities for interaction and passive surveillance of the street by residents in the ground level units along Cantonment Street; the balcony design includes a mix of solid balustrades with visually permeable railings and planter boxes.*

**B. DAC comments on further design improvement or clarification**

**1. Architectural expression and articulation of Adelaide Street**

*The DAC reiterated that the architectural language has generally achieved a high quality of design.*

*The DAC recommends, however, referring again to the concept massing diagram that showed a façade break in the building form along the Adelaide Street frontage to reduce its overall scale.*

*While the current recess for the escape stair assists with some articulation, consider the scope to further refine the façade design. For example, this could be achieved by integrating the recess with an additional vertical circulation core, or communal ‘break out’ spaces on each floor with glazing for an outlook to the City (refer also to point 5).*

**2. Interaction between the F & B al fresco and the northern ground level recessed open space with Princess May Park**

*The DAC strongly supports both the new F & B with al fresco use in the north-eastern ground floor corner of the building facing both the Park and Adelaide Street, and the north facing recessed ground level open space with landscaped terraces and further al fresco.*

*The DAC notes the F & B raised al fresco areas include operable security screens, and the recessed open space is fenced at the boundary. These two uses, therefore, would be publicly accessible from the Park only within business opening hours.*

*To contribute greatly to the community benefit aspects of this development and synergy with the Park, the DAC suggests a sense of openness and direct public accessibility to the F & B raised al fresco areas and the ground level recessed open space, coupled*



*with appropriate measures for safety and security.*

**3. Synergy between the proposed development and the Park**

*The DAC at DR2 sought greater synergy between the proposed development and the Park, rather than only the development gaining from the Park without giving back any community benefit. The introduction of the new F & B use with al fresco and the recessed open space are now two areas capable of benefitting the community as a whole.*

*To further increase people activity and interaction at the shared northern boundary between the development and the Park, the DAC strongly suggests reinstating the previous stair connection to the Park from the podium deck, and gated access from the ground level terraces of apartments and town houses.*

*The DAC suggests the Applicant provides an updated and detailed landscape plan and sections showing the northern interface design with the Park. Furthermore, the Applicant is advised to consult with the City of Fremantle about any plans for Princess May Park and the compatibility of the proposed development's interface condition (in relation to both points 2 and 3).*

**4. Clarification on the extended canopy width and impact on street trees**

*Clarify that the extended 2.4m canopy width can co-exist with existing and any proposed new street trees in both Point Street and Adelaide Street.*

**5. Communal amenity and accessibility to apartments in the L-shaped building**

*The L-shaped building only has one entrance lobby for pedestrians from Adelaide Street. This lobby contains one vertical circulation core that serves 166 apartments over seven floors, furthermore, the communal corridor distances are 50m or more in length for each building leg.*

*The concern is that this arrangement for circulation is inconvenient, does not provide residents and their visitors with high quality amenity, or even a pleasant "welcome home".*

*The Applicant should consider:*

- Additional vertical circulation cores to lessen the long length of corridors walked by people to apartments.*
- In tandem with the additional circulation cores, provide residents' communal 'break out' spaces on each upper floor with glazing on external walls for natural light and ventilation to enter these spaces and to permeate into the corridors.*

**6. Amenity of specific apartments**

*The Applicant should consider the amenity of apartments and associated outdoor living areas at the south-western leg of the L-shaped building and facing the northern block; the building separation distance is about 12.6m. As the internal façade drawings were not included for review, the DAC suggests further consideration to minimise overlooking between apartment openings and balconies (and without recourse to screening), together with improved access of natural light and air.*

*The DAC also suggests further refining the apartment design or landscape or both elements on the podium deck to minimise overlooking particularly into bedroom*



*windows.*

**7. Clarification on ‘concrete look cladding’ noted in the Materials and Colours schedule.**

*The Applicant advised the ‘concrete look cladding’ for the façade would be a high quality and versatile GRC (glassfibre reinforced concrete) cementitious material.*

*The DAC notes this and reiterates that the materials and colours selection should respond carefully to the local Fremantle context.*

**C. Concluding Comments**

*The DAC supports this high-quality design and mixed-use development, for a major site in the Fremantle city centre and in a place of significant heritage, character and community use, subject to the following improvements and clarification:*

- Improve the architectural expression and articulation of the façade ‘break’ on Adelaide Street.*
- Provide greater openness and accessibility between the community that uses Princess May Park and the F & B alfresco and the ground level recessed open space on the site.*
- Improve the synergy at the northern ground level interface between the proposed development and the Park. Reinstate the podium stair connection and gated access from the residents’ terraces.*
- Clarify any impact on existing and proposed street trees by the extended canopy width.*
- For the L-shaped building, improve residents’ vertical circulation, communal amenity and accessibility to apartments on each floor.*
- Improve amenity and privacy of apartments (specifically the south-western leg of the L-shaped building facing the northern block, and bedrooms next to the podium deck landscape).*

As noted in the concluding comments above, the DAC support design of the proposal and consider it to be of high-quality in accordance with the design principles of SPP7 (Design of the Built Environment), subject to a number of additional improvements.

The applicant considered the final recommendations of the DAC above and provided a ‘Response to Design Advisory Committee Advice (DR3)’ letter, dated 24 October 2023, and accompanying ‘DAC 03 Recommendations & Responses’ document (refer **Attachment 19**) outlining and depicting a number of design responses to the DAC advice, summarised as follows:

- The façade ‘break’ to the Adelaide Street elevation to be further emphasised by recessing the upper ridgeline of the stairwell roof creating a more defined break and some scale relief across the elevation. A similar recess is to be applied to the Point Street stairwell to breakdown the length of the elevation (refer page 5 of Attachment 20).
- Further direct connection and openness of the café/restaurant tenancy on the northern elevation for direct access and connection to the adjacent Princess May Park (refer pages 6 & 7 of Attachment 20).
- A direct stair connection with a secure gate to be provided for residents to the adjacent Princess May Park can be directly accessed from the communal landscaped courtyard at



- podium level (refer pages 6 & 7 of Attachment 20).
- Private direct resident access from ground floor dwellings that are adjacent the Princess May Park to be provided in consultation with the City of Fremantle (refer page 7 of Attachment 20).
- Breaks in the Adelaide Street Canopy to be coordinated in detailed design with the City of Fremantle street tree planting plans (refer page 8 of Attachment 20).
- Termination of corridors to be setback on alternate floors, creating double height breakout spaces to improve natural daylight/sunlight in corridors and provide views out to the park to the north and port to the west. Length of corridors broken by an escape stair that also allows for natural daylight/sunlight penetration to corridors (refer page 9 of Attachment 20)
- The 1-bed southern corner apartments in the northern block to be reorientated east-east to focus outlook onto internal courtyard and Cantonment Street, with hi-lite windows and screening introduced to southern openings to address potential visual privacy concerns with north facing apartments in the southern blocks (refer page 10 of Attachment 20).

These design responses to DAC recommendations have not been reviewed by the City's DAC, however, they are considered by Officers to address and/or respond to the previous DAC advice positively.

However, it is acknowledged that the applicants' design responses have not been reflected in a revised set of development plans with the applicant requesting these changes be secured by an appropriate condition of approval to ensure they are made. It is noted by officers that many of the recommended design improvements would not result in any significant change to the proposal overall and would not require additional planning assessment or discretion to be evaluated. As such, should the JDAP be of the mind to approve the application, officers recommend that the design improvements outlined in **Attachment 20** can be secured by appropriate conditions of approval.

### **Planning Assessment:**

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

- Zone Objectives and Land Use;
- Schedule 7: LPA1 (City Centre) Sub-Area 1.3.2 Development Requirements;
- LPP3.15 – Precinct 5 Design Guidelines;
- On-site Parking;
- R-Code Vol. 2 Elements;
- Heritage Impact;

### Zone Objectives and Land Use

The objectives for the City Centre zone are set out in Clause 3.2.1(b) of the City's LPS4, which are stated as follows:

- 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*
- 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 proposal is considered to address the objectives of LPS4 for City Centre zone, as the development would contribute to the residential population within the City Centre which is a key strategic goal of the City and provide other complimentary land uses (Restaurant/Café and Office) which are consistent with, and appropriate within, the region-serving role and tourist destination that is the Fremantle City Centre.

The land use permissibility of each proposed use, as per the LPS4 Table 1 – Zoning, within the City Centre zone is outlined as follows:

- Multiple Dwelling ('D' – discretionary);
- Office ('P' – permitted); and
- Restaurant/Café ('D' – discretionary).

On the basis of the above, the proposal is considered to satisfy the objectives of the City Centre and the land uses are considered acceptable in principle, subject to compliance with other policy provisions, as evaluated below.

Schedule 7 - LPA1 (City Centre) Sub-Area 1.3.2 (Sites 3a & 3b) Controls

The following table evaluates the proposals compliance with relevant provisions within the LPS4 Schedule 7 sub-area development controls:

LPA1 City Centre - Sub-Area 1.3.2	
Provision	Officer Comment
<p><i>(a) Notwithstanding the provisions of Table 1– Zoning:</i></p> <p><i>(i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Street, Adelaide Street and Kings Square;</i></p> <p><i>(ii) Land uses at ground level adjacent to Queen Street, Adelaide Street and Kings Square shall contribute to generating interest and activity within the adjacent public realm; and</i></p> <p><i>(iii) A minimum of 15% of the net lettable area within all new development on sites with a development site area greater than 3000sqm shall be provided for Office use.</i></p>	<p>(i) <b>Complies</b> – ground floor residential uses provided to Cantonment and Princess May Park though not to the Adelaide Street frontage.</p> <p>(ii) <b>Complies</b>; Office and Restaurant/Café uses provided to Adelaide Street frontage</p> <p>(iii) <b>Supported</b>; proposed 'Office' land uses only represents 1.35% of total plot ratio area - <i>refer detailed discussion below table.</i></p>
<p><i>(b) New development fronting Queen Street, Adelaide Street and Kings Square shall incorporate design measures to–</i></p>	<p>(i) <b>Complies</b>; revised plans demonstrate 2.4m continuous canopy provided to Adelaide Street frontage</p>





<p>(i) Provide continuous weather protection at ground level for pedestrians along these streets and public spaces; and</p> <p>(ii) Generate interest and activity within the adjacent public realm.</p>	<p>(ii) <b>Complies</b>; Office and Restaurant/Café uses provided to Adelaide Street frontage.</p>
<p>(c) New development at ground level adjacent to other streets and public areas not identified in a) and b) above may incorporate a mix of land uses and shall incorporate design measures to contribute to an interesting and diverse public realm.</p>	<p>(c) <b>Complies</b>; revised plans demonstrate restaurant/café uses partially provided to Point Street and Princess May park, residential uses to ground floor of Cantonment Street frontage</p>
<p>(e) Building heights shall be in accordance with the requirements set out in the table below-</p> <p>Sub-Area 1.3.2-3a: 17.5m</p> <p>Sub-Area 1.3.2-3b: 21/24.5m*</p> <p>*If not visible (setback) from street frontages and integrated into building design.</p>	<p><b>Variations Proposed:</b></p> <p>3a: Building heights between 20 - 26m (2.5m – 8.5m variation) for the 6-8 storey building elements on eastern and western side of site at this northern end of the development.</p> <p>It should be noted that the large void area (approx. 35m wide x 43m deep) between taller building elements on the eastern and western side of the site, providing the landscaped podium level at level 1 has a maximum height of only 5m and provides a central relief of built form between these taller building elements across the northern elevation (refer Figure 3 below and the northern elevation of the proposal).</p> <p>3b: Building height 26m (5m variation) – visible from public street.</p> <p><i>Refer detailed discussion below table.</i></p>
<p>(f) Where a specific Local Planning Policy has been adopted to enable this provision, the Council may, at its discretion, permit up to the maximum building height as set out in clause (e) where–</p> <p>(i) the development site is 3000sqm in area or greater; and</p> <p>(ii) the footprint of the portion of the development with additional building height occupies no more than 40% of the total development site area</p>	<p><b>N/A</b> – sub-area sites not provided additional building heights via clause (f).</p>



<p><i>(g) In the front elevation of all new development the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.</i></p>	<p><b>Partially Complies</b>, supported – all ground floor levels within 600mm of adjacent footpath (max. 544mm);</p> <p>1<sup>st</sup> floor level at 4.0m in lieu of 4.5m (500mm variation), minor variation considered acceptable as still achieves objective for differentiation of ground floor floor to ceiling heights compared to upper levels.</p>
<p><i>(h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved.</i></p> <p>Sites 3a and b; Min. Nil, Max. 2m to all surrounding streets</p>	<p><b>Complies</b>; the development maintains a nil setback to the main column line along the Adelaide Street, Point Street and Cantonment Street boundaries as well as the Princess May Park.</p>
<p><i>(j) The General site requirements specified in Table 2.1 of the Residential Design Codes Volume 2 for development at R-AC 3 density do not apply to any type of residential development in Sub Area 1.3.2.</i></p>	<p><b>Noted</b>; covers elements of building height, boundary walls, street and side/rear setbacks, plot ratio.</p>
<p><i>(k) Applies to sub-area site 13 only.</i></p>	<p><b>N/A</b></p>
<p><b>Car Parking–</b></p> <p><i>(l) The provisions of clauses LPS4 4.7.1 to 4.7.4 inclusive do not apply for Office land uses where located above ground floor level.</i></p> <p><i>(m) The provisions of LPS4 clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.3.2.</i></p> <p><i>(n) The provisions of clauses LPS4 4.7.1 to 4.7.4 inclusive do not apply for visitor parking for residential land uses.</i></p>	<p><b>Noted.</b></p> <p><i>Refer detailed car parking assessment in following sections of report</i></p>
<p><b>Special Conditions of Planning Approval–</b></p> <p><i>(o) The Council may impose a condition on planning approval for any new development in Sub Area 1.3.2 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1.3.2, which include zero minimum side and rear setbacks.</i></p>	<p><b>Noted.</b></p>





Schedule 7 - Sub area 1.3.2 requires a minimum 15% of the net lettable area (nla) within any new development with a development site area greater than 3000m<sup>2</sup> to be provided for Office use. The applicant proposes approximately 1.35% nla of the development on the ground floor (consisting of a double volume space) fronting Adelaide Street to incorporate three Office spaces (approximately 213m<sup>2</sup> of floor area in total). The main purpose of the 15% office requirement stemmed from the LPS4 Amendment 49 which created the sub-area provisions and was to deliver on a key objective of the City's Strategic Plan and Economic Development Strategy at the time for the provision of new, high quality office floorspace within the city centre.

Accordingly, the applicant is seeking discretion under clause 4.8.2 of LPS4 to waive the office floor space requirement of Schedule 7. This clause is reproduced below:

*"The Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:*

- (a) The variation will not be detrimental to the amenity of adjoining properties or with the locality generally;*
- (b) Conservation of the cultural heritage values of buildings onsite and adjoining; and*
- (c) Any other relevant matter outlined in Council's local planning policies."*

The proposed uses of Multiple Dwelling and Restaurant/Cafe in lieu of additional Office space is not considered unreasonable given that the overall development provides an appropriate mix of uses which are sympathetic to each other and cohesive within the City Centre. The mix of uses is also considered to facilitate the active use of the development across primary frontage (Adelaide Street) which includes the office tenancies.

A greater number of residential dwellings in place of office floor space will also help to deliver on a key objective of the City's Strategic Community Plan to have a far greater resident population within the city centre. A greater resident population with the city centre will help sustain and support a vibrant city, diversify the local economy, support local businesses, improve passive surveillance/safety and provide greater activation outside of typical business hours.

It is also noted that the current market demand for office space within the City Centre remains low and such tenancies may remain vacant if provided.

In terms of detrimental impacts to amenity created by this office shortfall, there are considered to be no major issues that would arise, apart from an increase of car parking requirements due to Office car parking requirements being exempt under the provisions of Schedule 7 of LPS4; however, parking is discussed in detail in the following sections of the report.

It should also be noted the two previously approved developments at the subject site in 2015 and 2020 were similarly supported with a discretionary variations, well below the 15% office floorspace requirement. As such, the reduction of net lettable Office area is therefore supported.

### *Building Height*

As noted in the table above, the sub-area provisions prescribe a permitted building height of 17.5m for site 3a (within 15m of the Princess May Park frontage) and 21m for site 3b (the remainder of the subject site) with the ability to go to 24.5m within site 3b provided the additional

building height is set back from the street façade, is not visible from the street and is integrated into the building design.

The proposed development exceeds the permitted building heights within site 3a (building heights proposed: 20 - 26m (representing a 2.5m – 8.5m variation)) and within site 3b (building height proposed: 26m (representing a 5m variation)). It is also noted that all additional building height is considered visible from the adjoining public realm though is considered integrated within the overall design of the building.

The following images depict the building heights proposed across the eastern (Adelaide Street) and northern (Princess May park) in the context of the controls across sites 3a and 3b with the yellow highlighted areas showing portions of the building above the prescribed height limits (brighter yellow indicates portions of building above the upper maximum building heights prescribed for each site (3a and 3b):



**Figure 1. Eastern (Adelaide Street) elevation showing portions of building above prescribed height limits (brighter yellow indicates portions of building above the upper maximum building heights prescribed for each site (3a and 3b).**



**Figure 2. Northern (Princess May Park) elevation showing portions of building above prescribed limits.**

Any proposed variations to the building height controls within Schedule 7 of the LPS4 are considered pursuant to clause 4.8.1 of the City's LPS4, which states as follows:



*'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.'*

The initial trigger of the above clause is whether the subject site contains or is adjacent to a building that depicts a building height greater than specified in the scheme. It is noted that it is not necessary that there be multiple buildings exceeding the height requirements, and it has been previously established at SAT that the term adjacent has a wider meaning than immediately adjoining sites and can include buildings nearby or close to the property.

Two of the taller buildings which are considered adjacent to the subject site (both approximately 50m south of the subject site) are the existing buildings at i) 52 Adelaide Street (known as the *Little Lane Apartments* and is identified as part of site 4 within sub-area 1.3.2 of Schedule 7); and, ii) the building at 23 Adelaide Street (known as *Johnson Court* and identified as part of site 6a within sub-area 1.3.2 of Schedule 7):

- i) The building height of the approved (City ref. DAP004/16) and recently constructed *Little Lane Apartments* measures 24.5m and is prescribed a base building height limit of 21m with a maximum building height of 24.5m which is permitted under the sub-area provisions *where the portion of building exceeding the Permitted Building Height is sufficiently set back from the street facade so as to not be visible from the street(s) and/or public open space(s) adjoining the site; and, the design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.*

The building height of this building is compliant in terms of height under the LPS4 sub-area provisions, as plans demonstrated a maximum height of 21m (to the Adelaide street façade) with portions of the building (up to 24.5m) being both sufficiently setback from Adelaide Street so as to not be visible from the street; and the design of the portions above 21m being integrated with the design of the overall building.

- ii) The building height of the long existing *Johnson Court* (constructed in 1970s) building measures 26.57m where adjacent Adelaide Street from the street with a maximum building height of 31m to the lift/stair overrun (as taken from 1969 Building Permit plans). The site is prescribed a base building height of 21m with a maximum building height of 24.5m which is permitted under the sub-area provisions *where the portion of building exceeding the Permitted Building Height is sufficiently set back from the street facade so as to not be visible from the street(s) and/or public open space(s) adjoining the site; and, the design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.* It is noted the 26.57m height is visible from the street as this is the height of the elevation that is closest to Adelaide Street and is not setback from the levels below.

It is also noted that this site (6a) is prescribed a further maximum building height under the sub-area provisions of 31.7m where the building satisfies the sub-area provisions of clause (f). It is noted that the existing building would satisfy the first two provisions of this clause (i) and (ii) relating to min. 3000sqm site area and building height footprint. However, due to the age and design of the building would not satisfy the additional requirements (i) – (v) relating to: distinctive architecture, best practice environmentally sustainable design, amenity impact, high quality landscape design or affordable housing provision.

On the basis of the above, it is considered that the building height of the existing *Johnson Court* building at 26.57m to the Adelaide Street elevation exceeds both the base building height limit (21m) and the maximum building height limit (24.5m) prescribed for the site under the scheme and is not eligible for the additional maximum building height (31m) under clause (f) of the sub-area provisions. As such, the proposed variations to the prescribed building heights for the subject site are eligible for consideration under LPS4 clause 4.8.1. The applicant has also submitted a legal opinion that advises the building height variations can be considered under clause 4.8.1 of the LPS4 (refer **Attachment 18**).

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

- 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 adjacent *Princess May Reserve* (and the heritage buildings contained within the reserve) or the *Elders Woolstores*, 38 Cantonment, all of which are heritage places.
- Where adjacent the Princess May Reserve, a significant void in the built form is provided (approx. 35m wide by approx. 43m deep) where the landscaped podium deck at first level opens at its northern end to the park below between the taller building elements on the eastern and western side of the site. This void provides a relief in the built form and reducing the impact of bulk upon this adjacent reserve (see image below).



**Figure 3. Image showing northern elevation of the building adjacent Princess May Park and the void of built form (green highlighted area).**

- The bold nil setbacks to the street frontage and minimal setbacks to the upper floors of the building reflect similar developments in the locality including the adjacent woolstores building that has a nil setback to boundaries strong street facades. The nil setbacks and openings and access points along all street frontages improve activation and passive





surveillance of the locality. Amendments to elevations have been made on advice from the DAC to better integrate and differentiate the upper floors and provide additional articulation and 'breaks' in the façade to assist with the overall bulk of the proposal. The DAC reiterated that the architectural language has achieved a high quality of design and the applicant has agreed to adopt some final recommendations from the DAC to improve these elements further (refer recommended condition).

- The additional building height does not significantly vary the maximum building heights prescribed to the subject site (essentially one additional storey) and is comparable to the building heights of the existing *Johnson Court* (26.57m) and *Little Lane Apartments* (24.5m) buildings.
- It is noted the DAC supported the height and massing of the proposal and recommended design solutions to manage and reduce the visual perception of bulk through the use of articulation, material differentiation and 'breaks' across the building facades which have been adopted by the applicant successfully. As such, the additional building height is considered successfully integrated into the overall design of the building.
- The building height is considered, to an acceptable degree, to graduate between the building heights of the adjoining lower scale (2-3) storey buildings within the Princess May Park and eastern side of Adelaide Street, to the *Woolstores* building (21m) and QVA Apartments at 74 Cantonment Street (6 storeys – approx 24m) on the western side of Cantonment Street and onto the *Johnson Court* (26.57m) and *Little Lane* apartments (24.5m) to the north of the site. It is also noted that other sites within the sub-area, yet to be redeveloped, do have the capacity to be built up to a maximum of up to 38.9m in some cases where clause (f) provisions can be satisfied.
- The additional building height is not considered detrimental to the amenity of any adjoining residential dwellings as any additional overshadowing simply falls on existing non-residential properties on the southern side of Point Street and in particular, would not impact the residential dwellings within the *Little Lane Apartments* which are set, at a minimum, 50m to the south of the subject site and are not impacted by the proposed shadow cast by the building at the winter solstice (June 21 at 12pm - refer shadow diagrams provided at pages 117 and 118 of **Attachment 5**).

As such, the building height of the development is deemed acceptable and is considered to respond appropriately to the existing and desired future scale and character of the street and locality generally.

#### LPP 3.1.5 – Precinct 5

LPP 3.1.5 provides development controls and design guidance within Precinct 5 that covers an inner part of the Fremantle City Centre area bounded by Elder Place, Parry Street, Holdsworth Street, Henderson Street and Market Street/South Terrace.

The following table evaluates the proposals' compliance with relevant provisions of the City's LPP 3.1.5 – Precinct 5:



LPP3.1.5 - PRECINCT 5	
Provision	Comment
<i>5.1.1 Lower levels of the development should be designed to reinforce the significance of the primary streets with an appropriate scale and high standard of details, materials and finishes.</i>	<b>Complies</b>
<i>5.1.2 Development is encouraged to incorporate a mix of active land uses at ground level that extend the hours of activity in the adjacent public domain beyond traditional retail hours.</i>	<b>Complies</b> – as per revised plans additional restaurant/café use provided at north-east corner of building front Adelaide Street and the Princess May park.
<i>5.1.3 Residential uses and on-site vehicle parking are not permitted at ground level adjacent to primary streets.</i>	<b>Complies</b> – as per revised plans
<i>5.1.4 Multiple ground level tenancies shall be provided and shall obtain their main public pedestrian entry directly from and level with the primary street. Wide building frontages with a single use or tenancy should be limited.</i>	<b>Complies</b>
<i>5.1.5 Ground floor frontages are to be predominantly glazed or open to the street and shall incorporate design measures to contribute to an interesting, safe and diverse public realm.</i>	<b>Complies</b>
<i>5.1.6 No vehicle access, blank walls and/or service areas should be located on primary street frontages if alternative locations are available. If vehicle access is necessary from the primary street, vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible.</i>	<b>Complies</b>





<p><i>5.1.7 Weather protection along footpaths for pedestrians shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:</i></p> <p><i>a) Shelter to be continuous along all primary street frontages;</i></p> <p><i>b) The weather protection shall be integrated with the building design, appropriately scaled and designed to reinforce the importance of primary streets while still providing shelter and a sense of enclosure for pedestrians;</i></p> <p><i>c) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);</i></p> <p><i>d) The weather protection shall project a minimum horizontal distance of 2.4 metres over the adjacent footpath; and</i></p> <p><i>e) Awnings shall have a consistent clear height from footpath level of between 3m and 3.5m.</i></p>	<p><b>Complies</b> – as per revised plans canopy to Adelaide Street is now continuous and projects 2.4m over footpath, canopy cover also provided to approximately half of Point Street frontage (noting Point Street is not identified as a ‘Primary Street’ under the policy).</p>
<p><i>5.2.1 Ground level frontages to secondary streets may incorporate a mix of land uses and must incorporate design measures and passive surveillance to contribute to an interesting, safe and diverse public realm.</i></p>	<p><b>Complies</b> - Secondary Street frontages include residential units, in addition to lobbies and commercial spaces, which provide passive surveillance over areas of public realm in addition to dwellings above.</p>
<p><i>5.2.2 Retail and commercial floorspace shall provide major pedestrian entries directly from and level with from the street.</i></p>	<p><b>Complies</b></p>
<p><i>5.2.3 Weather protection along footpaths of secondary streets adjoining retail/commercial/entertainment uses shall be provided, either in the form of awnings or first floor balconies, and satisfy all of the following:</i></p> <p><i>a) The weather protection shall be integrated with the building design;</i></p> <p><i>b) The weather protection shall be permanently fixed and shall be constructed of materials that provide sun and rain protection (i.e. a high degree of sun shading and water impenetrability);</i></p>	<p><b>Complies</b> – Revised plans demonstrate an awning is provided over part of the Point Street frontage covering areas of the Restaurant/Café tenancy frontage (a continuation of the 2.4m projecting awning to Adelaide Street), awnings over residential dwellings at ground level not provided but are not required by this clause.</p>



<p>b) <i>The weather protection shall project a minimum horizontal distance of 2 metres over the adjacent footpath; and</i></p> <p>d) <i>Awnings shall have a consistent clear height above footpath level of 2.75m</i></p>	
<p><i>5.2.4 Vehicle entrance points and services areas are to be integrated in to the overall building design and shall minimise detracting from the pedestrian environment and street vitality. Vehicle crossovers are to be minimised, consolidated and shared where possible. On-site vehicle parking is not permitted at ground level adjacent to secondary streets.</i></p>	<p><b>Complies</b> -The proposed development consolidates the existing crossovers at the subject site into a single vehicular entry along Point Street, and contains all car parking within the building envelope to ensure it is not visible to the street.</p> <p>Street frontage service cabinets and rooms are also oriented towards Point Street and are integrated into the design of the proposed development with similar façade treatments.</p>
<p><i>5.2.5 Where residential uses are located at ground level, the design should achieve a clear distinction between the private place and public space, whilst still allowing for passive surveillance and interaction with the street.</i></p>	<p><b>Complies</b> – Ground floor dwellings fronting Cantonment Street are raised above street level and provided with operable screening to their associated outdoor terraces, to provide an appropriate balance of privacy, security, passive surveillance and activation</p>
<p><i>6.1 The significance of primary streets should be reinforced with continuous developed edges of consistent scale and massing that creates a strong sense of urban enclosure as well as framing and reinforcing views to major Fremantle landmarks that provide legibility and contribute to the city's image (refer Figure 6)</i></p>	<p><b>Complies</b> – The development provides a continuous built edge of a consistent scale along Adelaide Street, the sites primary street.</p>
<p><i>6.3 Views and glimpses of Fremantle landmarks, particularly to the port and of port infrastructure, are encouraged wherever possible at ground level along secondary streets and street pedestrian links and other openings between buildings, and from upper levels of new buildings.</i></p>	<p><b>Complies</b> – Apartments facing Cantonment Street are oriented to take advantage of any available views down Goldsbrough Street and over currently vacant site for views to port.</p>
<p><i>6.4 Incorporate sensitive transitions between lower scale existing heritage buildings and taller new structures where they are directly adjoining.</i></p>	<p><b>Complies</b> – As per comment from Heritage Council</p>
<p><i>6.5 Passive surveillance of streets and other public spaces is to be provided by frequent upper floor windows, terraces and balconies overlooking the public space.</i></p>	<p><b>Complies</b> - The proposed development addresses all streets and the Princess May Park street with extensive upper level windows and balconies to all streets and public spaces, providing for a marked</p>



	increase in passive surveillance from the subject site to the adjoining public realm.
<i>6.6 As redevelopment of the precinct is likely to be carried out over a number of years, consideration should be given to the appropriate treatment of all walls and parapets that will be visible or remain semi-permanently exposed</i>	<b>Complies</b> – very minimal blank walls are proposed to street boundaries or the Princess May Park (refer Ground Floor Plan).
<i>6.7 Redevelopment of full street blocks and other large sites should ensure integration into their surroundings and maintain consistency of the city centre development pattern and street level linkages. The horizontal expanse of long facades should address the desired character for its location through articulation and fenestration, architectural detailing and treatment of rooflines.</i>	<b>Complies</b> – very minimal blank walls are proposed to street boundaries or the Princess May Park (refer Ground Floor Plan), nil setbacks to all boundaries with active uses or dwellings fronting public realm.
<i>6.8 Consider the impact of new development in long views from city approach streets, the railway, Monument Hill, Victoria Quay and Fremantle Harbour, particularly with regard to the arrangement and bulk of taller buildings and to the design of roofs and screening of rooftop service elements. New development shall contribute positively to these views.</i>	<b>Complies</b> - The proposed development is generally compatible with the scale of development in the locality, and is not expected to disrupt any key views.

On the basis of the above, the proposal is considered satisfactory pursuant to LPP3.1.5 provisions.

### **Heritage Impact Assessment**

Part 3 of the Deemed Provisions prescribes the matters to which the Council is required to afford due regard in considering a proposal. Included amongst these matters are any potential impacts that a proposal may have on the heritage values of an existing place and/or area.

LPP1.6 requires a heritage assessment to be prepared by a qualified 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. Further to this requirement, the applicant has provided a Heritage Impact Assessment at **Attachment 7**.

It is noted that existing development at the subject has no heritage value as it contains no built fabric of cultural heritage significance and is unlikely to contain any sub-surface archaeological material related to earlier uses and buildings on site. Therefore demolition of all existing structures on site and construction of the proposed 8 storey mixed use development will have no discernible impact on the heritage value of 8 Point Street. As the site is also not a heritage protected place as defined by the Regulations, the demolition of all buildings on site is exempt from the need to obtain development approval.



Notwithstanding, the subject site is surrounded by several places whose considerable cultural heritage significance is recognised by their inclusion on the State Register of Heritage Places. Princess May Reserve is adjacent to 8 Point Street and the Elders Wool Stores and St Patrick's Basilica are located opposite the site on Cantonment and Adelaide Streets. Princess May Reserve contains the former Fremantle Boys School (currently DADDA), the former Princess May Girls School (currently the Fremantle Education Centre) and Household Management Centre (currently Clancy's Fish Pub) together with limestone boundary walls and historic trees that all hold considerable heritage significance.

As such, careful consideration needs to be given as to how the proposed development will affect the setting of these heritage places and how the construction process may affect the condition of these heritage places.

Ultimately, the Heritage Council of Western Australia (HCWA) reviewed the proposed developments' impact upon all of the adjacent heritage places included on the State Register of Heritage Places and have advised that they support the proposed development, subject to several conditions. These conditions relate to the protection of the Fremantle Boys School during construction and to ensure that any archaeological material found on site will be treated appropriately (refer detailed HCWA comment above).

On the basis of the above, the heritage impact of the proposal is found to be acceptable.

### **On-site Parking**

The following tables and discussion evaluate the proposals acceptability with respect to car and bicycle parking as well as end-of trip facilities and any other relevant parking requirement(s) for the residential and non-residential components of the development.

<b>Residential Car Parking</b>			
<b>Item</b>	<b>Acceptable Outcome</b>	<b>Provided</b>	<b>Shortfall</b>
1-bedroom dwellings  (No. 108)	0.75 bay per dwelling (108)  = 81 bays required	209	Nil
2+ bedroom dwellings  (No. 107)	1 bay per dwelling  = 107 bays required		Nil
<b>TOTAL</b>	<b>188 bays required</b>	<b>209</b>	<b>Complies</b>
Visitor Parking	1 bay per four dwellings up to 12 dwellings; 1 bay per eight dwellings for the 13th dwelling and above.  = (3 + 26) = 29 bays required*	0*	Complies*  *NB. Clause (n) of the LPS4 Sub-Area 1.3.2 provisions specifies that LPS4 clauses



			4.7.1 to 4.7.4 inclusive do not apply for visitor parking for residential land uses and therefore residential visitor bays are not required
<b>Residential Bicycle Parking</b>			
<b>Item</b>	<b>Acceptable Outcome</b>	<b>Provided</b>	<b>Shortfall</b>
Resident	0.5 bays per dwelling (215) = 107.5 (108) bays	52 bays within secure store at ground level; plus, each storage space (a mix of 115 internal and external (58) storage spaces is provided) for each unit is to accommodate bicycle parking which is permitted under R-Codes Vol. 2 DG 4.6.3:  <i>'Consider providing wall mounted bicycle mounts in storerooms to retain storage functionality below and to reduce the requirement for common area bicycle racks.'</i>	Nil
Residential Visitor	1 space per 10 dwellings = 22 bays	0*	Nil, complies*  *NB. Clause (n) of the LPS4 Sub-Area 1.3.2 provisions specifies that LPS4 clauses 4.7.1 to 4.7.4 inclusive do not apply for visitor parking for residential land uses and therefore residential visitor bays are not required.



Motorcycle / Scooter Parking			
Item	Required	Provided	Shortfall
Resident	Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays. (22)	14	8 bay shortfall

With the exception of the on-site motorcycle/scooter provisions, the residential parking provisions comply with the requirements of the R-Codes Vol. 2 including where varied by the LPS4 sub-area provisions in relation to the residential visitor parking requirements that are removed via clause (n) of the LPS4 Sub-Area 1.3.2 provisions.

As per the amended development plans and at the request of officers, the on-site motorcycle/scooter parking provision was increased from 8 bays to 14 in total. While this provision still represents an eight (8) bay shortfall from R-Code requirements, it is considered acceptable by officers as the 14 bays provided are generally expected to meet the demand of the development. It is also noted that an oversupply of residential parking bays is proposed (21 additional bays), including tandem parking arrangements for some dwellings which will provide for flexibility to accommodate a range of vehicle types within such parking spaces.

Non-Residential Car Parking			
Item	Required	Provided	Shortfall
Office (213m <sup>2</sup> GLA)	1 bay per 30m <sup>2</sup> GLA  7.1 (7) = bays required	See below	See below
Restaurant/Café (m <sup>2</sup> dining area)	1 bay per 5m <sup>2</sup> dining area OR 1bay/ 5 seats; whichever is greater  (154 seats)  = 31 bays required		
<b>TOTAL NON-RESIDENTIAL REQUIREMENT</b>	<b>38 bays required</b>		
		<b>5 proposed*</b>  As per revised plans, previously 0 provided	<b>33 Bay Shortfall</b>



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Service/Delivery Bay	1 service bay for Office and Restaurant Uses  = 2 bays required	1 Large Loading Bay at Ground Level with reasonably direct access to commercial units	<b>Complies</b>
<b>Non-Residential Bicycle Parking</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Shortfall</b>
Café/Restaurant (40m <sup>2</sup> )	class 1 or 2: 1 per 100 m <sup>2</sup> public area  class 3: two  (2 class 1 or 2; plus 2 class 3)		
Office GLA) (213m <sup>2</sup> )	class 1 or 2: 1 per 200 m <sup>2</sup> gla (2)  class 3: 1 per 750 m <sup>2</sup> gla over 1000 m <sup>2</sup> gla (0)  <b>TOTAL REQUIRED:</b>  <b>4 Class 1 or 2; plus 2 class 3</b>	<b>4 x class 2</b>  <b>7 x class 3</b>	<b>Complies</b>
<b>End-of-Trip Facilities</b>			
<b>Item</b>	<b>Required</b>	<b>Provided</b>	<b>Shortfall</b>



End-of-Trip Facilities	<p>Up to the first 10 bicycle racks required:</p> <p>One male and one female shower (or 2 unisex) required for every 10 Class 1 or 2 bicycle racks.</p> <p>Required = 1 male and 1 female EoT toilet</p> <p>Plus one locker for every class 1 or 2 bike rack.</p>	2 x staff toilets are provided though details of EoT facilities are not clear on plans, further detail required.	Complies, subject to <b>Condition</b>
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With regard to the 33 bay shortfall of on-site non-residential parking bays and the loss of existing public parking (51 bays) on the subject site,

Clause 4.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

*Council may—*

- (a) *Subject to the requirements of Schedule 7\*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—*
- (i) *the availability of car parking in the locality including street parking,*
  - (ii) *the availability of public transport in the locality,*
  - (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,*
  - (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
  - (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
  - (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,*
  - (vi) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
  - (viii) *any other relevant considerations.*



*Note: \*In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

*(b) Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.*

*Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.*

Notwithstanding the above, Schedule 7 – City Centre Local Planning Area 1 – sub area 1.3.2(l) states:

*“(l) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.3.2.”*

Therefore, only Clause 4.7.3 (a) (iii – viii inclusive), are applicable in the assessment of this application.

With regard to the above, the loss of public parking bays and the non-residential on-site parking shortfall is considered acceptable for the following reasons:

- While the sub-area provisions specifically outline that sub-clauses (a)(i) and (i) do not apply, it is acknowledged by officers the subject site does have excellent public transport accessibility (being within 200m of the Fremantle Train Station and Bus Station and high frequency bus routes along the adjacent Adelaide Street) and is in close proximity (<250m) to public parking facilities with 500+ bays (Beach Street car park, Elder Place car park, Wilson parking on the corner of Queen and Cantonment Streets). It is also noted that time restricted street parking bays exist along all adjoining public streets that the site is bound by;
- Being located in the City centre, the site benefits from excellent walkability and cyclability from all areas of central Fremantle.
- 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.

It should also be noted that previously approved developments on the subject site posed greater on-site parking discretions than this subject proposal (with DAP004/19 approved with a 323 bay shortfall and DAPV003/15 approved with a 273 bay shortfall) and were in both cases found to be acceptable to officers. Similarly, the loss of the public parking on the subject site in both of the previous applications was found to be acceptable and ultimately approved.

On the basis of the above, the non-residential parking shortfall and the loss of the public parking on the subject site is considered acceptable to officers.

It is noted that the on-site bicycle parking for the non-residential uses is compliant with LPS4 requirements with details and provision of the required end-of-trip facilities will be secured by appropriate conditions of approval, should JDAP be of the mind to approve the application.



## **R-Codes Volume 2 Assessment Items**

Relevant elements of the proposal that are inconsistent with the Acceptable Outcomes of the R-Codes and require an assessment against the Element Objectives or are considered to warrant further discussion by officers generally, are detailed below:

### *2.6 Building Depth*

The proposed building depths vary between 20.2m and 21.1m at a maximum which marginally vary the Acceptable Outcome (20m). The units are located on either side of central corridors and overall, are considered to be provided adequate access to sunlight/daylight and natural ventilation (discussed further below) that is assisted by the provision of the generous, centralised north facing landscaped podium deck which provides separation between the building blocks. Further, the dwellings have been designed with major openings to habitable rooms located adjacent and orientated next to external faces/balconies of the development with acceptable rooms depths for access to natural light.

The building depth therefore meets the objectives of the R-Codes.

### *2.7 Building Separation*

The building is inherently separated from adjacent sites due to the Point, Cantonment, Adelaide street road reserves that bind the site (providing approx. 20m separation between any adjacent sites) as well as the Princess May park to the north. The internal building separation meets the Acceptable Outcomes with the exception of levels 5-8 of the southern side of the north-western block from the northern face of the south- western block with these dwellings oriented toward each other and separated by between 9.3m (to balconies) and 11.5m (to major openings) in lieu of the Acceptable Outcome of 18m (for buildings above 5 storeys).

Notwithstanding, these separation distances achieve the required visual privacy separation and are considered to provide acoustic privacy (further secured through additional acoustic requirements), natural ventilation, sunlight and daylight access and outlook (toward the central courtyard and/or Cantonment Street) for these dwellings.

Furthermore, as per the 'DAC 03 Recommendations & Responses' document (refer **Attachment 20**) it is intended the 1-bed southern corner apartments in the northern block are to be reorientated east-west to focus outlook onto internal courtyard and Cantonment Street, with hi-lite windows and screening introduced to southern openings to address potential visual privacy concerns with north facing apartments in the southern blocks (refer page 10 of **Attachment 20**). These changes are to be secured by appropriate conditions of approval and will further resolve this matter to ensure the proposal meets the objectives of the R-Codes.

### *3.3 Tree Canopy and Deep Soil Areas*

With reference to the amended Landscaping Design Report (**Attachment 6**) the deep soil areas provided have been increased to provide 140sqm of true deep soil area (representing 2.8% of the subject site area in lieu of 10%). Notwithstanding, an additional 752sqm of on-structure planting is proposed across the landscaped podium courtyard.

Acceptable Outcome A3.3.7 of the R-Codes Vol. 2 provides:



*Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.*

As such, the on-structure planting area (counted at 50% as per the above) provides an additional 376sqm (representing 7.5% of the subject site area) which brings the total deep soil area across the site to 10.3% of the subject site area, achieving the Acceptable Outcome.

In terms of tree planting, the proposal provides 2 large trees, 12 medium trees and 20 small trees with an expected tree canopy coverage of 984sqm. This provision exceeds the Acceptable Outcome of 1 large tree and 10 medium trees (with canopy coverage of 444sqm) required by the R-Codes.

It is also noted that the landscaping and tree provisions that are proposed are to be secured by appropriate conditions of approval, should JDAP be of the mind to approve the application.

#### *4.1 Solar and Daylight Access*

With reference to additional information requested by officers and presented in pages 23 and 24 of **Attachment 15** (Applicant DAC Presentation, DR3), it is demonstrated that 170 of the 215 dwellings proposed will receive a minimum of 2 hours direct sunlight during the winter solstice which exceeds the Acceptable Outcome of the R-Codes (min. 70%).

It is noted that the general design of the building with a large, landscaped internal courtyard that is open to the northern aspect does help to maximise access to natural sunlight and daylight for the development and in particular, those dwellings which face internally to this courtyard.

#### *4.2 Natural Ventilation*

With reference to additional information requested by officers and presented in page 22 of **Attachment 15** (Applicant DAC Presentation, DR3), it is demonstrated that 86% (185 of 215) of the dwellings are capable of being naturally ventilated (having ventilation openings orientated between 45-90 degrees of the prevailing cooling winds) in lieu of the Acceptable Outcome of 60%. Of the 86% cross ventilated dwellings, 28% (60) dwellings across the corner of buildings and openings on both elevations and the remained are single aspect apartments with openings orientated between 45-90 degrees of the prevailing cooling winds.

#### *4.3 Size and Layout Dwellings*

The internal size of dwellings and habitable rooms achieve and/or exceed the minimum requirements for all dwelling types and minimum areas/dimensions for habitable rooms across dwellings in accordance with the Acceptable Outcomes:

- Min. internal floor area of 45sqm for the proposed studio apartments;
- Min. internal floor area of 48sqm for the proposed one-bedroom apartments;
- Min. internal floor area of 71sqm for the proposed two-bedroom, one-bathroom apartments;
- Min. internal floor area of 82sqm for the proposed two-bedroom, two-bathroom apartments; and
- Min. internal floor area of 106sqm for the proposed three-bedroom apartments.



#### *4.4 Private Open Space and Balconies*

While a vast majority of the proposed dwellings are provided private balconies that meet or exceed the required area and dimensions based on dwelling size/type that is prescribed by the Acceptable Outcomes, it is noted that eight (8) of the studio apartments across levels 1 – 3 are only provided smaller 2sqm 'juliette' balconies which do not satisfy the Acceptable Outcome requirements.

Notwithstanding, officers are accepting of the applicants' justification for these variations in providing a greater diversity of dwelling types/options for future residents. It is also noted that the reduced balcony sizes in compensated, in part, by larger internal living spaces for these studio dwellings than is required (45sqm in lieu of 37sqm) and that these dwellings only represent 3.7% of the total dwelling numbers, will all other meeting or exceeding the Acceptable Outcomes for balcony sizes across all other dwelling types.

The provision of private open space, therefore meets the objectives of the R-Codes.

#### *4.6 Storage*

Each dwelling is provided a separate, secure, bulky goods storage area that meets the minimum sizes prescribed by the Acceptable Outcomes and is either integrated and accessed directly from the dwelling or is one of the 58 external stores provided throughout the basement and ground floor parking levels

#### *4.9 Universal Design*

With reference to page 19 of **Attachment 15** and as per the amended development plans, 91 (42%) of the dwellings are stated to meet Silver Level requirements as defined in the Liveable Housing Design Guidelines and 31 (14%) of the dwellings are stated to meet Gold Level requirements which exceeds what is required under the Acceptable Outcomes.

It is also noted that all circulation and common spaces are designed to provide universal access throughout the development generally.

#### *Other Elements*

Notwithstanding the elements discussed above, all other elements of the R-Codes Vol. 2 are considered to meet the Acceptable Outcomes of the R-Codes unless otherwise covered by the local planning framework and discussed elsewhere in this report. As such, as per the amended plans, the proposal is considered acceptable under the Residential Design Codes Vol. 2, subject to appropriate conditions where relevant.

### **Dwelling Mix**

Clause 4.4.5 of the City's LPS4 provides that:

*'In development comprising of ten or more Multiple Dwellings, a minimum of 25 per cent of the total number of dwellings must have a maximum floor area of 60 square metres or less and no more than 40 per cent of the total number of dwellings may have a floor area of 120 square metres or more'.*





The proposed development provides the following range of dwelling types, sizes and configurations:

- 7% (15) studio apartments with an avg. floor area of 45sqm;
- 43% (93) one-bed apartments with an avg. floor area of 49sqm;
- 18% (38) two-bed, one bath apartments with an avg. floor area of 85-102sqm;
- 28% (61) two-bed, two bath apartment with an avg. floor area of 85sqm;
- 1% (3) two-bed townhouses with an avg. floor area of 102sqm and
- 2% (5) three-bedroom apartments avg. floor area of 118sqm.

The proposal therefore has 108 (50%) of dwellings with a floor area of 60sqm or less and zero (0) dwellings with a floor area greater than 120sqm and as such, is fully compliant with the dwelling mix prescribed by clause 4.4.5 of LPS4.

### **Noise Impact Assessment**

Given the subject site location within and in proximity to the Fremantle City Centre, rail infrastructure and the Fremantle Port and given the proposal consists of primarily of noise sensitive residential multiple dwellings, 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 (LPP2.3); and
- Local Planning Policy 2.18: New Residential Developments in the City Centre Zone – Noise from an existing Source (LPP2.18).

All of 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 (**Attachment 11**) 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.



## **Sustainable Building Design**

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 LPP 2.13 and the R-Code Vol. 2 requirements, the applicant’s Sustainable Design Assessment report (**Attachment 8**), demonstrates the proposal is capable of achieving a 5 Star Green Star rating (equivalent) and this is what is being targeted for the 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.

## **Landscaping Design**

LPP 2.10 defines where a landscaping plan is required as part of a development application. Relevant to this application, the following policy provisions require a landscape plan:

- b) *In cases where the landscaping of a proposed development is an integral part of the assessment of the acceptability of that proposal.*

The applicant has provided an Amended Landscaping Design Report (**Attachment 6**) to support the development proposal. As noted in the R-Code Vol 2 section above, the landscaping proposals demonstrate they achieve and exceed the Acceptable Outcomes of the Residential Design Codes Vol. 2 in relation to deep soil areas and tree canopy.

Further, the DAC have commended the landscaping concepts in the amended plans, in particular, the improved provision of deep soil area for trees and landscaped terracing in the publicly accessible northern ground level recessed open space on the site and the improved landscape design for the podium deck with increased opportunities for residents to partake in different activities.

Officers have reviewed the amended Landscape Design Report and while generally supportive of the landscaping proposals, some general advice is provided to improve its effectiveness. This advice includes recommendations on the landscaping and building interaction with the adjacent Princess May Park, species selection, street tree removal, impact upon street trees and restrictions on landscaping beyond subject site lot boundaries.

Appropriate conditions are recommended to secure the landscaping proposals to the City’s satisfaction, have these implemented prior to occupation and be maintained for the life of the



development. As such, the landscaping proposals are acceptable pursuant to the R-Codes Vol. 2 and LPP 2.10, subject to appropriate conditions and advice notes.

**Conclusion:**

Approval is sought to construct an eight (8) storey mixed use development comprising 215 multiple dwellings and restaurant/cafe and office uses.

The proposed development seeks some variations to some key development controls, including in particular, non-residential car parking and maximum building height. With regard to building height, the variations proposed are considered acceptable given the building height does not significantly vary the maximum building heights prescribed to the subject site (essentially one additional storey), is comparable to the building heights of the existing Johnson Court (26.57m) and Little Lane Apartments (24.5m) buildings, is not seen to have an adverse impact on the cultural heritage significance of the adjacent heritage places, the additional building considered successfully integrated into the overall design of the building and the additional height is not considered detrimental to the amenity of any adjoining residential dwellings.

Other variations, including the non-residential car parking and other minor matters are considered reasonable and supportable under the planning framework as discussed in detail where relevant in the main body of this report. Furthermore, it is also considered that the proposal either complies with other requirements of the R-Codes, the City's LPS4 and Local Planning Policies, meets the discretionary criteria or otherwise will be subject to the imposition of conditions of approval so as to satisfy other requirements of relevant policy provisions.

The overall design of the proposal has the support of City's DAC and deemed to be of a high-quality, well considered design. Further design improvements in response to the final DAC recommendations are to be further secured through conditions of approval in the detailed design stage following development approval.

On the basis of the above, it is recommended that the application be approved, subject to appropriate conditions of approval.



**C2311-12                    PREPARATION OF AMENDMENT TO LOCAL PLANNING  
SCHEME NO. 4 – THE FREO ALTERNATIVE REVIEW**

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Background to The Freo Alternative / Special Control Area 5.7</li><li>2. Comparison table of the draft Medium Density Codes and the Special Control Area 5.7 provisions for small infill development</li><li>3. Assessment and evaluation of developments undertaken in accordance with the Special Control Area 5.7 provisions for small infill development</li></ol>

**SUMMARY**

**‘The Freo Alternative’, was gazetted on 12 February 2019 and inserted Special Control Area 5.7 (SCA 5.7) into the Scheme to permit small infill development in specified areas.**

**The City has monitored and evaluated the developments created under the SCA provisions and has found that while they have been successful, there have been few developments for several reasons and circumstances (including the impact of COVID-19). City officers are confident in the merit of the Freo Alternative initiative and advocate for extension of the project to allow for further projects to be developed to trail the provisions.**

**This report recommends that Council resolve to continue the Freo Alternative initiative by preparing an amendment to Local Planning Scheme No. 4 (LPS4) to amend sub-clause 5.7.7 to extend the ‘sunset clause’ provisions for small infill development for a further seven years.**

**Should the SCA provisions be extended, a more comprehensive review would be undertaken to investigate whether The Freo Alternative development pathway could be streamlined and / or the SCA expanded.**

**It is hoped that these initiatives would increase the diversity and in turn sustainability and vibrancy of Fremantle’s suburban areas to meet state and local strategic planning goals. The proposed amendment has significant potential to deliver a greater number of moderately sized new dwellings within the existing residential suburbs of Fremantle, thereby meeting a demand for smaller, more centrally located housing that is**



**more environmentally responsible, whilst still being appropriate to its setting.**

## **BACKGROUND**

The Freo Alternative was a community engagement process that ran in late 2016, exploring the idea of smaller housing in Fremantle with the community. The purpose of the project was to find a community-led alternative to traditional infill development in residential suburbs that addressed the shortfall in blanket density up-coding and the need for diversity in housing to cater for the trend in smaller household size. From the community engagement process, eight themes were derived with an objective for each. Planning provisions were then built around these themes and objectives (detailed in Figure 1 below).

Freo Alternative Themes	
Location	Promote smaller housing types in areas with access to public transport and local amenities.
Housing choice	Provide diversity of housing size and type in suburban areas to increase housing choice.
Built form	Ensure good quality design outcomes including design that is responsive to local character and context.
Sustainability	Mandate higher than standard sustainability requirements in building design & construction.
Open Space	Maintain the traditional open feel of private lots in suburban areas, whilst also allowing for viable development of smaller housing typologies.
Trees and landscaping	Provide for existing, new trees and garden space on development sites, proportionate to achieving viable development of smaller housing typologies.
Community	Promote private land development outcomes that would help foster social interactions between new smaller dwellings, adjoining development & the street.
Car movement & parking	Appropriate allocation of land required for car parking & movement for small house development.

**Figure 1. Community derived themes**

## **Amendment No. 63**

Amendment No. 63, which was gazetted on 12 February 2019, was based on The Freo Alternative themes and inserted SCA 5.7 into LPS4, specifying the requirements for small infill development and where it may be permitted. In those areas, a suspension of the R-Codes' minimum and average site area and plot ratio



requirements can be considered for an alternative smaller housing type on land where the lot is over 600m<sup>2</sup> and specific planning requirements are adhered to. These specific planning requirements include:

- Maximum dwelling floor area of 120m<sup>2</sup>.
- Maximum number of dwellings – three dwellings, including any existing dwelling(s), on lots 750m<sup>2</sup> or less. On lots over 750m<sup>2</sup> one additional dwelling would be allowed for every 150m<sup>2</sup> in excess of 750m<sup>2</sup>.
- 70% open space requirement.
- A requirement for 25% of the site to be a deep planting zone.
- The requirement for planting or retention of a tree.
- Specific car parking requirements.
- Consideration required by the City's Design Advisory Committee.

These requirements are not capable of being varied under the City's Scheme and can only be applied to the development of grouped and / or multiple dwellings and do not apply to subdivision applications. However, subdivision may be permitted once a development is complete.

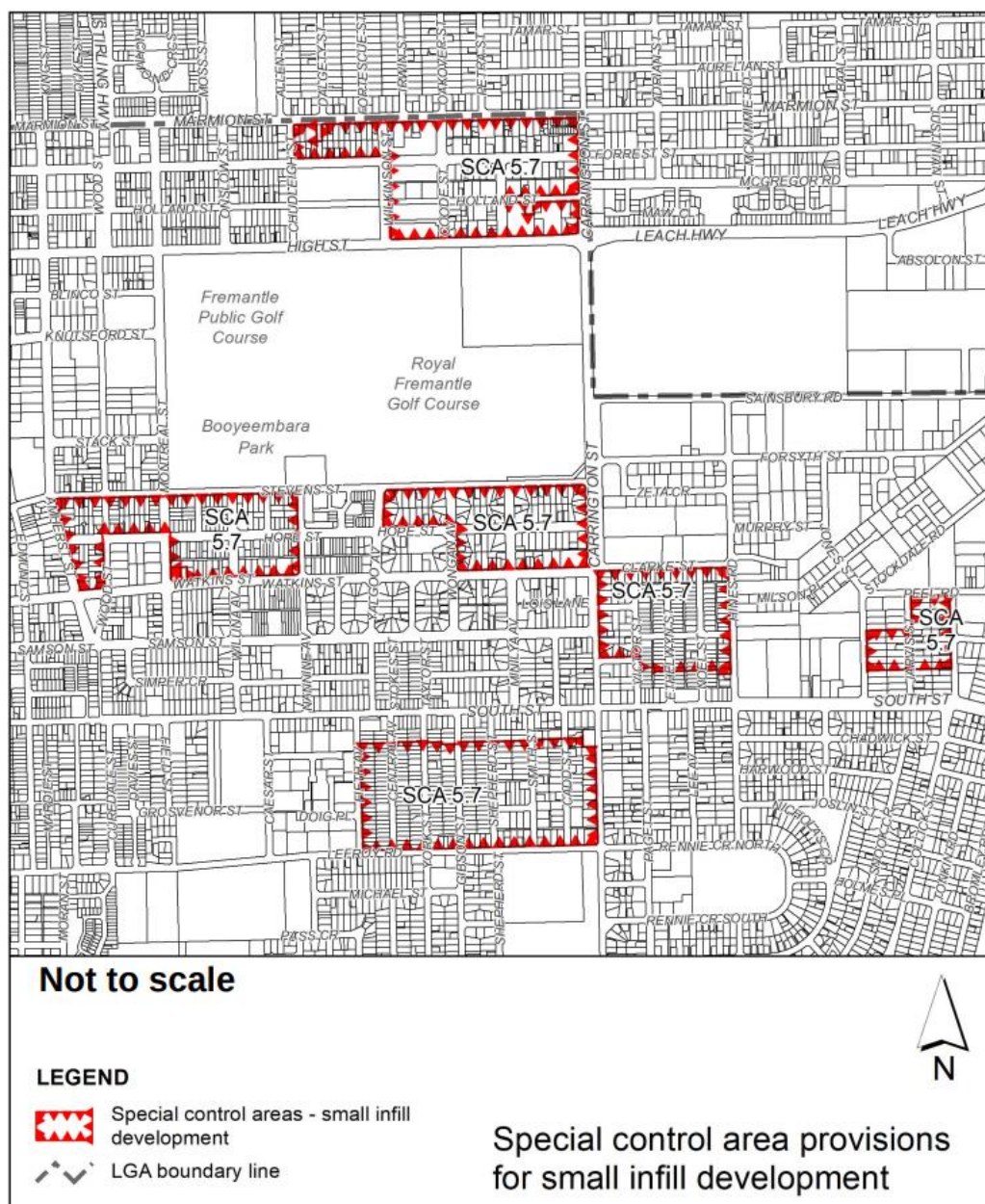
Suspending the R-code minimum site areas and allowing development over and above the existing density in all areas of the city could have had unintended effects or impacted the city's more sensitive areas: for example, in heritage areas and / or some suburban areas with relatively intact patterns of single dwelling development and mature, well-vegetated streetscapes. Therefore, the City of Fremantle Council resolved to apply the amendment only to specified areas where infill development of smaller dwellings would be compatible with the character and pattern of existing development.

The areas were generally selected based on:

- Land coded R35 or lower.
- Within a 400 metre 'ped shed' from high frequency bus routes and 800 metres from train stations.
- Non-heritage areas.
- Areas with few heritage-listed properties.

Several areas were considered, but the amendment ultimately included the areas shown in Figure 2 below. It is pertinent to note that the majority of these areas are subject to the R20 / R25 residential density code, with one area in the suburb of Fremantle, between High and Marmion Streets, coded R30.





Under the provisions of SCA 5.7, sub-clause 5.7.7 reads:

*"Clause 5.7 and associated sub-clauses shall cease to have effect on the date of the fifth anniversary after publication in the Gazette of the amendment introducing those provisions into the scheme."*

Accordingly, the Freo Alternative / Special Control Area (SCA) provisions will expire on 12 February 2024.



The amendment was originally submitted to the WAPC without this 'sunset clause'. However, the Minister for Planning asked for minor modifications prior to gazettal of the amendment and as part of these the sunset clause was added to the provisions.

Correspondence between City and DPLH officers indicates that the sunset clause was applied as it had previously been implemented in the City's small secondary dwellings provisions (the 'not just for grannies' housing initiative) in 2011, as those provisions were at variance to the Residential Design Codes at the time. The sunset clause was to allow for the provisions to be deleted from the Scheme if state planning policy changed within five years. As it happened, the R-Codes ancillary accommodation provisions were amended to be similar to the City's small secondary dwelling provisions within this timeframe and the sunset clause effectively deleted the provisions from the City's Scheme as they were no longer required.

In the case of amendment No. 63, due to the 'pilot project' nature of provisions, the sunset clause was again recommended by DPLH officers. In response, the City first asked that a sunset clause not be applied to enable review at a juncture the City considered appropriate. Failing this, the City asked for a 10-year sunset clause as a more appropriate term to trial the initiative. The reasons being that the amendment:

- a) only applied to relatively small areas
- b) proposed a significantly different approach to development than a conventional upcoding
- c) landowners would have their own priorities to consider for redevelopment.

These reasons coupled with a general design, approval and construction timeframe of around two years meant that uptake and construction would be limited within the five-year period, resulting in little opportunity to consider the operation of the dwellings much beyond the construction phase i.e., impacts on parking, liveability etc.

The City's concerns regarding the sunset clause and the request for a 10-year timeframe were noted. However, the DPLH considered that the nature of the project and the absence of broader strategic planning for the City meant that a five year sunset clause was warranted. The intent of the sunset clause was therefore to encourage the City to monitor the effectiveness of any outcomes of the amendment during this time and consider any further amendments, including extending the sunset clause, if it considered necessary.

### **Local Planning Policy**

Local Planning Policy 3.20 – Special Control Area Provisions for Small Infill Development (LPP 3.20) was adopted to support the SCA 5.7 provisions in LPS4.



It is also based on the themes derived from community engagement on The Freo Alternative. It provides design guidance on some matters and, in a manner similar to the R-Codes, 'deemed-to-comply' and 'design principles' solutions for meeting the SCA provisions. The 'design principles' allow minor variations to be made to some of the SCA provisions where the solution demonstrates an appropriate outcome or offers some other benefit.

Perhaps of most significance, LPP 3.20 also introduces a sustainability component for developments undertaken in accordance with the SCA provisions. Ordinarily, development undertaken in accordance with the R-Codes is only required to meet the energy efficiency standards set by the National Construction Code and is not obliged to include any other sustainability measures. However, development undertaken in accordance with the SCA provisions must also meet the requirements of LPP 3.20, which provides two alternate pathways to achieve a greater sustainability outcome:

**"DEEMED-TO-COMPLY:**

1. *The development achieves a star rating of one star in excess of the current energy efficiency requirement of the National Construction Code. The star rating shall be certified by an accredited energy assessor.*
2. *The development includes at least two of the following:*
  - *The provision of a minimum 1.5kw photovoltaic solar panel system per dwelling.*
  - *The provision of holding at least 1000 litres of rainwater per dwelling. The rainwater is to be connected to water use in a dwelling(s), e.g. toilet or washing machine, and/or used for irrigation on private or communal outdoor areas, preferably the deep planting zone(s) on the development site.*
  - *Approved grey water system for all dwellings.*
  - *At least one dwelling is fully accessible suitable for independent living (Platinum standard – Liveable Housing Australia).*

**DESIGN PRINCIPLES:**

*In cases where the deemed-to-comply requirements of Part 2 cannot reasonably be met, Council may consider the achievement of an additional half (0.5) star as an alternative means of complying with this policy.*

*Alternative options to those provided in Part 2 proposed as an option to meet the Part 2 requirements will be considered by Council on a case-by-case basis and against the objective of the theme.*

*Alternative building methods that cannot meet the requirements above will be considered on their own merits and deemed acceptable where they demonstrate significantly higher sustainability outcomes through the submitted sustainability report."*



A more detailed background to The Freo Alternative / Special Control Area 5.7 is provided in Attachment 1.

### **Medium Density Codes**

Earlier this year, the Department of Planning, Lands and Heritage released the Medium Density Housing Codes, as an amendment to State Planning Policy 7.3 – Residential Design Codes (R-Codes) to deliver greater housing choice across Perth to reflect changing lifestyles and housing needs and create more vibrant communities. The Medium Density code would provide planning provisions for development of sites subject to the R30 density code and above to deliver better quality development outcomes than the current R-Codes.

However, the State Government has since requested that the Western Australian Planning Commission (WAPC) defer gazettal of the amended policy in consideration of continuing challenges in the housing construction market and to undertake amendments to it to retain current (2021) policy provisions for R30 and R40 coded development. The WAPC considered the Minister's request and agreed to prepare these amendments. Unfortunately, the timeframe for delivery of the new codes is uncertain.

For the City of Fremantle, this means that once gazetted, the Medium Density Codes would only apply to areas subject to the R60 residential density code and above. For context, Figure 3 below illustrates the areas subject to residential density codes of R30 and above (per the original Medium Density Codes proposal), along with SCA 5.7, while Figure 4 illustrates areas subject to density codes of R60 and above, along with SCA 5.7.

A comparison table of the Medium Density Codes and SCA 5.7 provisions can be viewed in Attachment 2.

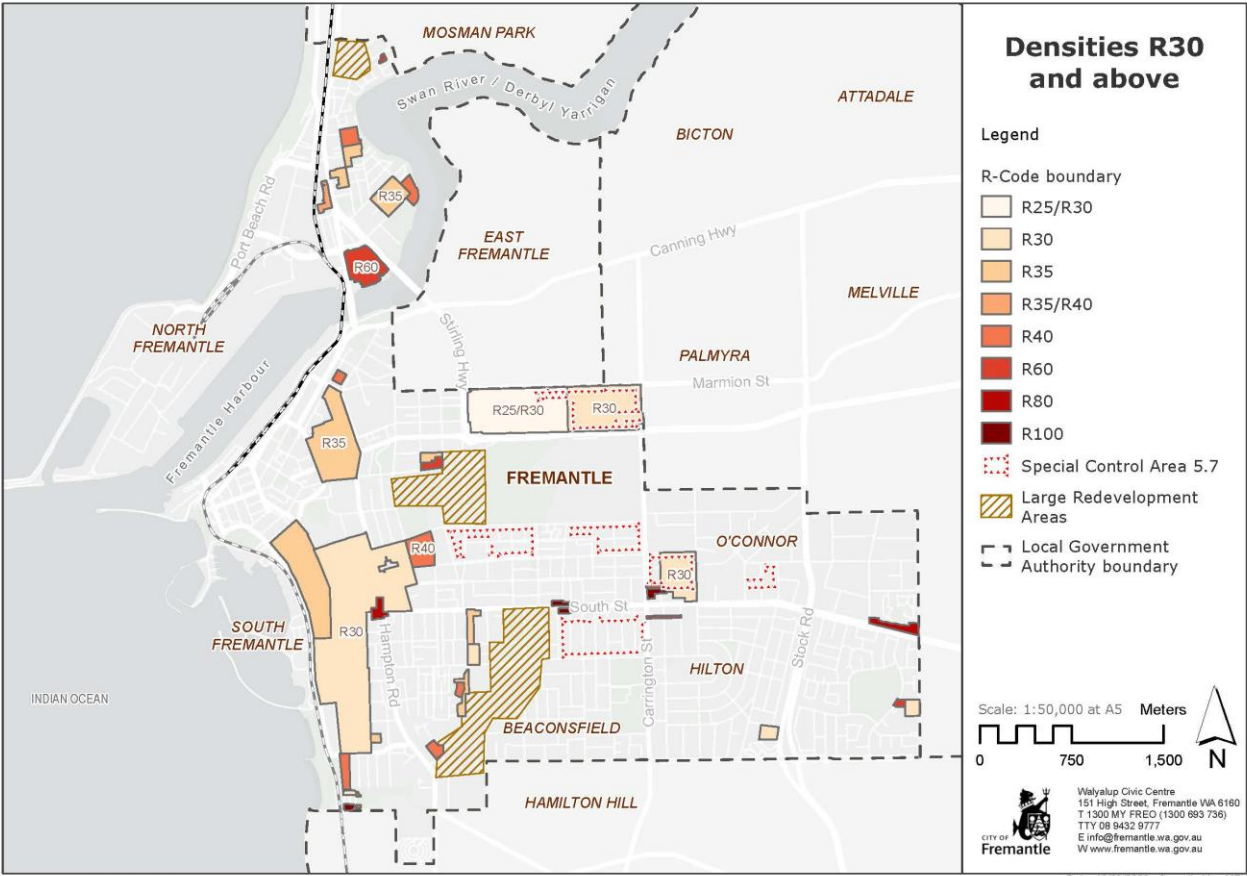
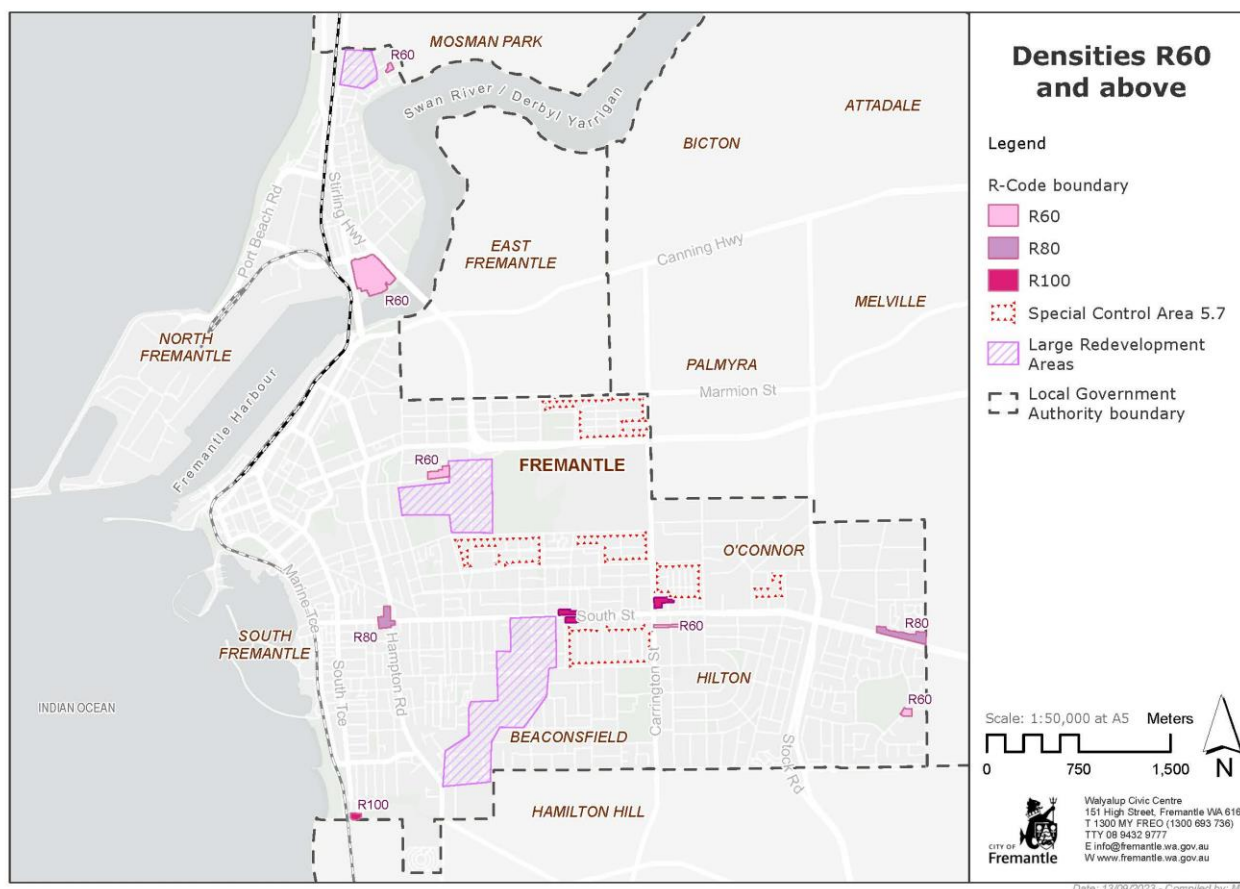


Figure 3 Residential density codes of R30 and above and SCA 5.7.





**Figure 4. Residential density codes of R60 and above and SCA 5.7.**

## Outcomes

Since the gazettal of Amendment No. 63, there have been four developments approved under the SCA 5.7 provisions. Notably, all are located within a 250-metre radius of one another, though they vary in typology and layout. Their addresses, development application numbers and statuses are as follows:

- 11 Smith Street, Beaconsfield – DA0464/19 – Constructed and subdivided
- 5 Montgomery Street, Beaconsfield – DA0406/19 – Constructed
- 148 Lefroy Road, Beaconsfield – DA0334/20 – Under construction
- 32 Smith Street, Beaconsfield – DA0193/22 – As yet unconstructed

An assessment and evaluation of each of the SCA 5.7 developments has been provided in Attachment 3.

## FINANCIAL IMPLICATIONS

Nil.





## **LEGAL IMPLICATIONS**

Nil.

## **CONSULTATION**

Community engagement on amendments to the scheme is required under the provisions of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **OFFICER COMMENT**

Since the gazettal of Amendment No. 63, the trend of shrinking household size has continued, though there has been little diversity in the housing typologies provided by new developments in our suburbs. The State's Medium Density Code appeared to be a step in the right direction towards addressing this issue; however, these Codes would not have applied to suburbs subject to residential density codes below R30, as SCA 5.7 does, and once gazetted it will no longer be applied to areas subject to the R30 and R40 residential density codes as originally proposed. Overall, there has been no significant change to state planning policy or other planning instrument that deals with the issues the Freo Alternative attempts to address.

Although it had significant potential, the uptake of development under the SCA provisions has unfortunately been low. The first factor in this is likely to have been the cost involved in undertaking such a project, as the provisions require the construction of dwellings prior to subdivision. This can take a significant amount of capital and may not have been possible for many would-be developers who would ordinarily subdivide their lot and sell a parcel of vacant land. Additionally, the planning approval process requiring a Design Advisory Committee assessment adds time to the project, which can increase cost, while the significant open space (60-70%) and deep planting zone requirements essentially require two-storey dwellings, which is a further cost impost.

The second factor would be the extent of SCA 5.7 (refer to Figure 2) and the relative scarcity of lots suitable for development in these small, established suburban areas (i.e., of sufficient size and with enough space in the backyard or following demolition of an existing house).

Perhaps the most significant factor in the low uptake was the COVID-19 pandemic and a subsequent worsening of economic conditions. Amendment No. 63 was gazetted on 12 February 2019 and by 21 February 2020, Western Australia had recorded its first case of COVID-19. On 24 March 2020, Western Australia's borders were closed and remained so until 3 March 2022. During this time, restricted supply chains combined with materials and labour shortages impacted the construction industry, causing costs to escalate significantly. CoreLogic's Cordell Construction Cost Index (CCCI), which tracks the cost to build a typical new home,



recorded an increase of 10.2% between March 2020 and March 2021, a peak of 11.9% in 2022, and an 8.4% increase in the 12 months leading up to July 2023<sup>1</sup>. Inflation has also risen during this period, as illustrated by increases in the Consumer Price Index (CPI) from a year ended percentage change in September 2019 1.7% to 7.3% by September 2022<sup>2</sup>. Similarly, lenders' interest rates have increased, approximately doubling from around 3% to 6% in the last 12 months<sup>3</sup>. It is therefore reasonable to assume that the relatively low uptake of the SCA provisions may be the result of increased costs and reduced borrowing power.

As outlined in Attachment 1, data from the 2021 Census has indicated that Australian household size continues to decline, while household composition changes, with the number of single-person households increasing. Despite these factors, the development and real estate industries continue to drive the delivery of large single houses and grouped dwellings. This is facilitated by the current R-Codes Volume 1, which provides for large houses relative to the size of lots, leading to loss of garden ground and urban forest canopy, and a proliferation of impermeable surfacing. While the new Medium Density Codes that were due to be implemented in September 2023 would have gone some way to alleviate these problems, current pressures on the housing market have led to a decision to defer their introduction and, if or when they are eventually introduced, will likely see their scope somewhat curtailed.

Fortunately, the SCA provisions for small infill development were thoroughly researched, well-designed, have delivered a small number of successful projects, and have the potential to continue to do so. For this reason, it is proposed to extend the SCA provisions for a further seven years, as this will allow a longer period of time for projects to be scoped, designed, and implemented, particularly if unfavourable economic conditions persist for some time. It is hoped that in doing so, this would increase the diversity and in turn sustainability and vibrancy of Fremantle's suburban areas to meet state and local strategic planning goals. Such an amendment would deliver an increased amount of moderately sized new dwellings within the existing residential suburbs of Fremantle, thereby meeting a demand for smaller, more centrally located housing that is more environmentally responsible, whilst still being appropriate to its setting.

It is therefore recommended that Council resolve to prepare an amendment to LPS4 to amend sub-clause 5.7.7, which will allow the SCA 5.7 provisions to apply for a further seven years.

It is envisaged that if an amendment is made to LPS4 to update sub-clause 5.7.7, further work would be done to review the remaining provisions and potentially the extent of SCA 5.7, particularly considering feedback from developers. Ideally, ways

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<sup>1</sup> [www.corelogic.com.au](http://www.corelogic.com.au)

<sup>2</sup> <https://www.rba.gov.au/inflation/measure-cpi.html>

<sup>3</sup> <https://www.rba.gov.au/statistics/interest-rates/>



could be found to streamline the development approval process, though this would likely require a further scheme amendment. LPP 3.20 would also be retained and likely reviewed for currency. Matters that may require review include sustainability measures and canopy cover, as sustainable technologies are constantly improving, there is a move away from the use of natural gas as an energy source, and there are now significant concerns about the ongoing loss of urban forest.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required.

## **OFFICER'S RECOMMENDATION**

- 1. Council, pursuant to section 75 of the *Planning and Development Act 2005*, resolve to prepare an amendment to City of Fremantle Local Planning Scheme No. 4 to amend sub-clause 5.7.7 as follows:**

**"Clause 5.7 and associated sub-clauses shall cease to have effect on the date of the twelfth anniversary after publication in the Gazette of the amendment introducing those provisions into the scheme."**

- 2. Council consider the Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):**

- a) The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.**

**Specifically, the amendment:**

- diversifies the range of densities and housing forms to meet the needs of different household types, in specified areas, while recognising the limitations on development necessary to protect local character.**
- safeguards and enhances the amenity of residential areas and ensures that development is sympathetic with the character of the area.**
- encourages high standards of innovative housing design which recognise the need for privacy, energy efficient design and bulk and scale compatible with adjoining sites,**
- recognises the importance of traditional streetscape elements to existing and new development,**
- does not impact places of heritage significance, and**
- safeguards and enhances the amenity of residential areas by ensuring that land use is compatible with the character of the area.**



- b) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.**
  - c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
- 3. Council endorse City staff to prepare a comprehensive review into whether the Freo Alternative's Special Control Area could be expanded and the development pathway streamlined.**



## 11.2 Strategic and general reports

### C2311-13 PROPOSAL FOR MAJOR LAND TRANSACTION - FREMANTLE PUBLIC GOLF COURSE

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	Manager Economy & Commercial
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Fremantle Public Golf Course Business Plan</li><li>2. Fremantle Public Golf Course Planning &amp; Operational Summary, Proposed Site Plans &amp; Proposed Concept Design Plans</li><li>3. Belgravia Leisure Cost Plan</li></ol>
<b>Confidential Attachments:</b>	<ol style="list-style-type: none"><li>1. Belgravia Leisure Expression of Interest Submission</li><li>2. Public Golf Course Market Valuation</li></ol>

#### SUMMARY

**The purpose of this report is to present a business plan outlining the details of the proposed disposal of 20 Montreal Street, Fremantle (Fremantle Public Golf Course) by way of lease for council consideration.**

**This report recommends that Council receive the business plan and authorise the Chief Executive Officer to advertise the business plan in order to seek feedback on the proposed disposal in line with section 3.59 and 3.58 of the Local Government Act.**

#### BACKGROUND

In November 2020, Main Roads WA (Main Roads) commenced work on the conversion of the intersection of High Street and Stirling Highway into a roundabout. The new roundabout is a key feature of the Main Roads' \$118 million High Street Upgrade project, which was designed to reduce traffic congestion and improve road safety.

As a result of the works, Main Roads acquired a portion of the land located upon the Fremantle Public Golf Course, requiring the existing course to be redesigned over a smaller footprint.

As part of the High Street project, Main Roads has funded a program of accommodation works including the reconfiguration of the golf course and, in the next phase, the construction of a replacement club house and community centre.

The Fremantle Public Golf Course is a major asset of the City of Fremantle and provides a golfing experience for locals and visitors alike.



The redesigned 9-hole, par 34 layout includes three completely new holes – including a par 5 hole – and new bunkers, tees, and greens. The revamped course also features an upgraded irrigation system, new cart paths and course furniture, as well as a new practice chipping and putting green.

The course is currently being maintained and managed on an interim basis by the neighbouring Royal Fremantle Golf Club under the terms of a Management Agreement which expires in March 2024.

An expression of interest (EOI) process was commenced in February 2023 seeking applications from capable and experienced golf course operators for the management and maintenance of the Fremantle Public Golf Course.

In accordance with the City's Leasing of City Property in a competitive manner policy, unless policy exemptions apply, the City advertises commercial properties in an open and competitive manner when they become available for lease.

The property was advertised across multiple platforms from 27 February 2023 to when the EOI closed on 12 May 2023. The City received four submissions through the EOI process.

As part of this process, the City received a submission (attached in confidential attachments) from Belgravia Health and Leisure Group Pty Ltd ATF the Belgravia Leisure Unit Trust (Trading as Belgravia Leisure) (the preferred applicant) which met the selection criteria associated with the EOI.

Following the identification of a preferred applicant via the EOI process, in June 2023 the City sought Council approval to authorise the CEO to commence negotiations with the preferred applicant, Belgravia Leisure, for a maximum period of three months.

Council approval was granted, subject to following outcomes being prioritised as part of the negotiation process:

- Ensure the public golf course remains affordable, accessible and welcoming for all.
- Require any new facility to include reception areas, social spaces, food and beverage facilities and amenities that are accessible to, and meet the needs of, all golf course users and the wider community, including the existing clubs.
- Agree on planning and management strategies to mitigate potential impacts of night-time uses on residential properties on Montreal Street, noting the strategic planning framework provides for increased residential density in the precinct.
- Ensure that any activities that encroach into Booyeembara Park are community and / or recreational in nature and accessible by the community.
- Provide a clear demonstration of how parking demand will be met.





- Establish clear performance indicators and make good provisions for the golf course infrastructure to form part of any proposed lease.

The three-month negotiation period has now concluded and having given due regard to the achievement of the aforementioned outcomes, terms have been agreed upon and are being presented to council and the community for consideration.

The terms of the proposed disposal as outlined in the attached business plan constitute a major land transaction as defined in the Local Government Act 1995. The attached business plan provides the details of the proposed disposal and invites public submissions from the community.

## **OFFICER COMMENT**

### **Belgravia Leisure Proposal**

The Belgravia Leisure proposal provides a traditional golfing experience with the management, operation and maintenance of the 9-hole golf course and Pro Shop during the day, integrated with the LaunchPad facility that would deliver an Australia-first driving range experience.

The LaunchPad golf facility provides a purpose-built multi-level golf-based recreation and entertainment venue which could complement the existing Mountain Bike Trail within the precinct.

This attraction is likely to contribute to the ongoing development of this precinct as a recreation driven destination and would likely position Fremantle as a leading golf related destination within Western Australia. This would likely significantly increase Fremantle's profile within both the golfing and recreation community.

Officers have determined that the key outcomes outlined in the June 2023 council resolution, have now been addressed and confirmed throughout the negotiation process, and further information as to how the proposal will achieve the required outcomes has been provided to follow:

*Ensure the public golf course remains affordable, accessible and welcoming for all*

The proposed outcome maintains the existing operation of the 9-hole golf course and incorporates additional amenities including the new driving range and food and beverage service. Green/admission fees will be maintained in line with industry standard public golf courses across Western Australia.

The LaunchPad driving range offering caters to a broad demographic and specifically targets a younger audience with its social and gamified experience, integrated with technology and social network formats. This off-course offering

makes it easier for new players to be introduced to golf and start with the game, whilst still catering to the traditional golf course offering.

The dual strategy aims to grow the game of golf amongst both core players and the large addressable market. Belgravia Leisure will manage, operate and maintain the 9-hole golf course and Pro Shop during the day for core users, whilst LaunchPad will deliver the entertainment driving range product in the evenings for the larger addressable market.



*LaunchPad Golf Driving Range - Heritage Pointe AB, Canada*

Belgravia Leisure will work to cross-promote the two experiences, with the goal of growing pathways to the traditional game of golf and strengthening the long-term financial sustainability of the 9-hole golf course asset.

The use of the facility shall be made available to all members of the public without restriction.

Belgravia Leisure will ensure participation and usage of the facilities is safe, affordable, practical, and appropriate to what is available, while also remaining inclusive to members of the general public.

Fees and charges are revised annually and are based on industry benchmarking so that golf course admission prices remain commensurate with other Western Australian public golf courses. Belgravia Leisure currently utilise the same methodology at Point Walter, Marangaroo and Carramar Golf Courses ensuring the game is aligned to industry standards. Players can make a booking via phone with the Pro Shop or make a booking via the bookings platform online.



Belgravia Leisure will operate the facility and ensure it is welcoming to the broad public including surrounding residents and families. The operations will allow for participation and growth in programmes inclusive to all aspects of the community including but not limited to:

- i. Juniors
- ii. Women
- iii. Diverse cultural backgrounds
- iv. People with disabilities
- v. Vulnerable or disadvantaged members of the community

There are a number of clubs and sporting groups who were disrupted when the golf course works were undertaken by Main Roads WA. Given the temporary model that is currently in place at the Public Golf Course, there has been limited success in re-engaging these groups.

Belgravia Leisure has proposed to re-engage clubs and groups who previously engaged with the golf course and continue the ongoing engagement of the clubs who are currently utilising the facility. Belgravia Leisure is proposing several key initiatives aimed at strengthening relationships with existing golf clubs and attracting previous clubs back to the facility. This will include:

- **Consultation and Relationship Building:** Establish open communication channels with current golf clubs. This involves organising meetings and discussions to understand their needs, preferences, and any concerns they might have. The goal is to develop a strong, mutually beneficial relationship, ensuring these clubs feel valued and heard.
- **Assurance of Continuity:** A primary focus will be to reassure existing golf clubs of their continuous access to the golf course. This reassurance is crucial in maintaining their loyalty and engagement, especially during the transition phase and any future changes or developments at the course.
- **Outreach to Former Clubs:** To reengage previous clubs, Belgravia will initiate outreach programs. This will include direct communication, special events, or tailored offers designed to rekindle their interest in the golf course. The objective is to show these clubs the improvements and new facilities at Fremantle Public Golf Course since their last engagement.

Belgravia Leisure will be required to demonstrate it has made best endeavours to maintain a reasonable level of community access to the grounds and buildings within the leased area by allowing for the following activities to take place:

- Opportunities for community members and groups to access the building/facilities through hire options made available at a cost that is commensurate with other similar publicly accessible facilities.



- Opportunities for community members and groups to access the building/facilities during standard opening hours.
- Free meeting space up to six times a year for public groups of up to 30 people associated with Booyeembara Park and related areas, facilitating their meetings and events.

*Require any new facility to include reception areas, social spaces, food and beverage facilities and amenities that are accessible to, and meet the needs of, all golf course users and the wider community, including the existing clubs.*

The proposal includes an enhanced food and beverage service catering to golfers, the general public, and visitors to Booyeembara Park. This offering seeks to improve the overall user experience and ensure the golf course's sustainable operation in the future.

The proposed LaunchPad golf facility is proposed to comprise the following components that achieve this outcome:

- A two-storey driving range, pro shop and associated amenities building, set back 30m from the Montreal Street (western) lot boundary.
- A large dining area and kitchen available to golf course patrons and the wider community.
- Ordering kiosk on the southern elevation of the building that integrates with the future redevelopment of Booyeembara Park.
- Female and male toilets, both of which are available and accessible to the community without any requirement to make a purchase within the facility.
- Staff room, server room, data room, ball room and storage/equipment rooms.
- Two large open areas that are available to be utilised as events and functions spaces and are open and accessible to the community.
- An enhanced food and beverage service catering to golfers, the general public, and visitors to Booyeembara Park.

In addition, the proposal will also incorporate to the following:

- A new putting green area to the west of the building.
- A total of 40 hitting bays.
- Floodlights attached to the building and directed to the east.
- Two 7m wide vehicle crossovers to Montreal Street, providing access to a 36-bay car parking area. Two bays are likely to be designated for Electric Vehicle charging. Bicycle racks are also proposed, encouraging sustainable and alternative means of transport.
- A loading and bin store area.
- Relocation of the first hole tee box of the Fremantle Public Golf Course.
- Various landscaping, footpaths, and pavement treatments.



- Removal of approximately six trees to accommodate the new driving range building and high-level fencing. Additional planting will occur elsewhere on the development site with an objective to achieve a net gain in trees.

Agree on planning and management strategies to mitigate potential impacts of night-time uses on residential properties on Montreal Street, noting the strategic planning framework provides for increased residential density in the precinct.

Belgravia Leisure have proposed to operate the venue and golf course under a Special Facility liquor license. The course is currently operated under the Special Facility liquor license held by Royal Fremantle Golf Course which the new operator would seek to transfer.

Including on the golf course, the maximum number of patrons and staff is expected to total 306 (276 patrons and 30 staff). The facility is intended to operate from 7am to 12pm, 7 days per week, subject to licensing and regulation approvals.

The proposal is consistent with the objectives of the Parks and Recreation reserve and seeks to enhance the existing amenity of the golf course and provide an interactive interface to the park encouraging activation of the reserve.

A development application will require the preparation of the necessary supporting documents to demonstrate that the proposed development will not result in any adverse amenity impacts to sensitive premises by means of noise, traffic and light spill.

In relation to noise, a development application will need to consider the noise impacts associated with the proposed facility and demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 during operating hours.

An Environmental Noise Assessment Report will need to be prepared by a suitably qualified acoustic consultant. In consideration of potential noise impacts, the proposal has been designed/oriented to face east, away from the nearby residential uses. The building is set back a minimum of 30m from the western lot boundary, providing a minimum separation distance of approximately 190m from the existing residential properties to the southwest of the development site.

A lighting assessment is likely to be required, demonstrating compliance with AS/NZS 4282.2019 Control of the obtrusive effects of outdoor lighting. The maximum limit of illumination will be assessed within the lighting assessment.

Given the proposed facility faces east, away from the nearest residential properties, there is expected to be little (if any) impact on the amenity of nearby residential properties.



Accordingly, the proposal is expected to provide an appropriate amenity outcome through its overall design, location and operational measures.

During the development of the operating model, consideration will be made to the requirement for the provision of after-hours security to ensure a safe environment for residents and patrons.

Ensure that any activities that encroach into Booyeembara Park are community and / or recreational in nature and accessible by the community.

In considering integration with Booyeembara Park, the proposed concept design package (attached) incorporates the following design features that are community/recreational in nature and are accessible to the community:

- Undercover Alfresco Space and Order Kiosk located at the southern end of the building, this space is designed to integrate with the City's future plans for this section of Booyeembara Park. Park visitors can order food and drinks from the walk-up order and collect window, allowing interaction with the park.
- The proposed installation of public art on the south side of the building facing the park. Subject to the appropriate consultation and engagement with Walyalup Whadjuk Nyoongar Elders, the public art works are proposed to represent the aboriginal symbols for "sand hill" and "meeting place".
- A minor (171 m<sup>2</sup>) encroachment of the buildings south end is required into Booyeembara Park. Belgravia Leisure have determined this encroachment is required to prevent the full redesign of the ninth hole and a shortening of the first hole to the extent that it becomes unplayable. This encroachment is proposed to benefit users of the park by providing an alfresco dining area and food and beverage services.
- Practice Green & Realigned First Tee located at the northwestern aspect of the building.
- Netting: Belgravia Leisure have sought advice and a design from their netting supplier, Country Club International, on the amount of netting required who have advised the following:
  - Left-hand Side of the range: Safety Screen to be 100m in length by a minimum of 24 metres in height.
  - Right-hand Side of the range: Safety Screen to be 175m in length by a maximum of 36 metres in height.
- Bike Racks: Additional bicycle parking racks located near the building entrance.
- Car Park Modifications: Adjustments have been made to minimise any encroachment into Booyeembara Park and achieve a tree canopy cover



of minimum 20%.

- The preservation of the Olive Grove Axis as a green, park-like pedestrian connection to Montreal Street. And a well-defined pedestrian connection from the Montreal Street to the entrance of the building.
- EV Charging Stations: Two dedicated EV charging stations, with the flexibility to increase the number of chargers in the future.
- Loading and Bin Storage Area: This undercover section is shielded from public view.



*Image: Render of driving range facility interface with Boyeembara Park including Food and Beverage offering with alfresco.*



*Image: Render of aerial view of Booyeembara Park interface with driving range facility.*

Provide a clear demonstration of how parking demand will be met.

The proposed development is situated within the golf course and will replace the existing driving range. 36 parking bays are proposed on site to accommodate the demand generated by the proposed LaunchPad golf facility. There are approximately 56 existing street parking bays in proximity to the premises on Montreal Street and a further 26 existing street parking bays which may also accommodate patrons of the LaunchPad golf facility and existing golf course patrons.

There is an opportunity for additional car parking bays accessed from Montreal Street which could bring the total bays up to approximately 160 bays. Overall, there is an opportunity to accommodate and potentially use 186 bays.





With regard to statutory planning and technical car parking provisions, the Private Recreation land use is required to provide one car parking bay per five seats or per five people accommodated under the provisions of the local planning scheme (LPS4). The maximum number of patrons and staff is expected to total 306 (276 patrons and 30 staff). The proposed development is required to provide 61 car parking bays. Currently there is estimated to be a 25 bay on site shortfall, however the large surplus of existing and proposed street parking bays within the Montreal Street verge will logically cater for any increased car parking demand.

Furthermore, some of the existing golf course patrons using the Montreal Street car parking bays are expected to use the LaunchPad facility, creating car parking efficiencies. Given the social nature of LaunchPad golf, it is anticipated that some patrons would utilise ride share services. A Transperth Bus stop (the 502 route) is located on Amherst Street, approximately 540m west of the development site by foot.

An appropriate level of traffic reporting, prepared by a suitably qualified transport engineer in accordance with the WAPC's Transport Impact Assessment Guidelines for developments will be provided to support any future development application. This would be in the form of a Transport Impact Statement or Traffic Impact Assessment. The TIS/TIA will examine and confirm whether the existing car parking provision is sufficient to support the LaunchPad Golf facility.

Establish clear performance indicators and make good provisions for the golf course infrastructure to form part of any proposed lease.

Belgravia Leisure have entered into a collaboration with LaunchPad Golf at the Fremantle Public Golf Course. The primary aim of this partnership is to maintain the existing operation of the 9-hole golf course while introducing additional amenities including a driving range, promoting both fun and social engagement.



The Fremantle Public Golf Course, Clubhouse and Community facility is partially located on a historical unregulated landfill site which has since been remediated for this current use. A Site Management Plan has been developed for the site to manage the risks associated with contamination during routine maintenance and other works.

As part of the expression of interest process, Belgravia Leisure have agreed to the content of the Site Management Plan and agree to abide by it (in particular, accepting the implementation of the required management actions during construction and ongoing maintenance of the Site) and develop site-specific HSE plan with consideration of the management measures outlined within this Site Management Plan.

Belgravia Leisure are responsible for all costs associated with implementing and complying with the relevant items in the Site Management Plan.

Belgravia Leisure have also agreed to the City's Public Golf Course Operational Management Plan to undertake course maintenance (including greens, fairways, driving ranges, tees, bunkers, roughs, course furniture/signs, clubhouse and course gardens, natural bushland), including:

- forward works planning;
- staffing levels and trade certificates;
- ground water and irrigation management;
- plant, equipment; tools and material; and
- pest, disease and weed control strategies, chemical and fertiliser management, and fauna management.

Belgravia Leisure have appointed Programmed Property Services to undertake course and facility maintenance, in line with the City's Public Golf Course Operational Management Plan. An annual services schedule will be developed in consultation and compliance with the Public Golf Course Operational Management Plan.

A range of standard operating procedures have been proposed (outlined in the expression of interest submission attached) to provide a general overview of the maintenance practices employed on the golf course.

Additional Performance Indicators include:

- Compliance with the City's Site Management Plan
- Compliance with the City's Public Golf Course Operational Management Plan
- Re-engagement of the previous clubs and community groups
- Number of rounds metric
- Customer satisfaction metric



- Provision of free space for community groups within the precinct to undertake free community activities such as precinct group meetings and community gatherings.

LaunchPad is the proposed sub-lessee of the LaunchPad facility. The Lease will be subject to:

- Belgravia Leisure entering into a sub-lease with LaunchPad prior to year 3 of the Lease
- The proposed LaunchPad Facility becoming operational by the commencement of year 3 of the Lease
- The continued operation of LaunchPad and the LaunchPad Facility during the term of the Lease; and
- The investment of at least \$15,800,000 by the Lessee/its sub-lessee towards the construction of the LaunchPad Facility on the Premises.

Should LaunchPad cease to operate the LaunchPad Facility during the term, Belgravia Leisure must ensure the continued operation of the LaunchPad Facility and deliver an equal or a higher level of service.

The LaunchPad/driving range Facility will vest with the Lessor (the City) upon the expiry or earlier determination of the Lease.

### **Golf Clubhouse construction and proposed community facility**

Concurrent to this process, the City commenced a procurement process for the construction of a Golf Clubhouse which was to include a community centre. It was intended that a new golf course operator would have the opportunity to manage the recently upgraded golf course and newly constructed club house/café, and a community centre incorporated into the same facility would be managed by the City (and hired/accessed by community groups).

Tender submissions were returned and were close to \$1m over budget. Given that this proponent is proposing to fund and construct the golf and driving range facilities via a minimum \$15.8m capital contribution (as an alternative to the City doing so), an opportunity exists for the City to reassess the scope of the community centre component and consider the delivery of a standalone community centre in an alternate location within proximity to the existing site.

While the proposed golf and driving range facilities will be completely publicly accessible and incorporate a public café servicing Boyeembara park, the proposal from Belgravia Leisure and LaunchPad does not incorporate a bookable community facility.

As such the City will seek to engage the community on the most suitable location for the construction of a standalone community facility given it is no longer required to be incorporated in to the golf facility.



It should be noted that the City has retained the funds required to deliver a standalone community facility, which will remain in the budget until a suitable outcome is reached in consultation with the community.

### **Essential Terms for Proposed Disposal**

As detailed in the attached business plan, the following essential terms have been agreed upon by the City and Belgravia Leisure for the proposed disposal:

- Lease Term: 21 Years (10+6+5)
- Rent: \$104,000 p.a. from commencement of year 3
- Rent Review: CPI increase/decrease annually, and market review every 5 years
- City of Fremantle Capital Contribution: \$3.2m
- Belgravia Leisure/LaunchPad Capital Contribution: Minimum of \$15.8m
- Commencement date: TBD – estimated early to mid 2024

### **FINANCIAL IMPLICATIONS**

Based on a current market valuation (attached) and the essential terms agreed to in principle by the proposed lessee, the disposal is expected to generate the following positive impact on the City's budget over the term of the proposed lease, not including Consumer Price Index (CPI) adjustment over the term.

- Rent – \$104,000 p.a. received from commencement of year 3.
- Impact to budget over first term (10 years) = approx. \$832,000 in rent received.
- Impact to budget over first further term (6 years) = approx. \$624,000 in rent received.
- Impact to budget over second further term (5 years) = approx. \$520,000 in rent received.

The total revenue impact to the City's budget over the full term of the disposal would be approximately \$1,976,000.00 in rent with any adjustments to CPI being in addition to this.

### **Determination of Valuation**

The City had two market valuations undertaken by valuers. The first valuation was undertaken on 8/9/2023 and was based on the original scope of work as outlined in the EOI documentation (clubroom/café development). This valuation was determined at \$105,000 per annum, based on a tenant leasing the site as constructed.

After the EOI closed and a preferred proponent was shortlisted, due to the alternative development outcomes being proposed (two story driving range, pro shop and F&B facilities) an updated valuation was undertaken on 26/10/23.





This valuation was determined as \$150,000 per annum, based on a tenant leasing the site as constructed.

Due to negotiations on lease terms not yet being concluded, neither valuation took into account how the development was to be funded and by whom. The valuations were based on 'as is' or 'as if constructed' basis and do not consider lessee/lessor contributions a factor as this is negotiated between the parties in the form of cash and/or rent-free periods.

Although not addressed in the valuation report, the valuer has indicated that the value of capital investment proposed by Belgravia would normally warrant a valuation closer to what has been agreed upon (\$104,000 p.a.) due to the significant value that will remain in the asset and vest with the City upon expiry of the Lease.

#### Capital Investment

Belgravia Leisure has proposed a minimum \$15.8m capital investment into the facility undertaking the construction of the club house facility, multistorey driving range, retail, food and beverage facilities and golf course realignment to integrate into Booyeembara Park as demonstrated in the design plans attached.

As part of the initial proposal, Belgravia Leisure sought a contribution from the City towards civic infrastructure such as entry, road signage and parking.

Throughout the negotiation process, Belgravia Leisure have confirmed the capital contribution required from the City. The capital contribution request totals \$3.2m and is identified to contribute to costs associated with:

- Works to Hole #1
- Works to Hole #9 Realignment
- Carparking & off-street Parking
- Landscaping to the South of Clubhouse
- External Services

The capital contribution required from the City is budgeted for in the FY 2023/24 budget.

#### Main Roads WA funding

As part of the High Street project, Main Roads has funded a program of accommodation works including the reconfiguration of the golf course and, in the next phase, the construction of a replacement club house and community centre.

The City currently has an available budget of \$4.3m for the construction of the Golf Club Community facility. The majority of this funding has been provided by Main Roads WA as part of the overall project with the funding being specific to the



construction of a replacement golf club, community facility and associated infrastructure.

Whilst Main Roads have indicated they don't object to this proposal, the City's capital contribution is subject to formal approval from Main Roads WA given this proposal includes provision for Belgravia Leisure to self-deliver a differing or amended facility.

It is expected that Main Roads would want to ensure that the funding was properly acquitted and spent directly on the provision of the size and nature of the facility that was agreed as part of the funding negotiation process with the City.

### Community Centre

In June 2023, Council resolved to request the Chief Executive Officer identify options for the provision of an appropriate community facility including consideration of options at either the existing site, or another suitable site.

Based on this proposal excluding a standalone community facility, it is proposed that the \$3.2m capital contribution from the City contribute to the costs associated with the golf facility construction, and the remaining budget of \$1.1m be utilised to fund works associated with a standalone community facility, in line with the June 2023 Council resolution.

A further report with options will be brought back to Council for consideration and further community consultation will be undertaken.

### **LEGAL IMPLICATIONS**

The City is required to dispose of property in line with the requirements of the Local Government Act 1995. Under section 3.58 of the Act, a Local Government can dispose of property in the following ways:

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (c) If before agreeing to dispose of the property it gives local public notice of the proposed disposition and invites submissions to be made.

As per section 3.59 of the Local Government Act 1995, a local government is required to develop and advertise a business plan if a proposed disposal of property is considered a major land transaction under the Act.

Pursuant to Regulation 30(2a)(c) of the Local Government (Functions and General) Regulations 1996 a major land transaction which is advertised pursuant



to section 3.59 does not need meet the requirements of section 3.58 in a separate public notice.

A disposal of property is considered as a major land transaction if the consideration under the transaction, together with anything done by the local government for achieving the purpose of the transaction, is more than either —

- (i) \$10 000 000; or
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year, which in the case of the City and the expenditure from its municipal fund in FY21-22, is an amount of \$8,119,514.

Before entering into a Major Land Transaction, the Council must first prepare a Business Plan, advertise the availability of the Business Plan for comment and then consider any submissions received in relation to the proposed transaction.

A business plan is to include an overall assessment of the major land transaction and is to include details of:

- its expected effect on the provision of facilities and services by the local government; and
- its expected effect on other persons providing facilities and services in the district; and
- its expected financial effect on the local government; and
- its expected effect on matters referred to in the local government's current community strategic plan; and
- the ability of the local government to manage the undertaking or the performance of the transaction.

The business plan must be advertised publicly allowing for public submissions, with submissions to be considered by council with absolute majority required.

## **CONSULTATION**

### Expression of interest process

As part of the initial expression of interest process, the property was marketed via the following methods;

- An open EOI process
- City's website and various media channels
- Advertisement in the West Australian and Fremantle Herald
- Advertisement in the Golf Industry Central e-newsletter
- Website listing on the Golf Industry Australia website
- A listing on the Professional Golfers Association of Australia Members portal
- Direct approach to potential candidates and use of Economic Development database.



Business plan process

Subject to Council approval, the business plan process will invite submissions from the community on the proposed disposal and any feedback received will be provided to council prior to making a decision on the lease.

Additional community engagement process

Officers will engage with community groups that are active within Booyeembara Park and the broader White Gum Valley community, including but not limited to:

- White Gum Valley Precinct Group
- Royal Fremantle Golf Course (members/users)
- Fremantle Public Golf Course (members/users)
- Residents in the immediate area
- Nannine Common Inc
- Fremantle Industrial Quarter
- Booyeembara Park Reference Group
- Friends of Booyeembara Park (incl. volunteers)
- SHAC

The proponent has been consulted in relation to the proposed terms and the terms have been negotiated over the past three months. These terms have now been agreed to by both parties.

Following the business plan process and proposed lease being agreed to by council (after consideration of public submissions), a development application will be required. Final design and development approval will be required to align to the Booyeembara Park Masterplan and subject to design workshops with the City's teams and community stakeholders, including the Booyeembara Park Reference Group.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required.



## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Endorse the Business Plan outlining the proposed disposal of 20 Montreal Street, Fremantle (the Fremantle Public Golf Course), as shown in Attachment 1.**
- 2. Authorise the Chief Executive Officer to advertise the attached Business Plan in line with the requirements of section 3.59 and 3.58 of the *Local Government Act 1995*.**
- 3. Note submissions received via the Business Plan process will be presented to Council as part of the consideration for approval of the proposed Business Plan following the conclusion of the business plan process.**



## **C2311-14            SEASONAL TRADING POLICY – TEMPORARY RELOCATION OF TRADING LOCATION**

**Meeting date:** 22 November 2023  
**Responsible officer:** Manager Economy & Commercial  
**Decision making authority:** Council  
**Attachments:**  
1. Seasonal Trading Policy  
2. Seasonal Trading Prospectus  
**Confidential Attachments:**  
1. Confidential – Seasonal Trading – South  
Beach Trading Applications

### **SUMMARY**

**In November 2022, Council approved a new Seasonal Trading Policy which was developed to bring consistency to Council’s approach to managing temporary and seasonal commercial trading activity in public spaces throughout the City of Fremantle.**

**There have since been six successful trading applications with 14 applications received to date.**

**This report recommends that Council approve the temporary relocation of an existing trading location over the upcoming summer season.**

### **BACKGROUND**

The Seasonal Trading Policy was a new policy that was developed to bring consistency to Council’s approach to managing temporary and seasonal commercial trading activity in public spaces throughout the City of Fremantle.

The objectives of this policy are to:

- Allow for the operation of trading activities in a manner that does not interfere or conflict with the City’s permanent retail and service traders.
- Fill a gap in the market by providing tourism and recreation related services that are not already available.
- Ensure that mobile trading activity is appropriate for the area and does not cause any nuisance to the surrounding residents or businesses.
- Ensure the amenity of the area is protected while enhancing the area’s vibrancy.
- Encourage visitors to the City and contribute to Fremantle’s destination brand.
- Promote equitable use of land with a focus on community benefit.
- Provide opportunity for businesses to trial a new business model.

Following the adoption of the policy and the launch of the program, one business (The Neighbourhood Sauna) operated during Winter 22/23. The same business has been approved to trade again over the Summer 23/24 season.



**Agenda – Ordinary Meeting of Council**  
**22 November 2023**



Four new businesses have been conditionally approved for the Summer 23/24 season and 14 applications have been received for the program to date across the Winter 22/23 and Summer 23/24 seasons.

**OFFICER COMMENT**

Based on the applications received for the upcoming Summer season 23/24 (1 November 2023 – 30 April 2024), officers have conditionally approved:

- South Beach North location: Neighbourhood Sauna
- Port Beach location: Aqua Flights and King Wing
- Leighton Beach North location: Sandy Pups Mobile Dog Wash
- South Beach North A temporary location: Freo Beach Hire (*proposed temporary adjusted location, subject to Council approval*)

Officers are seeking Council approval of the temporary relocation of an existing trading location.

In the Seasonal Trading Policy, there are two South Beach trading sites (South Beach North and South Beach South).



**LOCATION 3**  
**SOUTH BEACH NORTH**

Grassed area adjacent to South Beach north carpark.

**Total area:** 30m<sup>2</sup>

**Trading seasons**

Summer and winter

**Suggested uses**

- SUP, canoe, kite, and kayak hire
- Deck chair, lounge, towel hire
- Beach recreation – magazines, books, balls, frisbees

**Access**

Vehicle access



**LOCATION 4**  
**SOUTH BEACH SOUTH (GRASS)**

Grassed area adjacent to South Beach south carpark.

**Total area:** 33m<sup>2</sup>

**Trading seasons**

Summer and winter

**Suggested uses**

- SUP, canoe, kite, and kayak hire
- Deck chair, lounge, towel hire
- Beach recreation – magazines, books, balls, frisbees

**Access**

Vehicle access



Following the adoption of the Seasonal Trading Policy, a tree has been planted in the original South Beach South location and the site is no longer operable. This location won't be operational during the summer season.

Officers have proposed a temporary (six-month) relocation of the South Beach South trading location to be relocated adjacent to the South Beach North location to enable two operators to trade at South Beach over Summer. (Locations outlined on the map below).

The proposed traders for these locations are:

- The Neighbourhood Sauna (approved to trade at the current South Beach North site, referred to on the map below as South Beach North), and;
- Freo Beach Hire (proposed to trade at the relocated South Beach South location (proposed to be temporarily relocated to be adjacent to South Beach North), referred to in map below as South Beach North A.

Based on the nature of the activities of the two operators, officers have determined they are both suitable to be undertaken for this summer season, as a trial to better determine any potential impact.

Following a trial of this temporary relocation, if deemed suitable, officers will seek Council approval for a formal policy change to accommodate a permanent relocation of the existing South Beach South location.



Both operators would be operating from shipping containers and have been deemed to have complementary business activities. The relocation of the South Beach South location enables the consolidation of this setup and retains the beach activity in one central location.

In considering this change, officers have considered associated risks which include:

- Risk to the community's quiet enjoyment of the beach – this is mitigated by the type of activity that is being undertaken (beach sauna and beach equipment hire).
- Risk to grass maintenance – this is mitigated by a ground restoration bond forfeited for turf resurfacing at the conclusion of the trading activity. This bond is applicable to both operators.

### **FINANCIAL IMPLICATIONS**

Adoption of this policy has had a positive impact on the budget with \$3,000 being received as part of the trading fees for the winter season.

Fees associated with this activity will be reviewed annually as part of the budget process.



Based on the applications received for this Summer season, officers are forecasting a further \$15,000 in revenue will be generated.

### **LEGAL IMPLICATIONS**

Applicants must comply with the Activities in Thoroughfares and Public Places Trading Local Law 2005 and will be required to follow the City's trading approval process.

Prior to the commencement of trade, businesses agree to the City's terms and conditions and enter into a legally binding agreement.

### **CONSULTATION**

The principles and broad intent of this policy were collaboratively developed internally to ensure compliance and approval processes are followed in accordance with the Activities in Thoroughfares and Public Places Trading Local Law 2005, Planning and the City's policies.

The City has also consulted with the Department of Planning Lands and Heritage to ensure activities align with proposed land uses.

The proposed policy changes have also been collaboratively developed internally to ensure suitability.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

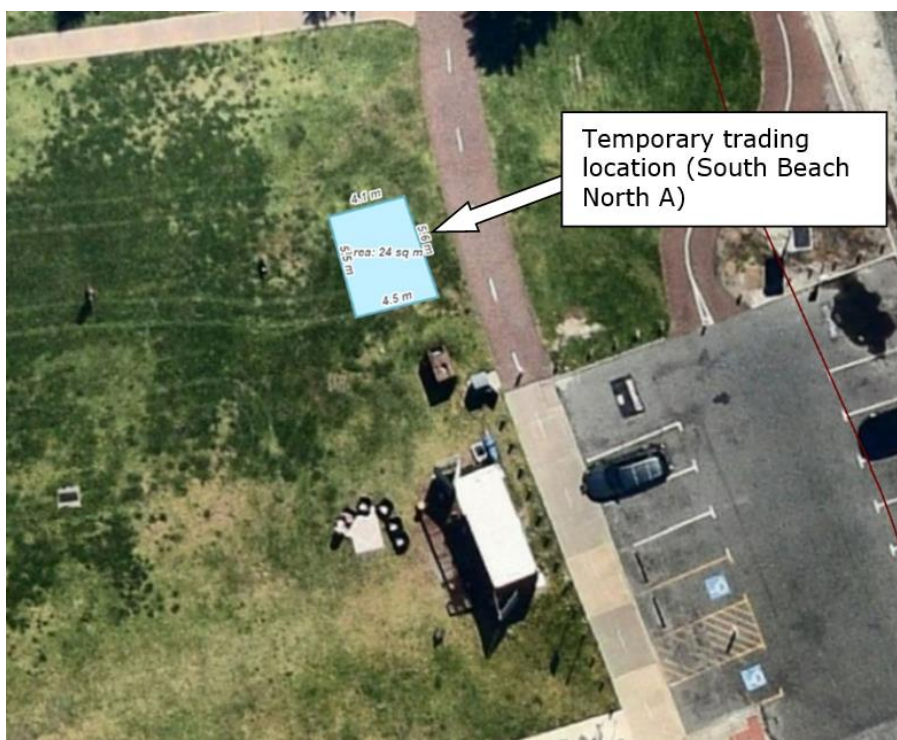
Simple majority required.



## OFFICER'S RECOMMENDATION

### Council:

1. Approve the temporary relocation of trading location South Beach South, to the location outlined in the map below for the 2023/2024 Summer season from 1 November 2023 – 30 April 2024.





**C2311-15                      REQUEST FOR PROPOSAL - FCC636/23 – PROVISION OF  
PARKING SOLUTION**

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	Manager Economy & Commercial
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	Nil
<b>Confidential Attachments:</b>	<ol style="list-style-type: none"><li>1. Confidential - Provision of Parking Solution Pricing Summary</li><li>2. Confidential - EasyPark Submission Information</li><li>3. Confidential - Flowbird Submission Information</li></ol>

**SUMMARY**

**The purpose of this report is to consider tender number FCC636/23 Provision of a Parking Solution.**

**This report recommends that Council accept the proposals submitted by Flowbird (Portion A and C) and Easy Park (Portion B) in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.**

**BACKGROUND**

The City of Fremantle issued a request for proposal (RFP) seeking the provision and installation of pay-by-plate parking meters to replace its current parking meters and a new pay-by-phone system, together with a proposal that integrates pay-by-plate parking metres with permits, pay-by-phone, infringements, and reporting systems as currently these are standalone functions with minimal integration. Proposals were required to provide for installation of new meters, decommissioning of current meters, testing, training and the provision of ongoing customer service and support.

This program has been driven by current parking ticket machines approaching end of life as well as the intent to:

- Improve community satisfaction in relation to parking within Fremantle by providing a better-quality user experience.
- Enable the City to optimise its parking network.
- Provide the City with greater access, insight and understanding of parking data.
- Access and leverage parking data for the purposes of improved marketing to existing and potential customers.
- Ability to offer dynamic pricing in response to trends in utilisation.
- Provide opportunities to increase parking utilisation and revenue.





The City manages a diverse range of parking services for residents and visitors including on-street and off-street fee applicable carparks and bays, non-fee time restricted zones, ACROD bays, loading zones, parking permits, reserved bays and parking enforcement services.

All City fee-applicable parking is currently pay and display and/or pay by phone. The City currently has 170 pay and display ticket machines in use, and approximately 400 pay-by-phone signs and 30 main carpark signs.

Due to the several systems and components that are required to come together in order to adequately manage parking supply and demand, the request for proposal was delivered across three separable portions being:

- a. Ticket machines
- b. Pay-by-phone app and permit system
- c. Integrated gateway and enforcement systems

Further information on each separable portion has been provided to follow.

#### Portion A – Ticket Machines

Portion A of the RFP was essential and was for the replacement of on-street and off-street ticket machines across the City of Fremantle that are reaching their end of life.

The City's current ticket machines are ten years old and are at the end of their operational life. The machines have a basic standalone reporting system, do not provide a pay-by-plate option and have no integration with pay-by-phone, permits or the City's infringement system.

The ticket machines are also working on the 3G network which will no longer operate from July 2024. Proposals were requested to provide for a complete replacement of the current machines before the July 2024 deadline or provide a proposal that stages the installation of new ticket machines if proposals incorporate a 3G to 4G solution for the period between the 3G cut-off and installation of new machines.

#### Portion B – Pay-by-Phone App and Permit System

Portion B of the RFP was essential and was for:

- A pay-by-phone app to provide a payment option for parking users to pay for parking via their phone device.
- A permit system that enables users to access permits for certain parking rights within the City (ie. resident parking permits).



### *Pay-by-Phone*

The current pay-by-phone software/system does not integrate with the ticket machines. In order to change business rules such as fee and time restrictions, officers must make manual amendments on each platform and each ticket machine individually. The contract for the City's current pay-by-phone provider has come to an end providing an opportunity to assess alternative systems which may assist in creating greater efficiencies and integration.

### *Permit System*

The current permit system does not integrate with the ticket machines and there is no option for customer to secure and manage a permit. Customers are required to use an online platform.

The City uses an electronic permit system for commercial permits, but issues paper permits for residents that haven't yet transitioned to an electronic permit format. Proposals were sought for an electronic permit system that officers can roll-out to residents as a straightforward alternative to paper permits.

### Portion C - Integrated Gateway System and Enforcement

Portion C of this RFP was non-essential and was for:

- An integrated gateway system with bi-directional data sharing between the ticket machines, pay-by-phone app, and permit system.
- An enforcement system that integrates parking data, provides reports and enables changes to parking tariffs through one integrated system.
- A gateway platform that enables the implementation of dynamic pricing, as well as better reporting capability and efficiencies.
- A LPR (licence plate recognition) solution.

### *Integrated Gateway System*

The City currently has no central gateway, or management platform to generate configurable analytical reports.

Currently the following functions are independent of one another requiring officers to manually manage the parking system across a number of different platforms including:

- a) Ticket machines;
- b) Pay-by-phone;
- c) Electronic permits;
- d) Infringement system (live infringement uploads are not possible, customers are required to wait until the next day to pay an infringement); and



- e) Payments and sales management (all payments and reconciliations are manually completed). The current system provides limited oversight of cashflow and bank deposits for live transactions.

### *Infringement System*

Currently, officers in the field are unable access real-time alerts and historical information. Based on not having real-time infringement analysis, there is limited oversight on the status and location of an officer in the field and immediate knowledge of when and where cautions/infringements are issued.

There is no integration between the infringement system and ticket machines which means officers must visually search for tickets on a vehicle's dashboard. It also means that customers can't pay for their infringements immediately at the ticket machine, or via the City's customer service desk.

Infringements are manually uploaded to PinForce Manager by parking officers at the end of the day when they return to the office which provides inefficiency and requires significant time to avoid human error.

The current system has a basic Valve Stem process that is largely manual and inefficient, a basic handheld LPR feature that does not support automatic Valve Stemming and no integration with the Fines Enforcement Registry (FER) and Department of Transport (DOT) meaning that everything must be manually uploaded via TechOne; with no capability to generate analytical reports of the infringements or the parking officers' activities.

### **Contract Period**

The Contract shall be in place for a period of two (2) years with three (3) one-year extension options available to be exercised at the sole discretion of the City.

The contractors are responsible for the successful implementation of the Parking Solution as well as providing ongoing support services after implementation.

Specifically, the works completed under this contract will include the following:

#### Implementation

The contractor is responsible for the successful implementation of the Parking Solution. This portion of the request encompasses all activities, tasks, and deliverables related to the initial setup, configuration, deployment, and integration of the project.

#### Support Services after Implementation

Upon successful completion of the implementation phase, the contractor shall provide ongoing options of support services for the parking solution. This



portion of the request covers the following;

1. Software Support Contract:
  - a. Provision of technical support and assistance for the proposed system.
  - b. Address and resolve software-related issues promptly to minimise downtime.
  - c. Offer remote troubleshooting and on-site support when necessary.
  - d. Deliver software updates, patches, and enhancements as required.
  - e. Provide training and documentation to our in-house team for effective system usage.
2. Parts Listing:
  - a. Create a comprehensive list of recommended spare parts and components for the ticket machines and relevant hardware.
  - b. Include details such as part numbers, descriptions, quantities, and supplier information.
  - c. Ensure compatibility and availability of listed parts for a specified period.

## **FINANCIAL IMPLICATIONS**

The table below summarises the available budget.

<b>Description</b>	<b>Budget</b>
<b>Capital Budget</b>	
IP Activity Project: 300259 - P-12041 Program - Ticket machines	\$1,706,000.00
IP Activity Project: 300256 - P-12036 Purchase - Parking licence plate recognition cameras	\$180,000.00
<b>Total Capital Budget</b>	<b>\$1,886,000.00</b>

<b>Description</b>	<b>Budget</b>
<b>Operating Budget</b>	
IP Activity Project: 100566 - Manage commercial parking operations	\$644,725.00
IP Activity Project: 100736 Enforcement software	\$144,715.00
<b>Total Operating Budget</b>	<b>\$789,440.00</b>

Sufficient funding provision has been allocated in the 2022/2023 budget to deliver the project within budget. Refer to the Confidential Pricing Summary Attachment for further information.

The budget for this project consists of a combination of capital project budget for the upfront purchase of hardware and establishment costs, and ongoing



operational budget for the ongoing software, management, licensing and processing costs.

This service spans multiple years therefore an ongoing commitment to suitable operational budget provision is required, noting that current operational budgets are sufficient for this.

## **LEGAL IMPLICATIONS**

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

The procurement approach taken was a public tender. The Request document was constructed as a Request for Proposal as the city wanted the respondents to develop a best approach that they thought would suit the City needs.

## **CONSULTATION**

The tender request was advertised on 7 August 2023 on the Tenderlink Portal and on the Council Website, LinkedIn, Council Library leaflet and Freo Weekly e-newsletter as per the requirements of clause 1.7 of the Act.

The tender was open for 32 days. A 14-day minimum tender period is legislatively required. The tender closing date was 11 September 2023.

## **OFFICER COMMENT**

### **Detail**

Essential details of the contract are outlined below:

Contract type	Lump sum and schedule of rates
Contract duration	Two (2) years with three (3) one-year extension options available to be exercised at the sole discretion of the Principal
Commencement date	Estimated commencement date is February 2024
Completion date	Estimated completion date is February 2029



## **Tender evaluation**

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

- Arthur D Riley Co Pty Limited
- CellOPark Australia Pty Ltd
- Easy Park
- Flowbird Australia Pty Ltd
- Orikan Australia Pty Ltd
- Peritus Technology Pty Ltd
- Reino International Pty Ltd T/A Duncan Solutions Australia
- TMA Australia Pty Ltd

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

The tender evaluation panel comprised:

- Director City Business
- Manager Economy & Commercial
- Team Leader Community Safety & Parking
- Team Leader Commercial
- Acting Procure-to-Pay Team Leader

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

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

<b>Item No</b>	<b>Criteria</b>	<b>Weighting</b>
1	Relevant Experience	20%
2	Key Personnel, Skills and Resources	25%
3	Demonstrated Understanding	30%
4	Sustainability	10%

Due to the range and variability of products and services being requested it was determined to separate the RFP into three assessable components.





Contractors were able to tender for one, two or all three portions. Each portion related to a different component of the parking solution requirement. After the evaluation concluded, the top scoring submissions of each portion were invited to undertake a live demonstration and a Q & A of their solution.

Applicants for portion A were asked to bring in their parking machine and demonstrate the functionality of the machine to the panel. Following the demonstration, the panel conducted a final evaluation where they determined that Flowbird were to be awarded portion A & C and Portion B was to be awarded to Easy Park.

The eight tender submissions received were conforming, and 0 tender submissions received were non-conforming.

The results of the tender evaluation for the delivery of tender FCC636/23 Parking Solution for each portion are shown in the tables below.

### Portion A overall scores

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
<b>Tenderer</b>	<b>20.00</b>	<b>25.00</b>	<b>30.00</b>	<b>10.00</b>	<b>15.00</b>	<b>100</b>
Arthur D. Riley and Company Pty Ltd	14.44	18.06	22.50	5.83	8.81	69.65
CellOPark Australia Pty Ltd	13.33	16.67	20.00	6.11	10.78	66.89
Flowbird Australia Pty Ltd	16.11	19.44	27.50	6.67	7.48	77.21
Orikan Australia Pty Ltd	13.89	17.36	23.33	6.39	11.90	72.87
Peritus Technology Australia Pty Ltd	12.78	17.36	20.83	5.56	12.44	68.96
Reino International Pty Ltd t/a Duncan Solutions Australia	15.00	18.06	20.00	6.67	10.58	70.30
TMA Australia Pty Ltd	12.22	13.89	15.83	6.11	15.00	63.06

### Portion B overall scores

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
<b>Tenderer</b>	<b>20.00</b>	<b>25.00</b>	<b>30.00</b>	<b>10.00</b>	<b>15.00</b>	<b>100</b>
Arthur D. Riley and Company Pty Ltd	12.78	16.67	18.33	5.83	3.84	57.45
CellOPark Australia Pty Ltd	14.44	16.67	19.17	6.39	1.40	58.07
Easy Park	17.78	19.44	25.83	6.39	3.43	72.87
Flowbird Australia Pty Ltd	15.00	18.75	20.83	6.39	1.48	62.45
Orikan Australia Pty Ltd	11.67	17.36	17.50	5.56	2.37	54.45
Peritus Technology Australia Pty Ltd	11.67	15.28	19.17	5.28	0.69	52.08
Reino International Pty Ltd t/a Duncan Solutions Australia	10.00	15.28	16.67	5.83	1.08	48.86
TMA Australia Pty Ltd	10.56	13.89	15.83	5.83	15.00	61.11



## Portion C overall scores

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
<b>Tenderer</b>	<b>20.00</b>	<b>25.00</b>	<b>30.00</b>	<b>10.00</b>	<b>15.00</b>	<b>100</b>
Arthur D. Riley and Company Pty Ltd	13.89	16.67	19.17	6.11	15.00	70.83
CellOPark Australia Pty Ltd	13.33	15.97	18.33	6.11	6.49	60.24
Flowbird Australia Pty Ltd	15.56	18.75	25.83	6.39	2.20	68.73
Orikan Australia Pty Ltd	13.33	15.97	19.17	6.11	9.55	64.13
Peritus Technology Australia Pty Ltd	12.78	14.58	20.00	5.83	12.36	65.55
Reino International Pty Ltd t/a Duncan Solutions Australia	13.33	15.97	19.17	6.39	7.51	62.37
TMA Australia Pty Ltd	10.37	12.96	14.44	6.11	1.93	45.82

The tenders submitted by Flowbird (portion A), Easy Park (portion B), Arthur D Riley and Company Pty Ltd (portion C) scored the highest rating with the following points:

- Flowbird – portion A – 77.21 points
- Easy Park – portion B – 72.87 points
- Arthur D Riley and Company Pty Ltd – portion C – 70.83 points

Followed by:

- Orikan – portion A – 72.87 points
- Flowbird – portion B – 62.45 points
- Flowbird – portion C – 68.73 points

The remaining tender submissions received lower scores.

### *Portion A – Flowbird*

The combination of Flowbird's hardware and software provides the only complete bidirectionally integrated parking solution. The use of multiple platforms and customer development work would have been necessary with every other provider. Flowbird is the most experienced parking provider internationally and are the leaders in delivering a complete parking solution.

Flowbird parking meters have added capabilities such as the ability to pay infringements at the machine, wayfinding integration and promotional capabilities. In addition to providing a superior product with added capabilities, Flowbird has a track record of reliability, limited downtime of machines and exceptional customer service.

Flowbird are the incumbent ticket machine provider for the City. While the machines proposed are a new design with much increased functionality, the City

will be able to utilise spare parts from existing decommissioned machines, including credit card readers that were purchased by the City recently.

The machines proposed by Flowbird are the Strada Touch machines. They are solar powered, touch screen devices that enable pay by plate. The touch screen panels can display visitor, event and wayfinding information for the user and also enable users to pay infringements at the machine.

Upon completion of the in-person demonstration, the panel were comfortable that the machines will meet the City's requirements outlined in this RFP.



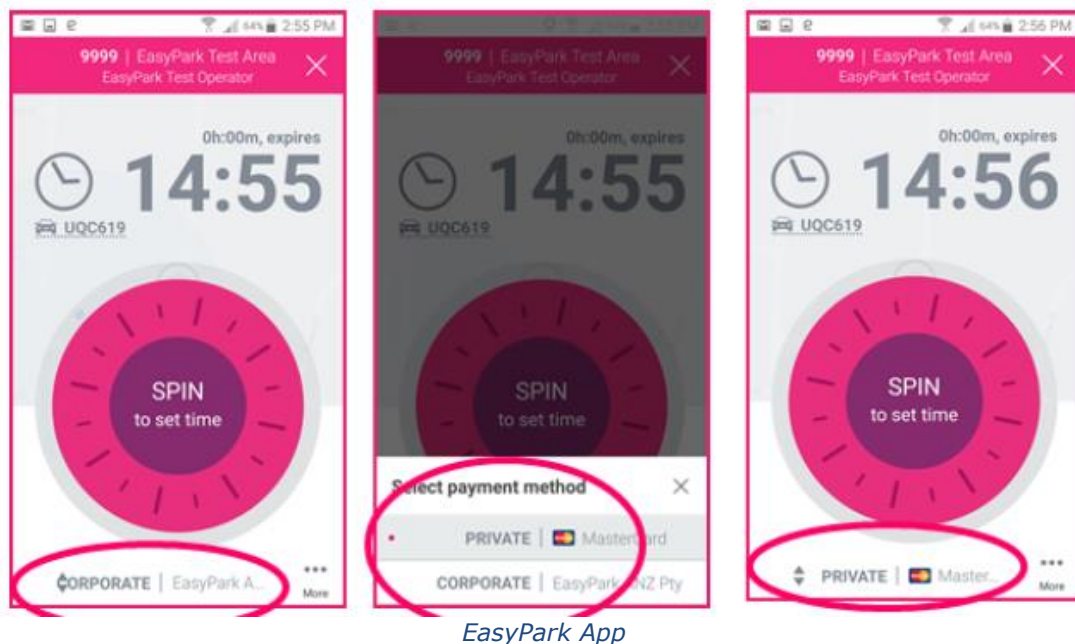
*Strada Touch Flowbird Ticket Machine*

#### *Portion B – Easy Park*

Easy Park was the most user-friendly app with a sophisticated system that has the highest number of WA subscribers (500,000 in the greater metro area). Easy Park works with more than 70 Local Governments, can integrate with other systems and requires minimal customer data (in comparison to other submissions which required more information and a preload of funds from app users).

The Easy Park permit system also integrates with the Easy Park pay-by-phone app via mobile phone number which provides a seamless, integrated service for City customers. No other submission had the local subscription, integration capability or customer-friendly system that Easy Park provided.

Upon completion of the in-person demonstration, the panel were comfortable that the app will meet the City's requirements outlined in this RFP.



### *Portion C – Flowbird*

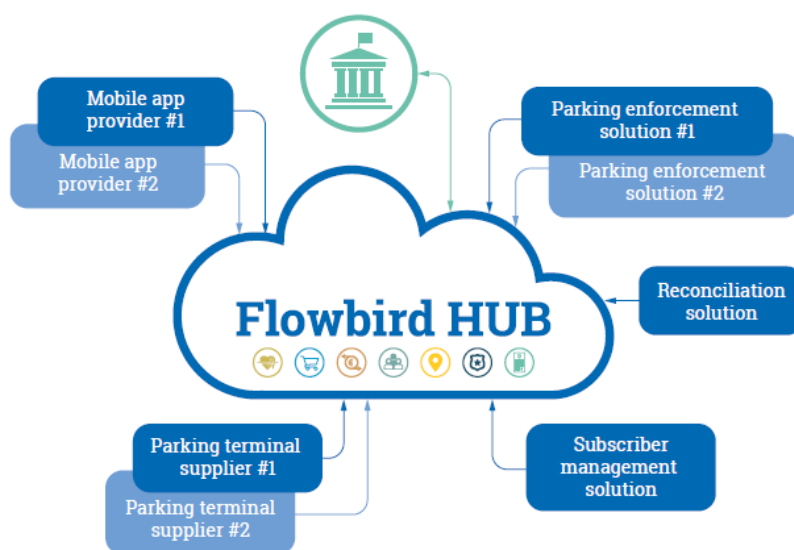
Whilst Arthur D Riley Co Pty Limited scored higher throughout the assessment process, the panel's scores reflected the capability and performance of the enforcement software and equipment as opposed to the proposed central gateway.

Flowbird's submission included the gateway solution, as well as the enforcement software and equipment which is subcontracted to Arthur D Riley Co Pty Limited for the enforcement system, licence plate recognition and Aero Ranger.

Flowbird provided a sophisticated gateway solution that can manage parking tariffs, rules and profiles across all integrated systems (ticket machines, pay-by-phone app, permit system, enforcement system) which provides significant efficiencies and greater report capability.

No other submission provided the extensive integration capability that Flowbird's system provides. It also allows for promotions to be run, images and marketing collateral to be deployed to ticket machines and an integration with enforcement systems: (subcontracting to Arthur D Riley and Company Pty Ltd) and Aero Ranger ensuring that rights, tariffs and parking rules are fully integrated across all systems.

Upon completion of the in-person demonstration, the panel were comfortable that the gateway and enforcement systems will meet the City's requirements outlined in this RFP.



*Flowbird Hub Solution*

The evaluation process determined that the tenders from Flowbird and Easy Park are conforming tenders. Reference checks indicate that Flowbird and Easy Park have provided satisfactory service delivery to their customers on similar projects, and will be suitable suppliers to the City of Fremantle.

### **Environmental considerations**

Flowbird's ticket machines are designed to minimise environmental impact and leverage renewable energy. They are constructed with consideration to save energy by promoting solar configuration (more than 90% of their current production is solar based). They prioritise energy consumption saving during the parking terminal life and use modular conception to facilitate the re-use and the end-of-life treatment of hardware.

EasyPark's pay-by-phone and e-permit services are ticketless and reduce significant amounts of paper parking tickets and permit stickers from landfill each year. EasyPark's digital technology prevents waste and provides benefits such as less council vehicle emissions to refill machines or to collect coins, reduced ticket printing and meter maintenance costs.

The "Find" mapping function of the App also provides environmental gains with the free function enabling drivers to pre-plan their journey to locate carparks. It is estimated that 30% of CBD driving is circling to find an available parking bay. Drivers who use "Find" reduce congestion, emissions, fuel consumption, and vehicle wear and tear.



## **Risk consideration**

Whilst there are no significant corporate risks in relation to this service, there may be minor risks associated with the implementation and installation of the new ticket machines and the implementation of new software systems.

This has been identified as part of the RFP process and addressed in the project being implemented in stages. Stage one involves the successful implementation of the solution encompassing all activities related to the initial setup, configuration, deployment, and integration of the project.

The second stage involves the ongoing support services after implementation including software support and hardware support for spare parts.

The tender included the requirement for contractors to guarantee the services against any defect for a period of twenty-four (24) months from the completion of the services.

The contractor is required at their own expense to make good or perform the services. If the defect is not remedied within a reasonable time, the City may arrange rectification of the service at the risk and expense of the contractor whose invoice shall be adjusted to reflect same.

Risks associated with the City's reputation are likely to be improved with the introduction of this new parking solution. The introduction of pay-by-plate machines means that customers aren't required to pay at the ticket machine and then return to their car to display the ticket on their dashboard.

The capability of the Flowbird ticket machines presents opportunity to provide greater customer service outcomes and the potential to enable customers to pay parking fines at the ticket machine along with the potential to integrate other City services such as pet registrations and/or other City services deemed suitable.

The EasyPark app is utilised by more than 500,000 users in the greater WA metro area and doesn't require pre-loading of funds for customers to utilise the service which will likely enable more users within Fremantle to pay-by-phone and provide a more convenient parking option.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required.





## **OFFICER'S RECOMMENDATION**

### **Council:**

**Accept the tender for FCC636/23 Provision of a Parking Solution for a period of two years with three one-year extension options comprising of the following total contract values over the full term of the contract, subject to budget approval and the tenderers' performance at the discretion of the Chief Executive Officer:**

- a. Ticket Machine purchase, install and servicing (Portion A) from Flowbird for the total estimated contract value of \$3,447,448.**
- b. Pay-by-phone and permit system implementation and ongoing licensing (Portion B) from EasyPark for the total estimated contract value of \$145,000.**
- c. Integrated Gateway and Enforcement Systems implementation and ongoing licensing (Portion C) from Flowbird for the total estimated contract value of \$800,200.**



## C2311-16 PROPOSED LEASE FOR LOT 39 DALY STREET, FREMANTLE

**Meeting date:** 22 November 2023  
**Responsible officer:** Manager Economy & Commercial  
**Decision making authority:** Council  
**Attachments:** Nil  
**Confidential Attachments:** 1. Confidential Attachment - Market valuation

### SUMMARY

The purpose of this report is to seek Council approval for the proposed essential terms that have been negotiated with a proposed Lessee for a portion of the South Fremantle landfill site located at 39 Daly Street, Fremantle.

This report recommends that Council approve the updated Lease terms for 39 Daly Street, Fremantle; and authorise the Chief Executive Officer to finalise the Lease between the City, Humich Nominees Pty Ltd and Anilia Pty Ltd subject to there being no submissions received from the public during the notice period.

### BACKGROUND

On 8 November 2023 a report was brought to Council for the proposed Lease of a portion of Lot 39 Daly Street, Fremantle. Council resolved as follows:

Council authorise the Chief Executive Officer to finalise the Lease between Humich Nominees Pty Ltd and Anilia Pty Ltd and the City of Fremantle for the property at 39 Daly Street, Fremantle based on the following essential terms, subject to compliance with s3.58 of the Local Government Act 1995:

Key Lease Terms and Conditions – Lot 39 Daly Street, South Fremantle	
Land Description	Portion of Lot 39 on Diagram 20161 Volume 1192 Folio 391
Property	Portion of Lot 39 Daly Street, South Fremantle (Approximately 7,500 m2, plan of premises shown below)
Property Owner	City of Fremantle
Lessor	City of Fremantle
Lessee	Humich Nominees Pty Ltd & Anilia Pty Ltd
Handover Date	The date of execution of the Lease by both parties.
Commencement Date	The date the construction of the carpark is complete or six months from the Handover date, whichever is earlier.
Rent Commencement Date	12 months from the Commencement Date.
Lease Term	10 years, with a first further term of 5 years and a second further term of 5 years.
Redevelopment	The City of Fremantle can commence redevelopment/remediation after the first 10 years of the lease term.
Annual Rent	\$21,500 plus GST per annum starting on the first anniversary of the Commencement Date.
Rent Review	Rent to increase by 3% annually and reviewed in line with market every five years from commencement. Rent following any Market Review must not decrease by more than 10% of the previous year's Rent or increase by more than 10% of the previous year's Rent

**Agenda – Ordinary Meeting of Council**  
**22 November 2023**



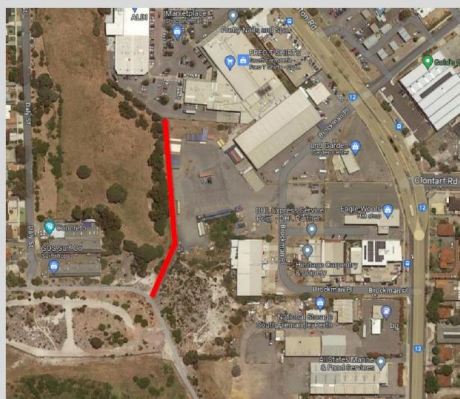
<b>Bank Guarantee</b>	To the value of three (3) month's rent (inclusive of GST).
<b>Incentives/contributions</b>	One year rent free.
<b>Permitted Use</b>	Carpark
<b>Outgoings</b>	Outgoings payable may include but not be limited to: <ul style="list-style-type: none"> <li>• Electricity usage</li> <li>• Council rates</li> <li>• Land tax</li> </ul>
<b>Maintenance</b>	Land only Lease. All maintenance obligations are the responsibility of the Lessee.
<b>Insurance</b>	The Lessee must effect and maintain: <ul style="list-style-type: none"> <li>a) Public liability insurance of \$20 million.</li> <li>b) Adequate workers compensation insurance in respect to all employees of the Lessee.</li> </ul>
<b>Special Conditions</b>	<ol style="list-style-type: none"> <li>1. The Lessee acknowledges that the property is offered "as is".</li> <li>2. Lessee's Works The Lessee will construct a carpark on the land in accordance with the plan of premises provided noting that some minor variations may be required once further works are undertaken. Any other variations require written approval from the Lessor. <ol style="list-style-type: none"> <li>(1) The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: <ul style="list-style-type: none"> <li>(a) an application for planning consent;</li> <li>(b) an application for a building permit;</li> <li>(c) obtaining any other statutory approval required, including Water Corporation approval where necessary;</li> <li>(d) construction or installation of the Lessee's Works; and</li> <li>(e) Installation or upgrade of any services.</li> </ul> </li> <li>(2) The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</li> <li>(3) The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance.</li> <li>(4) The parties acknowledge and agree that the Lessee's Works shall vest to the Lessor upon expiry or earlier termination of the Lease without cost</li> </ol> </li> <li>3. Parties to act in good faith Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</li> <li>4. End of Lease At the end of the Lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the Lease, will be entitled to reapply to the Lease the premises through the public process.</li> </ol>

Plan of Premises



*The lessee is to build a shared path to the satisfaction of the City of Fremantle on the western edge of the new carpark lease area that connects South Fremantle Marketplace to Hollis Park.*

*The City of Fremantle will be responsible for future management and upkeep of the shared path.*



**OFFICER COMMENT**

Immediately following the 8 November Council meeting, officers met with the proposed Lessee for further negotiations regarding the Lease and to discuss Council's resolution.

Prior to the original proposal being brought to Council, the essential lease terms were extensively negotiated to achieve a commercial outcome for the City that meets the market and delivers a positive outcome as the site is being remediated and a carpark constructed at no cost to the City.

Following the 8 November Council meeting, Officers have reached an agreement (subject to Council approval) with the proponent to accept amendments 1(a) and (c) as there is no intention for this carpark to become a paid parking carpark.



Amendment 1(b), the introduction of a redevelopment clause reduces the Lease term from the original 20-year lease term to a 10-year lease term providing the City with the option to redevelop after 10 years, terminating the lease.

It is important to note that prior to the proposed Lease terms being presented to Council, officers undertook extensive negotiations with the proponent. The proponent has already expended a significant amount of money on site investigations to determine whether a carpark on this site is feasible.

Notwithstanding an acceptance of the proposed changes by the proponent, they have raised the following concerns with respect to the proposed changes:

- The shopping centre is experiencing problems with antisocial behaviour, theft and illegal camping in the proposed lease area.
- The proponent has raised concerns about the proposed path exacerbating the current issues and the perceived limited use of the path due to the existing direct route for pedestrians/cyclists.
- The proponent has noted that the location of the proposed carpark is a problematic area due to it being tucked away and not visible from the street. They are of the understanding that the construction of the carpark with the proposed fencing would not only achieve the overflow parking outcome but is anticipated to address some of the abovementioned antisocial issues.

Despite the proponent's concerns about the path and the reduced term, the proponent has agreed to support the implementation of a path in order to achieve the carpark as they believe the carpark will greatly benefit the centre, shop owners, customers and community if it can be completed before the busy Christmas period.

Officers have negotiated and proposed a number of different options to meet the Council resolution. The proponent has agreed to a variation of Council's resolution.

The terms that have been agreed to by both parties, subject to Council approval are as follows:

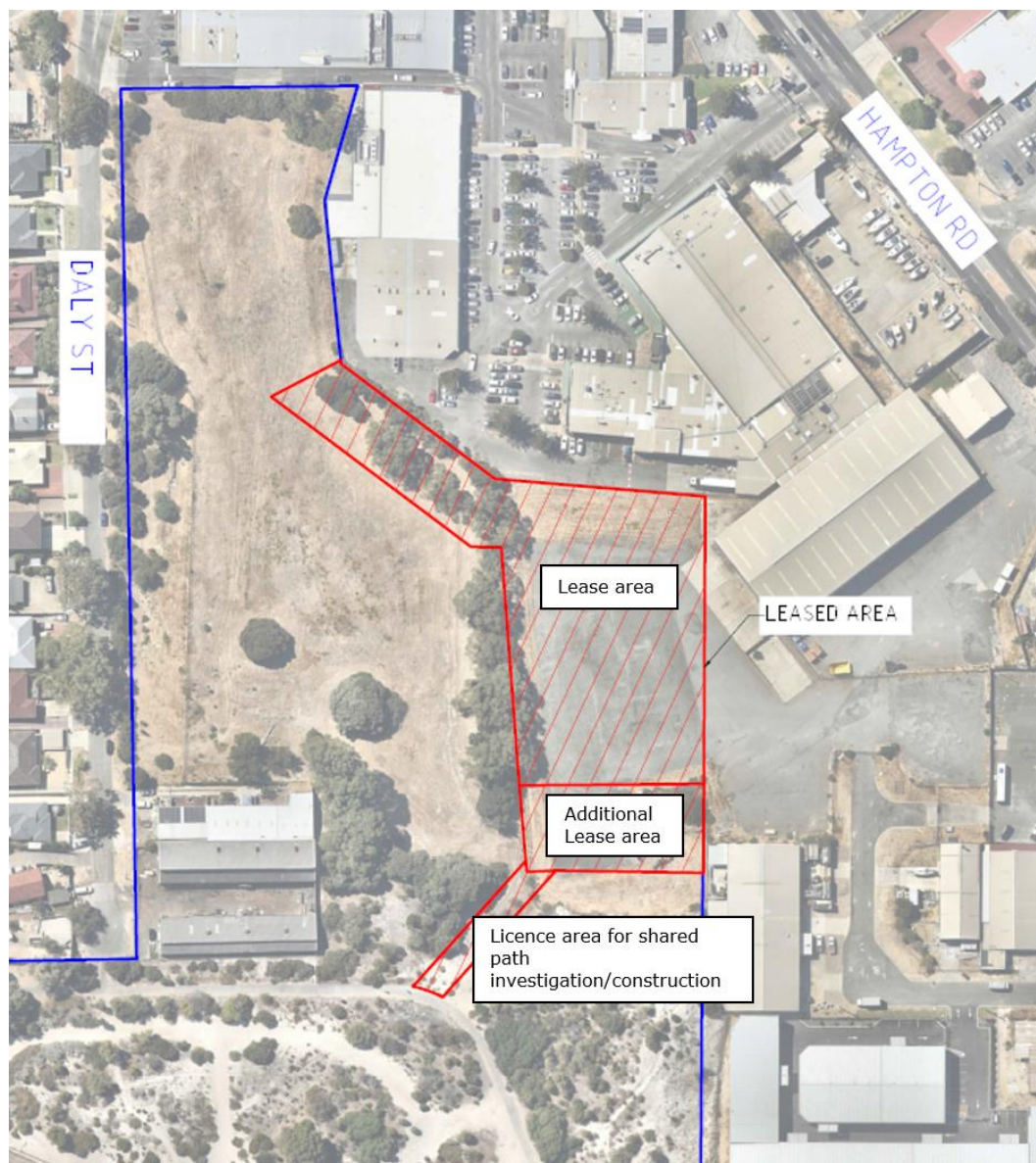
1. Amend the term to 10+5+5 – agreed
2. Include the provision of a redevelopment clause after year 10 – agreed
3. Include a restriction on paid parking – agreed
4. Investigate, construct and fund the proposed shared path – partially agreed

#### Proposed amendment to shared path proposal

The proponent has agreed to investigate, construct, fund and maintain a footpath/bicycle route within the leased area provided that the leased area is extended to include the bitumen area to the south.

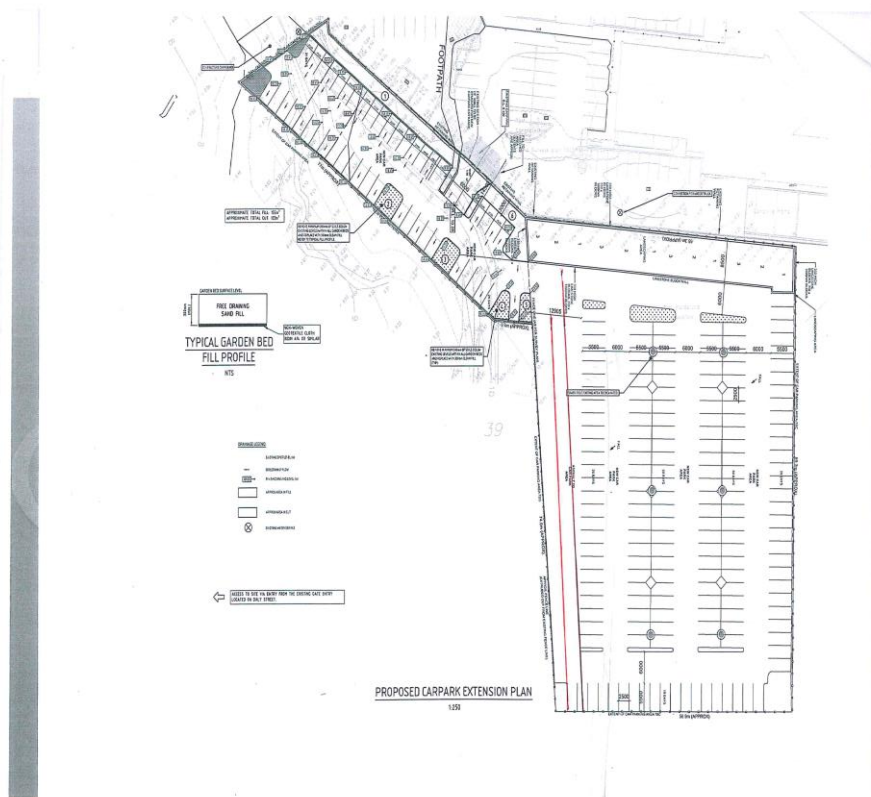


By including the additional leased area (as outlined in the plan below) it is proposed this will assist in reducing illegal camping and illegal dumping as the area will be fenced. This variation to the leased area reduces the area in which the City will be required to monitor/maintain, resulting in a cost saving for the City.



The bike path is proposed to run along the western side of the proposed carpark. Below is an indicative plan for the carpark but is subject to change as the final designs have not yet been completed. The details will be formalised through the development approval stage.





The proponent has agreed to investigate, construct and fund (up-front) the path that is located to the south and outside of the leased area subject to those costs being paid back by the City in the form of a rent-free period.

A credit will be applied to the proponent's rent invoices for the cost of the path outside of the leased area. The City will oversee the work and will approve works and costs before committed. The City will be responsible for the ongoing maintenance of this portion of the path.

A site management plan will be developed as part of the works and will detail what the City is required to do to maintain and monitor this portion of the site. Until that is developed, it is unknown what the ongoing costs to the City will be. However, for reference, the proponent has been advised through its preliminary site investigations and reports for the proposed carpark that a site management plan will require visual inspections every three weeks of the asphalt and fencing to ensure there is no damage or evidence of contaminant. The proponent will meet the requirements of the site management plan for all land within the leased area.

The proponent has estimated a cost of \$110 per m<sup>2</sup> for the investigations and construction of the path (outside of the leased area). This is approximately \$39,600, however due to the contamination it could vary drastically depending on what soil sampling in this specific area uncovers. Based on the above, this will

equate to approximately 1-2 years rent free (in addition to the 1 year rent free provided as the City's contribution).

The path will be of a similar standard to that of the existing path to the south being crushed rock base and asphalt surface with fencing to both sides. For reference, the existing path is shown below.



In order to deliver this contractually, it will be necessary to licence the area to the south of the leased area on a temporary basis to the proponent to allow for the investigations and construction to be undertaken. This will protect the City's interests in regard to public liability and allow the proponent to apply for development approval.

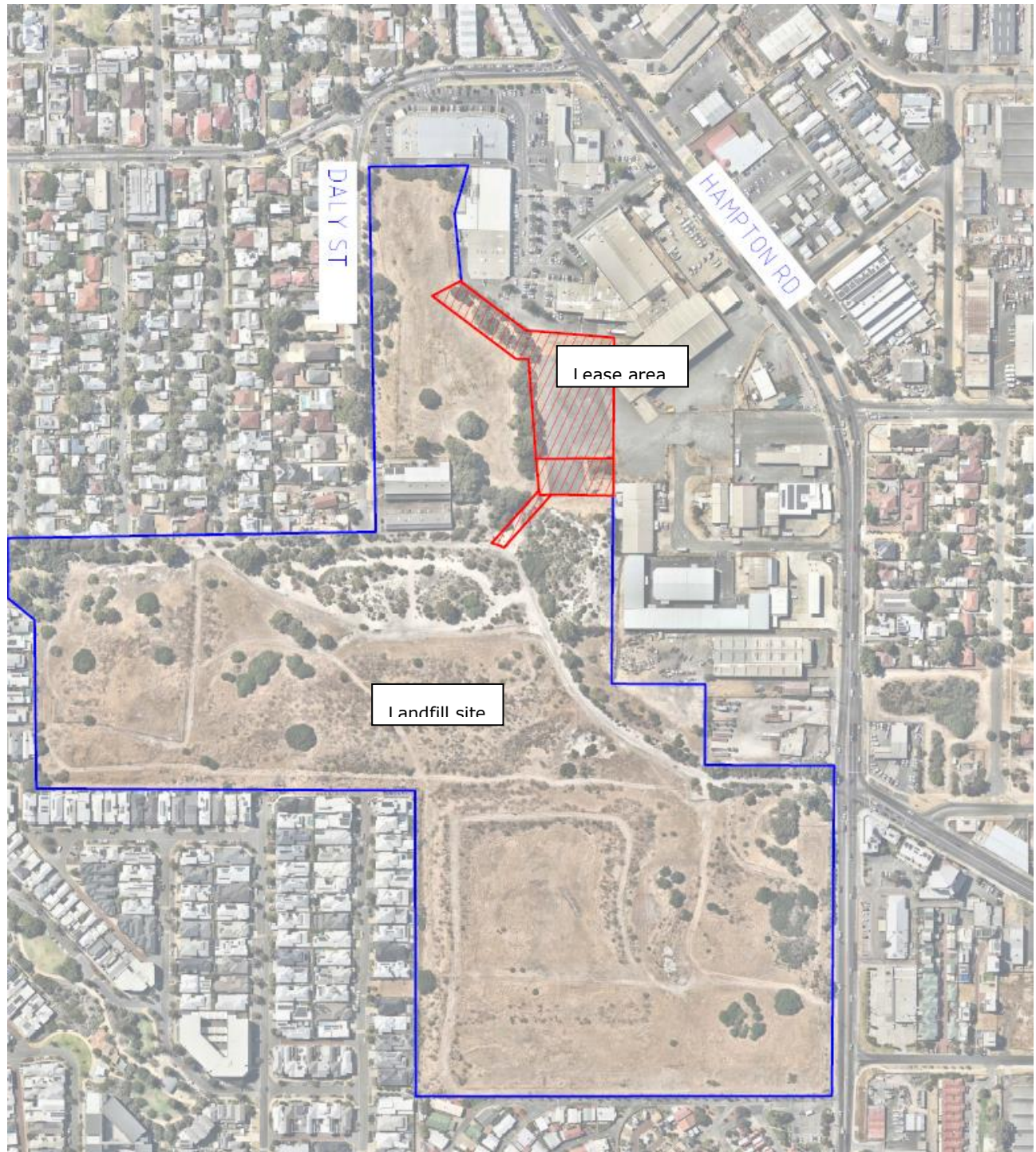
Once constructed to the City's satisfaction, the licence will be surrendered and the City will take back the licenced land for monitoring and maintenance.

In order for this to be commercially viable for the proponent and to address the immediate parking issues at the shopping centre, the Lease will allow for the proponent to commence development (subject to approvals etc.) immediately while investigating the shared path/licenced area simultaneously. The carpark will be constructed first and the path second. The Lease and Licence will provide time limits to ensure that the path is constructed within 24 months of the commencement of the Lease.

The portion of the SFLS (the SFLS as a whole is more than 19 hectares) that is the subject of this report is approximately a 9,000m<sup>2</sup> portion of Lot 39 Daly



Street, Fremantle which directly abuts the existing Woolworths carpark at 303 Hampton Road, South Fremantle.





Officers have determined that the varied terms are acceptable. Anything beyond what has been agreed by the proponent would not be commercially viable. The following essential terms have been agreed upon by the City and the proponent.

<b>Key Lease Terms</b>	
<b>Land Description</b>	Portion of Lot 39 on Diagram 20161 Volume 1192 Folio 391
<b>Property</b>	Portion of Lot 39 Daly Street, South Fremantle (Approximately 9,000 m2, plan of premises shown below)
<b>Property Owner</b>	City of Fremantle
<b>Lessor</b>	City of Fremantle
<b>Lessee</b>	Humich Nominees Pty Ltd & Anilia Pty Ltd
<b>Handover Date</b>	The date of execution of the Lease by both parties.
<b>Commencement Date</b>	The date that the construction of the carpark is complete or six months from the Handover date, whichever is earlier.
<b>Rent Commencement Date</b>	12 months from the Commencement Date.
<b>Lease Term</b>	Ten (10) years
<b>Options</b>	2x 5-year options
<b>Annual Rent</b>	\$21,500 plus GST per annum starting on the first anniversary of the Commencement Date.
<b>Carpark</b>	The carpark must be constructed within 24 months of the Handover Date.
<b>Licence Area</b>	Approximately 460m2 shown as 'Temporary Licence area' on the Plan of Premises.
<b>Rent Review</b>	Rent to increase by 3% annually and reviewed in line with market every five years from commencement. Rent following any Market Review must not decrease by more than 10% of the previous year's Rent or increase by more than 10% of the previous year's Rent
<b>Bank Guarantee</b>	To the value of three (3) month's rent (inclusive of GST).
<b>Incentives/contributions</b>	One year rent free.
<b>Permitted Use</b>	Carpark
<b>Outgoings</b>	Outgoings payable may include but not be limited to: <ul style="list-style-type: none"> <li>• Electricity usage</li> <li>• Council rates</li> <li>• Land tax</li> </ul>
<b>Maintenance</b>	Land only Lease. All maintenance obligations are the responsibility of the Lessee.



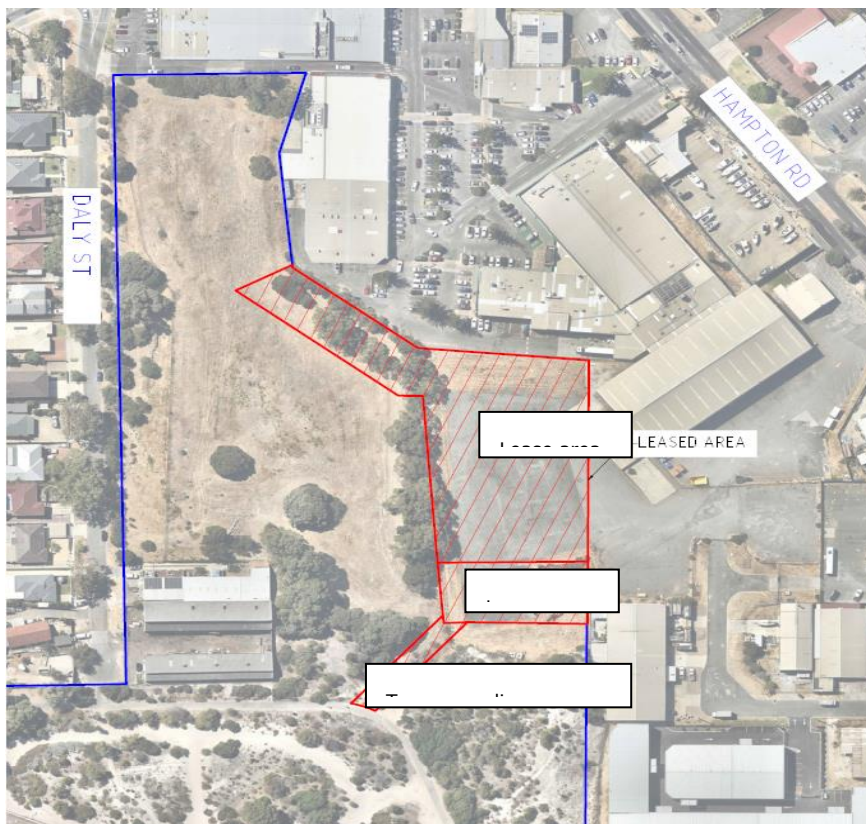
<b>Insurance</b>	<p>The Lessee must effect and maintain:</p> <ol style="list-style-type: none"> <li>Public liability insurance of \$20 million.</li> <li>Adequate workers compensation insurance in respect to all employees of the Lessee.</li> </ol>
<b>Special Conditions</b>	<ol style="list-style-type: none"> <li>The Lessee acknowledges that the property is offered "as is".</li> <li><b>Lessee's Works</b>  The Lessee will construct a carpark on the land in accordance with the plan of premises provided noting that some minor variations may be required once further works are undertaken. Any other variations require written approval from the Lessor.</li> <li>The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with: <ul style="list-style-type: none"> <li>- an application for planning consent;</li> <li>- an application for a building permit;</li> <li>- obtaining any other statutory approval required, including Water Corporation approval where necessary;</li> <li>- construction or installation of the Lessee's Works; and</li> <li>- Installation or upgrade of any services.</li> </ul> </li> <li>The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</li> <li>The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance.</li> <li>The parties acknowledge and agree that the Lessee's Works shall vest to the Lessor upon expiry or earlier termination of the Lease without cost</li> <li>Parties to act in good faith</li> </ol>



	<p>Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.</p> <p><b>8. Redevelopment</b>  With a minimum of 6 months notice, the Lessor reserves the right to terminate the Lease anytime within the option periods for the purpose of redevelopment.</p> <p><b>9. Temporary Licence</b></p> <ul style="list-style-type: none"> <li>(a) The Lessee will construct a shared path on the Licenced Area to the satisfaction of the Lessor.</li> <li>(b) The Lessee temporarily licences the Licensed Area from the Handover Date until the date a shared path is constructed on the Licensed area to the Lessor's satisfaction.</li> <li>(c) The Lessee must commence construction of the shared path within 24 months of the handover date unless otherwise approved by the Lessor.</li> <li>(d) The upfront cost of site investigations and construction of the shared path within the Licenced area will be borne by the Lessee and paid back by the Lessor in the form of a credit against rent invoices.</li> <li>(e) The Lessor will appoint a representative from the City to oversee the works to ensure quality control and to approve all costs.</li> <li>(f) The Lessee must not undertake work or expend costs within the licenced area without the prior consent of the Lessor.</li> <li>(g) On receipt of a prior approved invoice from the Lessee for works associated with the shared path, the Lessor will apply a credit to the Lessee to be applied against future rent charges for the Lease.</li> </ul> <p><b>10. End of Lease</b>  At the end of the Lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the Lease, will be entitled to reapply to Lease the premises through the public process.</p>
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## Plan of Premises



## FINANCIAL IMPLICATIONS

The City currently manages investigations and monitoring activities across the SFLFS. These activities are prescribed by the Contaminated Sites Act 2003. Officers are in the process of developing a site management plan which once finalised will have annual maintenance and/or monitoring requirements to be delivered by the City at its cost.

The proposed Lessee is expecting to invest approximately \$770,000 up front on remediation and construction of the carpark plus the annual management costs associated with the site management plan. This cost will increase by approximately 30% with the proposed changes (extended Lease area and the upfront funding of the bike path).

The proponent has estimated a cost of \$110 per m2 for the investigations and construction of the path (outside leased area). This totals approximately \$39,600, however due to the contamination it could vary drastically depending on what soil sampling in this specific area uncovers. Based on the above, this will equate to approximately 1-2 years rent free (in addition to the 1 year rent free provided as the City's contribution).



A market rent valuation (attached) was undertaken on 23 October 2023 and the site was valued at \$21,500 plus GST per annum. The proposed Lessee has agreed to pay full market rent as determined by the valuation.

Excluding outgoings, the annual 3% increase and market rent reviews, it is anticipated that the City will receive a rental return of around \$368,900 over the term of the Lease if the Lessee was to exercise both options. This will be reduced should the City exercise its rights under the redevelopment clause at the end of the term. This estimated rental return takes into consideration the credit that will be applied for the costs associated with the shared path within the Licenced Area.

In lieu of an upfront landlord capital contribution, it is proposed that the City will provide one year rent free. The carpark will vest with the City once the Lease expires. The shared path will vest with the City once completed.

### **LEGAL IMPLICATIONS**

Before agreeing to dispose of the land the City will give public notice of the proposed disposition pursuant to Section 3.58 of *the Local Government Act 1995*, and in doing so invite public submissions on the proposed disposition. Should submissions be received during the notice period, the comments will be brought back to Council for consideration before proceeding with the Lease.

### **CONSULTATION**

In accordance with Council's Leasing of City Property in a competitive manner policy, officers are required to advertise the property in an open and competitive manner.

The last open advertising campaign was undertaken in 2014. Officers are in the process of investigations and developing a site management plan to better understand the potential use of the land. Officers received a proposal from the abutting neighbour whilst undertaking further site investigations and have not put the site to market again.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required.



## OFFICER'S RECOMMENDATION

### Council:

1. Authorise the Chief Executive Officer to finalise the Lease and Licence between Humich Nominees Pty Ltd and Anilia Pty Ltd and the City of Fremantle for the property at 39 Daly Street, Fremantle based on the following essential terms, subject to compliance with s3.58 of the Local Government Act 1995:

Key Lease Terms	
Land Description	Portion of Lot 39 on Diagram 20161 Volume 1192 Folio 391
Property	Portion of Lot 39 Daly Street, South Fremantle (Approximately 9,000 m2, plan of premises shown below)
Property Owner	City of Fremantle
Lessor	City of Fremantle
Lessee	Humich Nominees Pty Ltd & Anilia Pty Ltd
Handover Date	The date of execution of the Lease by both parties.
Commencement Date	The date that the construction of the carpark is complete or six months from the Handover date, whichever is earlier.
Rent Commencement Date	12 months from the Commencement Date.
Lease Term	Ten (10) years
Options	2x 5-year options
Annual Rent	\$21,500 plus GST per annum starting on the first anniversary of the Commencement Date.
Carpark	The carpark must be constructed within 24 months of the Handover Date.
Licence Area	Approximately 460m2 shown as 'Temporary Licence area' on the Plan of Premises.
Rent Review	Rent to increase by 3% annually and reviewed in line with market every five years from commencement. Rent following any Market Review must not decrease by more than 10% of the previous year's Rent or increase by more than 10% of the previous year's Rent
Bank Guarantee	To the value of three (3) month's rent (inclusive of GST).
Incentives/contributions	One year rent free.
Permitted Use	Carpark



<b>Outgoings</b>	<p><b>Outgoings payable may include but not be limited to:</b></p> <ul style="list-style-type: none"> <li>• Electricity usage</li> <li>• Council rates</li> <li>• Land tax</li> </ul>
<b>Maintenance</b>	<p><b>Land only Lease. All maintenance obligations are the responsibility of the Lessee.</b></p>
<b>Insurance</b>	<p><b>The Lessee must effect and maintain:</b></p> <ol style="list-style-type: none"> <li><b>Public liability insurance of \$20 million.</b></li> <li><b>Adequate workers compensation insurance in respect to all employees of the Lessee.</b></li> </ol>
<b>Special Conditions</b>	<ol style="list-style-type: none"> <li><b>The Lessee acknowledges that the property is offered "as is".</b></li> <li><b>Lessee's Works</b> The Lessee will construct a carpark on the land in accordance with the plan of premises provided noting that some minor variations may be required once further works are undertaken. Any other variations require written approval from the Lessor.</li> <li><b>The Lessee shall be responsible for all costs of, or associated with, the Lessee's Works including but not limited to costs of or associated with:</b> <ul style="list-style-type: none"> <li>- an application for planning consent;</li> <li>- an application for a building permit;</li> <li>- obtaining any other statutory approval required, including Water Corporation approval where necessary;</li> <li>- construction or installation of the Lessee's Works; and</li> <li>- Installation or upgrade of any services.</li> </ul> </li> <li><b>The Lessor reserves the right to appoint a Lessor representative to oversee all Lessee Works at the Premises and sign off on the completion of key items within the Lessee proposed design.</b></li> </ol>

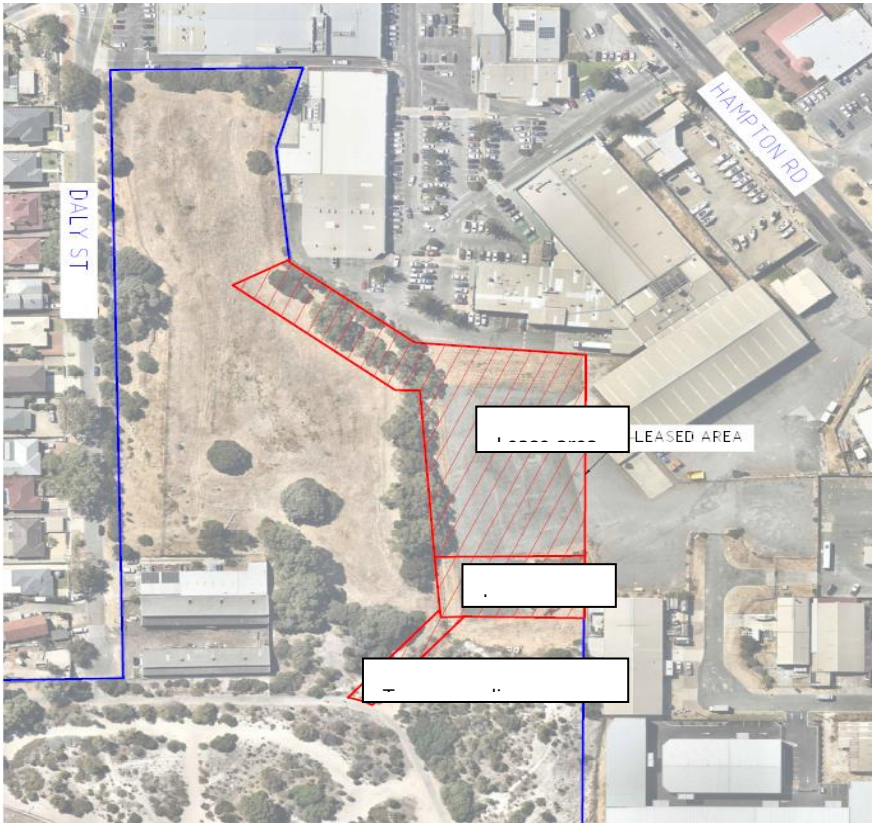


- 5. The Lessee will ensure that all Lessee contractors undertaking works at the premises are certified and provide to the Lessor on demand copies of the contractor's public liability insurance.**
- 6. The parties acknowledge and agree that the Lessee's Works shall vest to the Lessor upon expiry or earlier termination of the Lease without cost.**
- 7. Parties to act in good faith**  
**Each party agrees to act in good faith throughout the term of the Lease and to not publicly disparage, denigrate or criticize the other party.**
- 8. Redevelopment**  
**With a minimum of 6 months notice, the Lessor reserves the right to terminate the Lease anytime within the option periods for the purpose of redevelopment.**
- 9. Temporary Licence**
  - (a) The Lessee will construct a shared path on the Licenced Area to the satisfaction of the Lessor.**
  - (b) The Lessee temporarily licences the Licensed Area from the Handover Date until the date a shared path is constructed on the Licensed area to the Lessor's satisfaction.**
  - (c) The Lessee must commence construction of the shared path within 24 months of the handover date unless otherwise approved by the Lessor.**
  - (d) The upfront cost of site investigations and construction of the shared path within the Licenced area will be borne by the Lessee and paid back by the Lessor in the form of a credit against rent invoices.**
  - (e) The Lessor will appoint a representative from the City to oversee the works to ensure quality control and to approve all costs.**
  - (f) The Lessee must not undertake work or expend costs within the licenced area without the prior consent of the Lessor.**
  - (g) On receipt of a prior approved invoice from the Lessee for works associated with the shared path, the Lessor will apply a credit to the Lessee to be applied against future rent charges for the Lease.**



**10. End of Lease**  
**At the end of the Lease the Lessor reserves the right to advertise the premises available to Lease. The Lessee, subject to no default against the Lease, will be entitled to reapply to Lease the premises through the public process.**

**Plan of Premises**







## **C2311-17 TENDER FCC623/23 – TRAFFIC MANAGEMENT SERVICES**

**Meeting date:** 22 November 2023  
**Responsible officer:** Manager Infrastructure Engineering  
**Decision making authority:** Council  
**Attachments:** Nil  
**Confidential Attachments:** 1. Pricing Assessment

### **SUMMARY**

**The purpose of this report is to consider tender number FCC623/23 for Traffic Management Services.**

**This report recommends that Council accepts the tender submitted by Contraflow Pty Ltd in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.**

### **BACKGROUND**

The City is seeking to appoint a contractor to undertake Traffic Management Services.

Traffic Management Services will include but not limited to our Major and Minor Events, Economic Development & Marketing Team Activities, Major Projects such as South Beach & the Arts Centre, Major Festivals such as Street Arts Festival and Infrastructure Engineering Team such as capital works, road renewals, footpath maintenance, drainage maintenance and other works as required by Infrastructure Directorate.

### **FINANCIAL IMPLICATIONS**

The table below summarises the budget accounts which utilises traffic management services for construction and events. The total account budgets is inclusive of traffic management services and other associated expenses pertaining to construction and event setup:

<b>Description</b>	<b>Budget</b>
<b>Budget</b>	
Allocated budget for Maintain footpaths	\$550,675
Allocated budget for Maintain Road Drainage	\$455,024
Allocated budget for Maintain roads	\$344,442
Allocated budget for Maintain Road Furniture	\$97,397
Allocated budget for Maintain other carparks	\$28,222
Allocated budget for Program – Paths renew	\$160,000
Allocated budget for Anzac Day Traffic Management	\$6,500
Allocated budget for Remembrance Day Traffic Management	\$1,000



Allocated budget for Traffic Management Sponsorship	\$15,000
Allocated budget for Street Party Traffic Management	\$3,500
Allocated budget for Hidden Treasures	\$10,550.16
Allocated budget for Freemantle International Street Aarts Festival	\$19,215.40
Allocated budget for Freemantle Art Centre	\$11,198.00
<b>Total expenditure per annum</b>	<b>\$1,702,724</b>

The evaluation process involved the development of a schedule incorporating estimated quantities for pricing comparison. To ascertain the approximate annual cost and encompass a wide range of rate items for assessment, historical data from the City's previous years' annual average expenditure on traffic management for Infrastructure construction / maintenance works, events and festivals was used. Rates from tender submissions were incorporated into the schedule, allowing the determination of the total yearly expenditure for each tenderer. Subsequently, these annual expenditures were integrated into an overarching weighting score system to facilitate the full evaluation process.

Sufficient funding provision has been allocated in the 2023/2024 budget to deliver the Traffic Management Services within above budgets. This service spans multiple years and is utilised by all City Directorates. Therefore, a commitment to suitable budget provision for future years must be considered.

## **LEGAL IMPLICATIONS**

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

## **CONSULTATION**

Tender FCC623/23 Traffic Management Services was advertised on 21 August 2023 and closed on 8 September 2023. The Tender request was advertised on the Tenderlink Portal and in the Council Website, LinkedIn, Council Library leaflet and Freo Weekly Newsletter. This was undertaken in accordance with the legislation specified above. Internal consultation was done with all Directorates prior to the traffic management contract being issued for tender.

## **OFFICER COMMENT**

### **Detail**

Tender FCC623/23 for Traffic Management Services was advertised on 21 August 2023 and closed on 8 September 2023.

The tender requirements did not align with the available suppliers in the WALGA Preferred Supplier Program. The WALGA panel was not considered because the

**Agenda – Ordinary Meeting of Council**  
**22 November 2023**



City identified that an open tender process would encompass a wider range of contractors opposed to the select few on the WALGA panel.

Essential details of the contract are outlined below:

Contract type	Schedule of rates
Contract duration	The Contract is for a period of three (3) years with two (2) further one-year extension options available.
Commencement date	On or around 30 November 2023
Completion date	On or around 30 November 2026

**Tender evaluation**

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

- Altus Traffic Pty Ltd
- Contraflow Pty Ltd
- Drainflow Services Pty Ltd T/A Revive Resources
- Evolution Traffic Management Pty Ltd

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

The tender evaluation panel comprised:

- Principal Construction and Maintenance Engineer
- Engineering Team Leader - Development & Compliance
- Manager Parks and Landscape
- Acting Team Leader Business and Place
- Procurement Officer (non-voting)

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

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



Criteria	Percentage
Relevant Experience	20%
Key Personnel, Skills and Resources	20%
Demonstrated Understanding	20%
Sustainability	10%

All four (4x) tender submissions received were conforming and no tender (0x) submissions were nonconforming.

The tender submitted by Contraflow Pty Ltd scored the highest rating with 91.11 points, followed by Altus Traffic Pty Ltd with 73.97 points. The remaining tender submissions received lower scores.

The results of the evaluation for delivery of tender number FCC623/23 Traffic Management Services are shown in the table below;

Overall Weighted Score Including Pricing	Relevant Experience of Delivering Similar Services	Key Personnel Skills & Resources	Demonstrated Understanding	Sustainability and Local Economic Benefit	Price	Total Score
<b>Tenderer</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>10.00</b>	<b>30.00</b>	<b>100</b>
Altus Traffic Pty Ltd	15.00	12.78	13.89	5.83	26.47	73.97
Contraflow Pty Ltd	18.33	17.78	18.33	6.67	30.00	91.11
Drainflow Services Pty Ltd T/A Revive Resources	10.00	10.00	11.67	5.56	18.74	55.96
Evolution Traffic Management Pty Ltd	12.78	13.33	14.44	6.11	26.10	72.76

Contraflow Pty Ltd, the recommended tenderer, was assessed as having the accredited staffing, resourcing, experience to undertake minor & major events, major festivals and capacity for City wide projects, which can be implemented safely and deliver a high level of service described in the specification, in accordance with the terms of the tender document. Contraflow Pty Ltd are the City's current incumbent for traffic management services and therefore will be able to continue providing services. The City will therefore not be required to provide a handover or induction which would be mandatory for a new contractor.

### **Environmental considerations**

Sustainability and Local Economic benefit were qualitatively assessed in the tender evaluation. Contraflow Pty Ltd provide services to the local community with local events and projects.

They have identified areas to reduce carbon emissions, using hybrid / electric vehicles, plant and equipment.

### **Risk consideration**

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.



Contraflow has disclosed five contracts with other local governments, but there's a possibility that not all commitments have been accounted for. This raises the risk of potential challenges in meeting specific requests due to over commitment. To address this concern, a contract review process to be established to closely monitor the performance of the contracts.

## **References**

Reference checks indicate that Contraflow Pty Ltd have provided a high level of service delivery to other Local Governments and will be a suitable supplier to the City of Fremantle.

## **Comment**

The recommendation of the panel is to engage with Contraflow Pty Ltd for the provision of Traffic Management Services. Their response achieved and maintained the highest scores in the quality scores in the qualitative criteria and provided a good value for money. Their response indicated they will be able to maintain a high level of Traffic Management Services to City wide events, activations, festivals, projects and core maintenance services.

Contraflow Pty Ltd has successfully demonstrated a high level of directly relevant experience and an excellent understanding of the City's requirements whilst having the ability and capacity to undertake the work. The structure of the contract as a Schedule of Rates contract allows for flexibility and the appropriate management of budget resources.

The contract for this tender is three (3) years with the two (2) one year extension options to be exercised at the discretion of the City.

The contract increases via the Consumer Price Index annually.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Accept the tender from Contraflow Pty Ltd for FCC623/23 at the rates tendered for a period of three (3) years.**
- 2. Approve the option to extend the contract for up to two (2) years (one year plus one year) providing FCC623/23 have performed satisfactorily in accordance with the terms of the Contract.**



## **C2311-18            URBAN FOREST PLAN TARGETS**

**Meeting date:** 22 November 2023  
**Responsible officer:** Manager Parks and Landscape  
**Decision making authority:** Council  
**Attachments:** 1. South Terrace Tree Pits

### **SUMMARY**

**The City of Fremantle's Urban Forest Plan, endorsed in 2017, set out the target number of trees to be planted across the City over ten years with the goal of increasing canopy cover from 13% to 20%. The large tree planting target numbers, particularly for the 2022 and 2023 planting seasons, has identified areas where the tree planting program can be improved to increase its effectiveness and efficiency. This report discusses a proposed two year reduction to the tree planting program targets to reset the program and align it with operational and resource capacity to ensure the best long term outcome for the trees planted by the City. It also proposes options for redirecting the tree planting budget to significant urban tree planting projects in high profile areas during the reduced target years.**

### **BACKGROUND**

The City of Fremantle's Urban Forest Plan, endorsed in 2017, set out the target number of trees to be planted across the City over ten years with the goal of increasing canopy cover from 13% to 20%.

At the 28 April 2021 Ordinary Meeting of Council, a report was tabled for Council to consider the tree planting targets outlined in the Urban Forest Plan, among other greening items and actions. At the meeting, Council resolved:

*"Supports the City proposed implementation practice that a minimum of 80% of the "Total Trees Required Per Year" as identified in the "City Targets" schedule in the Urban Forest Plan be delivered as trees in streets, parks and other urban areas, and the remaining target may include successful tubestock plantings in bushland areas. Trees planted to meet the targets should be species that will grow to at least three metres in height and be of suitably advanced specimens at the time of planting. Preference should be given to species that are either endemic to the area, native to Australia, or provide habitat and food source for local fauna where the setting makes that appropriate, except where an area specific landscape or urban design outcome is warranted."*

In the 2022 and 2023 tree planting seasons the 80% target has been met, completing year 6 of the Urban Forest Plan implementation.





## **FINANCIAL IMPLICATIONS**

The budget for the annual tree planting program is in the following accounts:

<b>Account</b>	<b>Budget</b>
P-12076 Deliver - Urban forest tree planting	\$400,048
100347 - Plant trees - Recreation reserves	\$75,705
100349 - Plant trees - Road reserves and carparks	\$303,850
<b>Total</b>	<b>\$779,603</b>

The budgets cover site preparation, tree purchasing and tree planting, staking and mulching. The budgets also cover tree watering for the two year establishment period after planting. A reduction of 620 trees will have a budget saving of approximately \$198,000 for the 2023/24 budget.

Should Council resolve to undertake the tree works for the South Terrace tree pit construction and tree planting, an estimate of costs is \$100,000 ex GST (inc. project contingency). A suitable budget amendment will be submitted and the costs allocated to this project upon confirmation of costs.

Any further surplus budget will be reallocated at mid-year review.

## **LEGAL IMPLICATIONS**

Nil

## **CONSULTATION**

If Council endorse the proposed changes to the tree planting targets, a communications plan will be implemented with information on the revised targets and the benefits for the urban forest program long term. Should project specific consultation be required, the City Community Engagement Policy will be followed.

In the Urban Forest Plan, Goal 1 – Engage is to engage residents, businesses, community groups and government agencies in educating and facilitating ownership of the urban forest. Education material has been used to support major tree planting projects and will continue to be a key part of improving community awareness of the benefits of trees.

## **OFFICER COMMENT**

The City has been implementing the Urban Forest Plan tree planting program and has just completed year 6 of the tree planting targets. The large tree planting target numbers, particularly for the 2022 and 2023 planting seasons, has identified areas where the tree planting program can be improved to increase its effectiveness and efficiency. This report discusses a proposed two year amendment to the tree planting program targets to reset the program and align it with operational and resource capacity to ensure the best long term



outcome for the trees planted by the City. It also proposes options for redirecting the tree planting budget to significant urban tree planting projects in high profile areas.

An ideal planting cycle is made up of the following steps:

- Planning for the trees by identifying vacant locations, assessing them, undertaking site preparation works as required and allocating the right tree to the right location.
- Ordering of required tree stock on a contract grown basis to ensure the City received the desired species to the required specification in the planting season it is required.
- Communicating with residents, where required, to agree species and location and provide information on tree care.
- Planting the tree and commencement on the aftercare program.

To achieve this effectively, tree stock needs to be ordered at the latest in September on the year prior to planting to ensure that suppliers have enough time to grow the trees and to ensure that the City can secure good quality tree stock.

To support the field component of the urban forest program, the City has recently implemented a tree management software which allows real time reporting on the City's trees. This supports tree planning, planting, watering, maintenance and other management objectives which has provided a high level of clarity on the City's tree management program and improved operational efficiency. It also allows the City to audit the success of tree planting.

#### Current Urban Forest Planting Program

Under the current planting program, shown as a) below, the planting program is developed in year which results in planning being driven by available tree stock rather than based on program needs. As the tree targets have increased, it has highlighted the need to align the program with the operational and resource capacity of the City and our Contractors.

#### Proposed Urban Forest Planting Program

To implement an effective planting cycle with the City's operational and resource capacity, a staggered program as shown in b) below, will enable planning to be done 18 months prior to planting. Under this delivery model, the planning for the 2024 and, at least part of, the 2025 planting season, will be undertaken by March 2024; and the planning for the 2025 and the 2026 planting seasons will be finished by March 2025. After two years, the City would be able increase its planting target to match the Urban Forest Plan and to operate as per the planting cycle shown on b). An additional benefit to this approach is the planting program will be condensed into the wetter months as all trees will have been procured and have a location identified. This will lead to increased survival of the trees

**Agenda – Ordinary Meeting of Council  
22 November 2023**



and less water stress being experienced due to later planting, which has been an issue this current planting season.

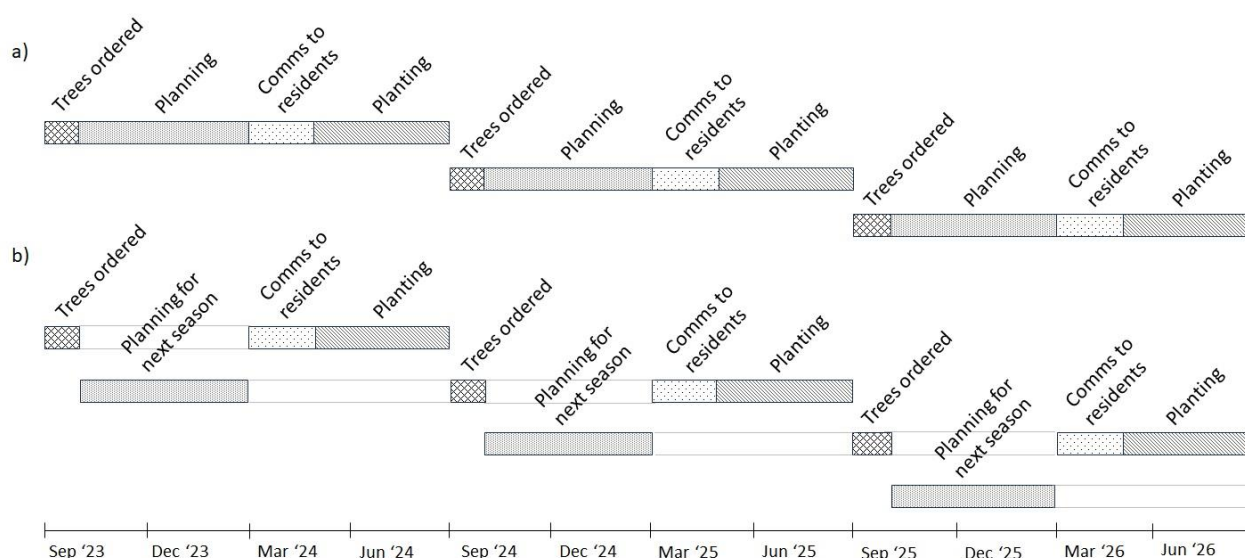


Image: Current (a) and Proposed (b) tree planting program.

**Revised Urban Forest Planting Program Targets**

The current and proposed tree planting target for verges and parks are as follows:

<b>Target</b>	<b>2024 (Year 7 Urban Forest Plan Implementation)</b>	<b>2025 (Year 8 Urban Forest Plan Implementation)</b>	<b>2026 (Year 9 Urban Forest Plan Implementation)</b>
<b>Total Urban Forest Plan Target</b>	1525	1798	1576
<b>Street and Park Tree Planting Target*</b>	1220	1438	1261
<b>Proposed Street Tree Planting Target</b>	600	600	1261

\*80% of Total Urban Forest Plan Target as per Council resolution at the 28 April 2021 Ordinary Meeting of Council.

To ensure the Urban Forest Plan tree planting targets are met, officers propose an extra year of tree planting to plant the balance of the trees (1458). It is also anticipated that tree planting will continue beyond year 11 to infill remaining available locations and replace dead trees along with project based works.



### Alternative Urban Tree Planting Projects

To officers propose to undertake urban tree planting projects in the City's Town Centre, West End and suburban activity centre's where tree planting costs are higher due to civil works, traffic management and larger tree planting sizes. This will allow the City to improve canopy coverage in these areas, significantly contributing to increasing the canopy coverage long term, while the program realignment occurs.

For the current adopted budget in financial year 23/24, officers propose to plant 23 trees along South Terrace, South Fremantle (refer attachment 1) which has been designed as part of the of the South Terrace Nodes and resurfacing projects.

For the 24/25 financial year and beyond, officers propose to develop a program of works for tree planting in the City's Town Centre, West End and suburban activity centre's noted above.

### **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Approve the revised target tree planting targets for the Urban Forest Plan implementation as follows:**
  - a. A revised target of 600 street and reserve trees for the 2024 planting program.**
  - b. A revised target of 600 street and reserve trees for the 2025 planting program.**
  - c. A return to the Urban Forest Plan (80% in street and reserve trees) target of 1261 street and reserve trees for the 2026 planting program.**
- 2. Approve planning for the utilisation of the surplus urban forest plan budget to undertake the South Terrace tree planting project in 2024 as shown in attachment 1, noting:**
  - a. A budget amendment will be submitted at midyear budget review to approve the project.**
  - b. Further surplus budget from the tree planting program will be adjusted at midyear budget review.**
- 3. Note officers will submit a program of works for tree planting in the City's Town Centre, West End, Main Street and Activity Centre's for the**



**consideration in the 2025 tree planting program and subsequent years  
in future budget cycles.**



## **11.3 Committee and working group reports**

Nil.





## 11.4 Statutory reports

### C2311-19 STATEMENT OF INVESTMENTS – OCTOBER 2023

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Statement of Investments – October 2023

#### SUMMARY

**This report outlines the investment of surplus funds for the month ending 31 October 2023 and provides information on these investments for Council consideration.**

**This report recommends that Council receive the Investment Report for the month ended 31 October 2023, as provided in Attachment 1.**

**The investment report provides a snapshot of the City's investment portfolio and includes information as at 31 October 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 \$790,047 against a full year budget of \$1,106,375. Interest earnings year to date are higher than YTD budget by \$421,245 with \$260,120 being earned in October. 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 4.61% for the month of October 2023. The City's actual portfolio return in the last 12 months is 3.63%, which compares on par with the benchmark Bloomberg AusBond Bill Index reference rate of 3.66% (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 31 October 2023 which can be viewed in the Attachment. A summary of the investment report is provided below.

### **1. Portfolio Details**

As at 31 October 2023, the City's investment portfolio totalled \$60.70m. The market value of this investment was \$61.44m at that time, which takes into account accrued interest.



The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 7.20m
Term Deposits (> 3 months)	\$ 53.50m
<b>TOTAL</b>	<b>\$ 60.70m</b>

Of which:

Unrestricted cash	\$ 50.11m
Restricted cash (Reserve Funds)	\$ 10.59m
<b>TOTAL</b>	<b>\$ 60.70m</b>

The current amount of \$50.11m held as unrestricted cash represents 55.67% 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	23,189,366.65	38.20%	100.00%	38.20%	61.80%	0.00%
Tier 2	31,011,355.47	51.09%	60.00%	85.15%	14.85%	0.00%
Tier 3	6,500,000.00	10.71%	35.00%	30.60%	69.40%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
<b>60,700,722.12</b>						
Values used in the above calculations exclude interest for term deposits and other simple interest securities.						

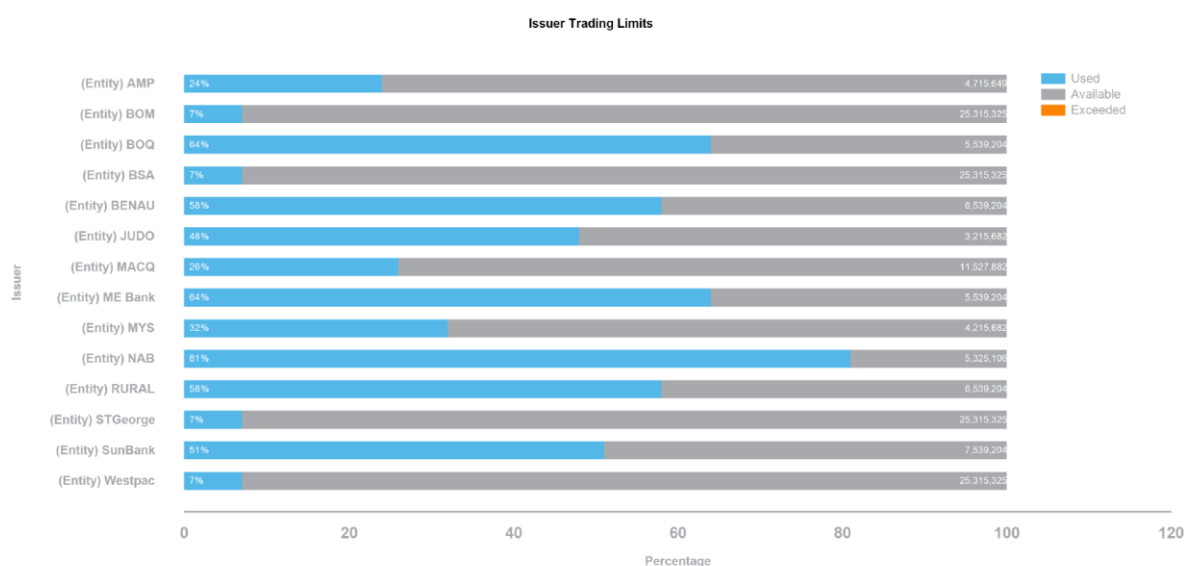
Within each Tier, the Counterparty Credit Framework limits prescribe the limit of investments that may be made with any one financial institution. The maximum percentage of investments to be held with any one financial institution, within a given Tier, are outlined below.

### 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 31 October 2023, relative to the Counterparty Credit Framework limits were as follows:

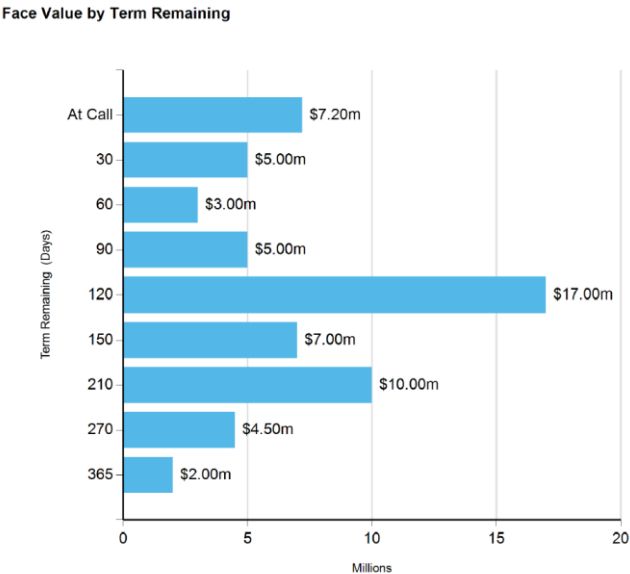


As highlighted in the chart above, the City's portfolio of investments as at 31 October 2023 is compliant with the City's investment policy.

### 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 31 October 2023. Currently, all investments will mature in one year or less.



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 31 October 2023, \$26m (42.8%) of the City’s portfolio was invested in “Green Investments”.



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 October 2023 from matured investments was \$47,482.

## **6. Investing Activities**

In October 2023, 1 new term deposit of \$1m was invested. Full details of the institutions invested in, interest rates, number of days and maturity date for investments held as at 31 October 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 31 October 2023, as provided in Attachment 1.**





## C2311-20 SCHEDULE OF PAYMENTS – OCTOBER 2023

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	A/Procure to Pay Team Lead
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	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 31 October 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 \$8,221,778.11 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 31 October 2023 by payment type:

<b>Payment Type</b>	<b>Amount (\$)</b>
Cheque / EFT / Direct Debit/International Payments	\$ 6,828,489.51
Purchase card transactions	\$ 39,716.07
Salary / Wages / Superannuation	\$ 2,439,053.53
<b>Total</b>	<b>\$ 8,221,778.11</b>

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 31 October 2023.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required



## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Accept the list of payments made under delegated authority, totalling \$8,221,778.11 for the month ending 31 October 2023 including the Cheque /EFT/ Direct Debits as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, totalling \$39,716.07 for the month ending 31 October 2023, as contained within Attachment 2.**



## **C2311-21            MONTHLY FINANCIAL REPORT - OCTOBER 2023**

**Meeting date:** 22 November 2023  
**Responsible officer:** Manager Financial Services  
**Decision making authority:** Council  
**Attachments:** 1. Monthly Financial Report – October 2023

### **SUMMARY**

**The monthly financial report for the period ending 31 October 2023 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.**

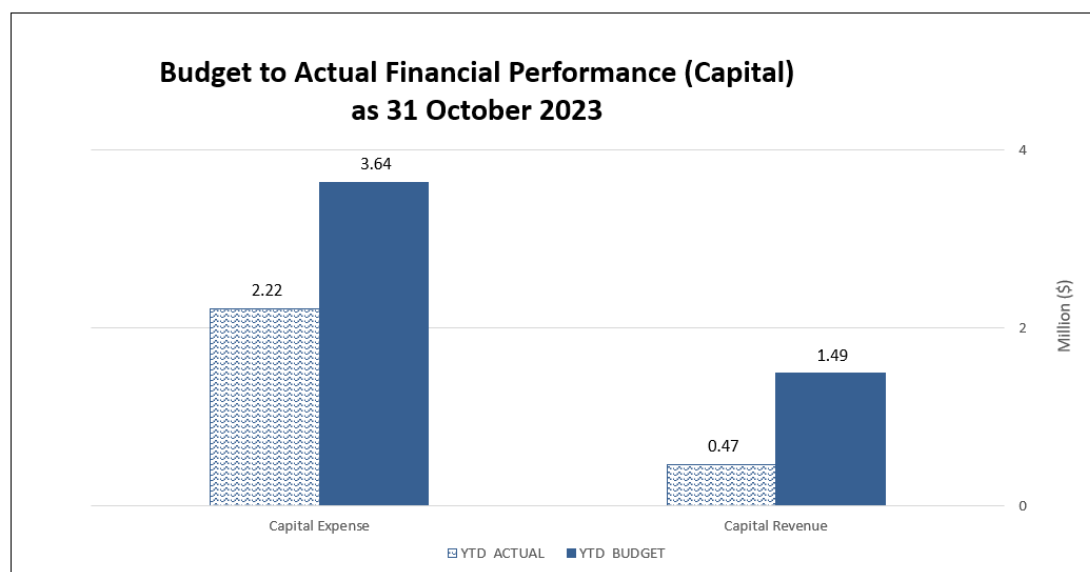
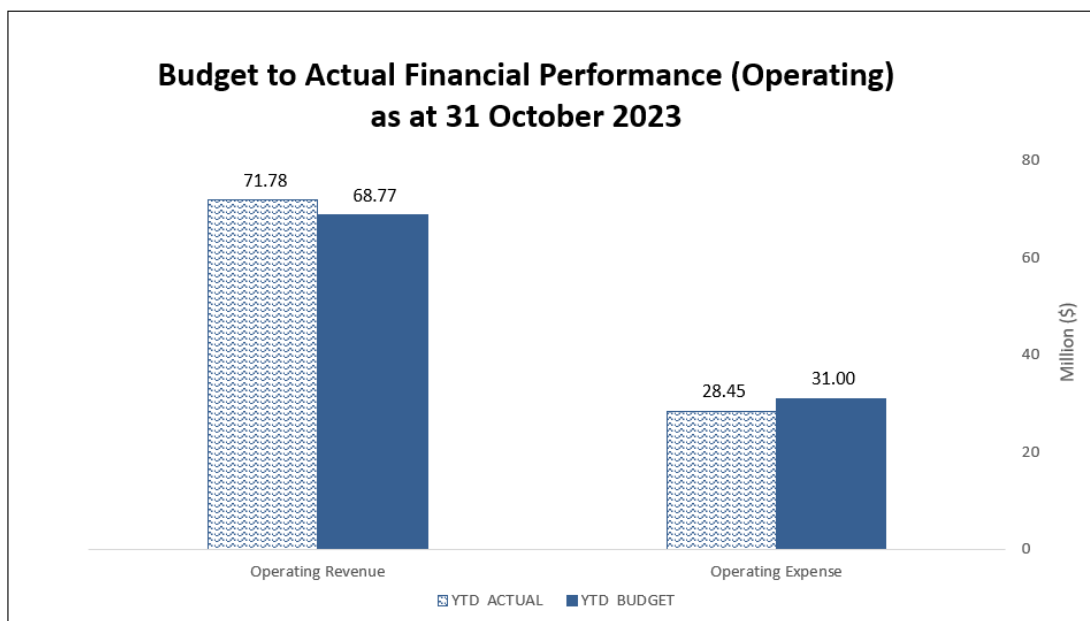
**This report provides an analysis of financial performance up to October 2023 based on the following statements:**

- **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 31 October 2023 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums. Please note 2022/23 FY figures reported as comparisons for 31 October 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 31 October 2023.



## **STATEMENT OF FINANCIAL ACTIVITY – BY NATURE FOR THE PERIOD TO 31 OCTOBER 2023**

The table to follow provides a summary of the year-to-date Statement of Financial Activity by Nature, to 31 October 2023. The detailed Statement can be found in the attached Monthly Financial Report.



Description	YTD Adopted Budget	YTD Actual	Variance	Variance
	\$M	\$M	\$M	%
<b>Opening Surplus</b>	<b>9.02</b>	<b>11.02</b>	<b>2.00</b>	<b>22.21%</b>
<b>Operating</b>				
General Rate Revenue	57.70	59.48	1.78	3.08%
Revenue (Exc. Rates)	11.08	12.31	1.23	11.10%
Expenses	(31.00)	(28.45)	2.55	8.24%
Non-Cash Adj.	3.90	3.94	0.04	0.08%
	<b>41.68</b>	<b>47.28</b>	<b>5.60</b>	<b>(13.43%)</b>
<b>Investing</b>				
Capital Revenue	1.49	0.47	(1.02)	(68.26%)
Capital Expenses	(3.64)	(2.21)	1.43	39.11%
	<b>(2.15)</b>	<b>(1.74)</b>	<b>0.41</b>	<b>18.84%</b>
<b>Financing</b>				
Repayment Loans & Leases	(0.73)	(0.74)	(0.01)	0.59%
Reserve Transfers	0.10	(0.04)	(0.14)	(141.38%)
	<b>(0.63)</b>	<b>(0.78)</b>	<b>(0.15)</b>	<b>23.81%</b>
<b>Closing Surplus/(Deficit)</b>	<b>47.92</b>	<b>55.78</b>	<b>7.86</b>	<b>16.40%</b>

## STATEMENT OF COMPREHENSIVE INCOME – BY NATURE AND TYPE FOR THE PERIOD TO 31 OCTOBER 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 %
<b>Operating Income</b>				
Rates (including Annual Levy)	57,699,128	59,478,618	1,779,490	3.08%
Service Charges	2,932	8,804	5,872	200.27%
Op. Grants, Subsidies & Contributions	1,300,532	1,355,753	55,221	4.25%
Fees and Charges	8,371,943	9,066,260	694,317	8.29%
Interest Earnings	728,292	1,157,005	428,713	58.87%
Reimbursement Income	503,550	346,977	(156,573)	(31.09%)
Other Income	168,566	366,901	198,335	117.66%
<b>Total</b>	<b>68,774,943</b>	<b>71,780,317</b>	<b>3,005,374</b>	<b>4.37%</b>
<b>Operating Expenses</b>				





<b>Employee Costs</b>	(14,943,338)	(13,475,742)	1,467,596	9.82%
<b>Employee costs - Agency Labour</b>	(217,238)	(343,413)	(126,175)	(58.08%)
<b>Materials and Contracts</b>	(10,144,583)	(9,135,744)	1,008,838	9.94%
<b>Depreciation – Non-Curr. Assets</b>	(3,904,290)	(3,935,638)	(31,348)	(0.80%)
<b>Interest Expenses</b>	(153,399)	(192,400)	(39,001)	(25.42%)
<b>Utility Charges</b>	(704,858)	(530,906)	173,952	24.68%
<b>Insurance Expenses</b>	(389,195)	(357,870)	31,325	8.05%
<b>Other Expenditure</b>	(544,395)	(473,818)	70,577	12.96%
<b>Total</b>	<b>(31,001,296)</b>	<b>(28,445,531)</b>	<b>2,555,764</b>	<b>8.24%</b>

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 October 2023, the City demonstrated strong financial performance with a closing funding surplus of \$55.77m.

In summary, as at the end of October 2023, the current surplus exceeds the YTD amended budget by \$7.86m. 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 \$2.0m compared to the adopted budget;
- Increased Rates revenue of \$1.78m;
- Increased revenue from Fees and charges of \$0.69m;
- Increased revenue from Interest earnings of \$0.43m;



- Operating expenditure savings of \$1.47m from Employee Cost;
- Operating expenditure saving of \$1.01m from Material and Contracts;
- Operating expenditure saving of \$0.17m from Utility charge;
- Capital expenditure saving of \$1.42m.

These favourable variances are offset by:

- Decreased revenue of \$1.02m recognised for Capital grants and contributions
- Decreased Reserve transfer of \$0.15m.

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 31 October 2023:




Description	Variance Amount (\$)	Comment
<b>Interest Earnings</b>	<b>428,713</b>	 <b>58.87%</b>
<b>Major Variances:</b>		
Receive investment income	421,245	Higher interest earning is mainly due to higher interest rates on investments along with higher cash holdings due to above budget revenue and cost savings. Current investment markets continue to offer attractive interest rates.
<b>Reimbursement Income</b>	<b>(156,573)</b>	 <b>(31.09%)</b>
<b>Major Variances:</b>		
Administer the emergency services levy (ESL)	(42,000)	Timing variance - The ESL payment was slightly delayed and receipted early in November.
Operate Fremantle library	(150,000)	Timing variance- Reimbursement income to be received in February 2024. Budget phasing to be amended.
<b>Other Revenue</b>	<b>198,335</b>	 <b>117.66%</b>
<b>Major Variances:</b>		
Conduct place activation activities	119,049	Grant funding received for Americas Cup Anniversary activities.
Manage destination marketing plan implementation	41,392	Income received for Fremantle Markets - July 2023 School Holiday Activation partnership fee and Fremantle Aboriginal Cultural Activations for Cruise 2023-24.
<b>Employee costs - Agency Labour</b>	<b>(126,175)</b>	 <b>(58.08%)</b>
<b>Major Variances:</b>		
IT Operating Team	(36,492)	Agency labour used to cover vacant positions, offset by savings in staff establishment budget.
Waste Collection Team	(34,657)	
Construction and Maintenance Team	(25,910)	
Building Maintenance Team	(18,415)	



<b>Description</b>	<b>Variance Amount (\$)</b>	<b>Comment</b>
<b>Utility Charges</b>	<b>173,952</b>	 <b>24.68%</b>
<b>Major Variances:</b>		
Water Expenses	51,930	Timing variance - \$30k related to maintaining hard landscaping, awaiting invoices to pay.
Electricity Expenses	125,753	Cost savings and timing variance - \$68k related to contribution to public street lighting.
<b>Capital Grants and Subsidies/Contributions for the development of Assets</b>	<b>(1,028,642)</b>	<b>(68.92%)</b>
<b>Major Variances:</b>		
P-11882 Design and construct Fremantle Golf Course Clubhouse	(297,229)	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)	Timing variance - Project is currently in acquittal phase with Department of Transport.
<b>Payment for Property, plant and equipment</b>	<b>428,763</b>	 <b>39.38%</b>
<b>Major Variances:</b>		
P-10223 Design and construct - Arts Centre - Roof	254,559	Timing variance – Delay in progress due to inclement weather.
P-12082 Design and construct - Dick Lawrence - Changeroom	200,000	Timing variance – Budget to be incorporated into Hilton Park master plan project.
<b>Payment for Construction of infrastructure</b>	<b>963,772</b>	 <b>38.24%</b>
<b>Major Variances:</b>		
P-12195 Resurface - R2R - Kirby Way	44,095	Timing variance – Project completed, awaiting invoice from the contractor. Savings expected.
P-12100 Design and construct - Dick Lawrence - Irrigation	60,063	Timing variance - RFQ evaluated, contract awarded. Expected completion end of Jan 2023.



<b>Description</b>	<b>Variance Amount (\$)</b>	<b>Comment</b>
P-11823 Design and construct-Port Beach coastal adaptation	699,030	Timing variance - Project is in currently in acquittal phase with Department of Transport.
P-12123 Design and construct - Leighton Reserve - Playground	40,958	Timing variances - Delays with some design changes and scope increase. Expected completion end of Dec 2023.
P-11878 - Design and construct -Walyalup Koort – Public Artwork	54,449	Timing variance – Project in Progress. Delay due to site investigation and process review.
P-12192 Resurface - Cliff Street - Carpark	32,704	Budget Savings - Project completed, awaiting final invoice from the contractor.
<b>Surplus or Deficit at the start of the Financial Year</b>	<b>2,003,485</b>	 <b>22.21%</b>
<b>Major Variances:</b>		
Carry forward funds from the 2022-23 financial year	2,003,485	The End of the Financial Year reconciliation process is still in process. The final surplus 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.



**Budget amendments**

Item	Account #	Account Details	2023/24 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2023/24 Amended Budget
1.1	The Dick Lawrence Oval irrigation was tendered through WALGA and the City has a preferred tenderer, however additional budget is required to award the project. The irrigation upgrade will improve the quality and durability of the turf at Dick Lawrence Oval, which along with the proposed lighting upgrade, will facilitate an increased level of access to the oval for community sport and training. As these requirements align with and help implement the Hilton Park Masterplan project, it is recommended an additional budget is transferred from the Hilton Reserve Account which has had \$780,000 allocated for Hilton Masterplan Projects this financial year under project P-11989 - Design and construct - Hilton Park Precinct.					
	300332.1606	P-12100 Design and construct - Dick Lawrence - Irrigation	(239,000)		(60,000)	(299,000)
	300344.1606	P-11989 - Design and construct - Hilton Park Precinct	(780,000)		60,000	(720,000)
1.2	Each year as part of budget setting, Rates concessions are granted to a number of sporting clubs and community groups. There has been a request made from the Fremantle Men's Shed to be considered for a concession of \$3,238.59 for their rates for 2023/24. Officers have validated that this request is consistent with conditions under section 6.47 of the Local Government Act 1995. Should Council agree to this concession of rate the accumulated surplus will reduce by \$3,238.59 for the current financial year.					
	100240.5969	Raise rates income	(157,689)		(3,238.59)	(160,927.59)
	100462.3915	Accumulated surplus	9,080,730	3,238.59		9,083,968.59
1.3	Budget of \$63,182 requested to undertake review of the Fremantle Oval Redevelopment project, funded from reserves and contribution from the South Fremantle Football Club, Fremantle Football Club and Western Australian Football Commission for \$15,000 (ex GST) each.					
	200132.6823	P-10300 Plan-Fremantle Oval Precinct	(30,350)		(63,182)	(93,532)
	200132.3910	P-10300 Plan-Fremantle Oval Precinct	12,168	18,182		30,350
	200132.4386	P-10300 Plan-Fremantle Oval Precinct		45,000		45,000





1.4	Project variation approved from Department of Water and Environmental Regulation to utilise the unspent grants of \$6,957 in 2024 FY for Better Bins Plus project.					
	200791.6823	P-11963 Better Bins Plus - Go FOGO			(6,957)	(6,957)
	200791.4326	P-11963 Better Bins Plus - Go FOGO		6,957		6,957

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required (part 1)  
 Absolute majority required (part 2)

## **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 31 October 2023.**
- Approve the following budget adjustments items:**

Item	Account #	Account Details	2023/24 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2023/24 Amended Budget
1.1	The Dick Lawrence Oval irrigation was tendered through WALGA and the City has a preferred tenderer, however additional budget is required to award the project. The irrigation upgrade will improve the quality and durability of the turf at Dick Lawrence Oval, which along with the proposed lighting upgrade, will facilitate an increased level of access to the oval for community sport and training. As these requirements align with and help implement the Hilton Park Masterplan project, it is recommended an additional budget is transferred from the Hilton Reserve Account which has had \$780,000 allocated for Hilton Masterplan Projects this financial year under project P-11989 - Design and construct - Hilton Park Precinct.					
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**Agenda – Ordinary Meeting of Council**  
**22 November 2023**



Item	Account #	Account Details	2023/24 Adopted Budget	Revenue Increase/ (Decrease)	Expenditure (Increase)/ Decrease	2023/24 Amended Budget
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	200791.6823	P-11963 Better Bins Plus - Go FOGO			(6,957)	(6,957)
	200791.4326	P-11963 Better Bins Plus - Go FOGO		6,957		6,957



## **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.

Nil.

## **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.

## **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.

## **15. Confidential business**

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

### **C2311-22 SALE OF 5-15 QUARRY STREET, FREMANTLE**

<b>Meeting date:</b>	22 November 2023
<b>Responsible officer:</b>	Manager Economy & Commercial
<b>Decision making authority:</b>	Council
<b>Confidential Attachments:</b>	<ol style="list-style-type: none"><li>1. Confidential Attachment 1 - Market Valuation</li><li>2. Confidential Attachment 2 – Original Design Concepts presented to Council in August 2023</li></ol>

### **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:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*



**C2311-23            RESOURCE RECOVERY GROUP – SERVICE MODEL AND  
REVIEW UPDATE**

**Meeting date:** 22 November 2023  
**Responsible officer:** Director Infrastructure  
**Decision making authority:** Council  
**Confidential Attachments:** 1. RRG Financial Summary – November 2023  
2. Summary Risk Assessment (CoF)

**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:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*
- (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**