



# Agenda

## Ordinary Meeting of Council

Wednesday 27 April 2022 6pm



## **Notice of an Ordinary Meeting of Council**

Elected Members

An Ordinary Meeting Council of the City of Fremantle will be held on **Wednesday 27 April 2022** by electronic means (MS Teams), commencing at 6.00 pm.

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

Glen Dougall  
**Chief Executive Officer**

22 April 2022



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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**

There are no previously received apologies or approved leave of absence.

## **3. Applications for leave of absence**

Cr Doug Thompson requests a leave of absence from 21 May 2022 to 22 July 2022, inclusive.

## **4. Disclosures of interest by members**

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

## **5. Responses to previous public questions taken on notice**

**The following questions were taken on notice at the Ordinary Meeting of Council held on 23 March 2022:**

**Lisa Barnes asked the following question in relation to FPOL2203-7 and FPOL2203-8**

### **FPOL2203-7**

#### **Question 1**

As parking pressures in South Fremantle are currently a very real issue that are experienced by many of our residents and car use has increased. Is there an option of having at least 50% of available bays in a street dedicated to residents (that could be one side of the street for example)?

#### **Response**

This option is not recommended by City officers as restricting on-street parking to one user group only (residents) reduces the public parking supply, impacting on other residents and activities in the area as parking demand is transferred onto other streets, and introduces inequities in the allocation of what is, ultimately, a



public asset. An alternative approach, supported by Council as one of the principles to guide further development of the Parking Plan in Council's resolution on 23 March 2022, is to set a target for maintaining reasonable access for residents to on-street parking bays within 200m (ideally 100m) of any house through the use of controls such as time limits and parking fees (variable for resident parking permit holders).

### **Question 2**

It is anticipated that paid parking will further exacerbate residential street parking pressures. Can the City conduct a comprehensive Parking Strategy, with community consultation, prior to a decision on this matter?

### **Response**

Community consultation is envisaged as part of the next stage of developing the precinct-based parking management approaches that will ultimately make up the overall Parking Plan. Any community engagement will occur before a final decision on the matter.

### **FPOL2203-8**

#### **Question 1**

Instead of expecting residents, within 400m of the CAT, contributing to its costs, can the City look at getting others to contribute including the State Government, Notre Dame, neighbouring Councils who benefit (East Fremantle, Cockburn), the Education Department, Tourism WA, etc.

### **Response**

Council's resolution on the CAT Bus review on 23 March 2022 included a request that the Mayor and CEO seek to secure additional funding, with options to be explored including a contribution from Fremantle Ports/State Government as part of activation of Victoria Quay, and a contribution from major Educational Institutions. The officers' report to Council noted that discussions had already been held with the City of Cockburn and Town of East Fremantle regarding potential funding contributions but these discussions had not led to any commitment to funding contributions from other local governments.

### **Question 2**

Can we please bring back the CAT in 10 min intervals? 20 mins is unreliable and does not attract sufficient traffic to keep it sustainable.



## **Response**

Council's resolution on the CAT Bus review on 23 March 2022 included a request that a report be brought back to Council to finalise the preferred CAT Bus routes and service frequencies once the cost of the service under the new PTA contract is known, and other funding sources have been identified in late 2022, based on agreed, prioritised principles.

## **Andrew Luobikis asked the following questions in relation to FPOLC2203-1, FPOL2203-7, FPOL2203-8, PC2203-12 and C2203-2**

### **FPOL2203-1**

#### **Question**

Why is the following document confidential?

Homeless Services: City's 'Bespoke' submission to the enquiry. Terms of reference document – Confidential attachment 1.

## **Response**

The Estimates and Financial Operations Committee has started its inquiry into the financial administration of homelessness services in Western Australia and has called for submissions. The Committee has advised that submissions are to be confidential until the Committee releases them and that submissions should not be disclosed until the Committee authorises public release.

### **FPOL2203-7**

#### **Question 1**

Why would angle paid parking not be implanted along the Marine Terrace rail line to discourage campers and all-day parking unmonitored?

## **Response**

The City will be implementing paid parking requirements on Marine Terrace (western side) by the commencement of the 2022/23 financial year, with payment required to be made using the PayStay parking app. Parking bays will be parallel to the kerb line as vehicle manoeuvring space required for angled parking cannot be accommodated without major realignment works to the road carriageway and median on Marine Terrace.



## **Question 2**

Would this (angle parking) not take the pressure off the residential areas surrounding the South Fremantle entertainment precinct?

### **Response**

See answer to previous question above.

## **FPOL2203-8**

### **Question 1**

Council talks about tight budget constraints however real amenity for ratepayers such as the CAT service does not get priority. I would think the CAT is essential for the opening of tourism post COVID. More funding from state government for tourism is required.

How is it in the best interest of Fremantle or the Ratepayers by removing more amenity, especially something resident want?

### **Response**

Council's resolution on the CAT Bus review on 23 March 2022 stated that Council supports the retention of a CAT bus service for reasons including that it:

- a. reduces traffic congestion and parking pressure in central Fremantle;
- b. provides alternative transport options for high density residential areas to access the CBD and key destinations; and
- c. transports visitors around the city and between key destinations.

The Council resolution also included a request that the Mayor and CEO seek to secure additional funding, with options to be explored including a contribution from Fremantle Ports/State Government as part of activation of Victoria Quay, and a contribution from major Educational Institutions.

## **PC2203-12**

### **Question 1**

What are the protections for residents in these heritage areas in lieu of these policies?

### **Response**

The provisions of the Local Planning Scheme (zoning controls, development standards and statement of objectives) provide statutorily much stronger controls than these relatively old policies. Additionally, a new Local Planning Policy





3.6 'Heritage Areas', adopted by Council at the Ordinary Council Meeting on 23 March 2022, provides more up-to-date guidance on development in heritage areas such as South Fremantle to ensure that development proposals respect the heritage character of these areas and the amenity of residents.

### **Question 2**

The Seaview as an example should be updated not deleted. Is this just a precursor to a development approval for this parking area with even less parking available for the hotel or future development?

### **Response**

The deletion of this policy is not a precursor for any development approval. The City is not aware of any proposals for development of this property. The current zoning of the tavern car park lot as residential (and the residential zoning of lots to the east) would address the issue of encroachment of the footprint of the tavern (as well as the use) as a tavern is an 'X' use (meaning not permitted) in the residential zone under the local planning scheme. Therefore, a development application to extend the tavern building onto the tavern parking area which is zoned residential would not be permitted to be approved due to the planning scheme controls.

### **C2203-2**

#### **Question 1**

To give power to the Mayor to make decisions on changing the format to public meetings is undemocratic and lessens the ability for our councillors to have input on why this should occur, so why can't the protocols of the first council meeting under COVID be applied?

### **Response**

Regulations 14C and 14D of the *Local Government (Administration) Regulations 1996* give the Mayor or Council the power to determine if attendance via electronic means or the holding of electronic meetings will be permitted.

At the Ordinary Council Meeting held on 23 March 2022, Council determined to allow attendance via electronic means and the holding of electronic meetings, the Mayor will simply determine the method in which they are to be held.



## **Question 2**

With the design of the chamber to be more inclusive to the wider community why could the public not just sit outside the glass door area until they are called to speak, just as happened before?

### **Response**

No particular arrangements have been ruled out as the administration get to know the new chamber and try to adapt to changing conditions.

Current focus is complying with State provisions and supporting the health and safety of all meeting attendees.

## **Question 3**

Is this just a way of controlling a narrative without being questioned by the residents?

### **Response**

No.

## **Question 4**

How is this inclusive for all including the elderly, handicapped, or technologically challenged to participate?

### **Response**

Questions and statements can be submitted before the meeting and will be responded to in the same way as they would if asked at the meeting. The meeting was also displayed on screens in the library.

## **Live Streaming**

### **Question 1**

The Video Conference tech in the new Chamber seems inadequate, sound is poor and patchy and not all councillors could be seen on screen at the last meeting. What additional was spent on conference equipment for the Chamber?



## **Response**

There have been some initial minor issues with balancing sound through the microphones in the chamber – officers are currently working through this with the suppliers. The video streaming service and set up is new and configurations / seating arrangements are still being tested.

The audio-visual equipment for the building (including the Council Chamber) was part of the main building works.

## **Question 2**

Why was there such a delay after opening of the Civic building to have such basic video conferencing set up in comparison to other WA local governments?

## **Response**

Officers only arranged to provide live streaming once the building's meeting functionality had been tested, the appropriate procedures were developed and approved, and also suitable training provided to users.

## **Mark Woodcock questions in relation to Pioneer Park and Parking Policy**

### **Pioneer Park**

#### **Question 1**

How can the Jan 2021 report, relating to the illegal tent city event in Pioneer Reserve, be the final report when in April 2021 you were still working out damage and repair cost to the park, which the city wasn't even then in charge of and still isn't?

## **Response**

A breakdown of costs was provided in response to a question taken on notice on 23 June 2021, as shown below.

A cost of \$10,322 to the City was incurred for activities required over and above normal operations. A breakdown of these costs has been provided below.

Maintenance and repair required

- Staff costs - \$2,872



- Staff costs included site inspections; correspondence and liaison with the users of the reserve; and coordination of required maintenance with contractors.
- Contractor costs - \$3,047
  - Contractor costs included engagement of an electrical contractor to address issues with usage of power; out of schedule mowing required due to significant pressure placed on turf, in areas that became inaccessible within normal mowing schedules; and over seeding due to damage incurred on the turf.
- Waste Management Costs - \$4,403
  - Waste Management costs included labour cost for collection of additional waste created over the period of the event; disposal cost of additional waste and labour cost associated with the close and removal of the event.

## **Question 2**

Do we have different understanding of the word/term final report, or is it standard procedure for the city to table a finalised report without expenses, costs or finalised details?

### **Response**

As above.

## **Parking Policy**

### **Question 3**

Will the city commit to a community consultation process before implementing more parking policies, this new policy change will impact residents greatly, so will the council commit to an open community consultation around future parking plans and an open discussion on its current state?

### **Response**

Community consultation is envisaged as part of the next stage of developing the precinct-based parking management approaches that will ultimately make up the overall Parking Plan. The details of the methodology and scope of community consultation have not yet been determined.



## **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 to be presented to council.

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 2018.

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 2018.

## **9. Confirmation of minutes**

### **OFFICER'S RECOMMENDATION**

#### **Council confirm:**

- 1. The minutes of the Ordinary Meeting of Council dated 23 March 2022.**
- 2. The minutes of the Special Meeting of Council dated 13 April 2022.**

## **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 committees

### 11.1 Planning Committee 6 April 2022

#### **PC2204-3 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL UPDATE 2021 – 63 THOMPSON ROAD, NORTH FREMANTLE**

<b>Meeting Date:</b>	6 April 2022
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	<ol style="list-style-type: none"><li>1. Heritage Assessment Review, Hi Fidelity Studio, Griffiths Architects 25/03/2022</li><li>2. City officers' Heritage Assessment, 63 Thompson Road, North Fremantle, City of Fremantle 30/08/2021</li></ol>
<b>Additional Information:</b>	<ol style="list-style-type: none"><li>1. Schedule of Submissions Yearly LHS &amp; Heritage List Update 2021</li></ol>

#### **SUMMARY**

**The purpose of this report is to consider the inclusion of Hi-Fidelity Recording Studio (Fmr.), 63 Thompson Road North Fremantle on the Heritage List and the Local Heritage Survey as part of the periodic update of the Local Heritage Survey (LHS) required under the *Heritage Act 2018* and Council's Local Planning Policy 2.6. The consideration of this place for heritage listing was deferred from the 23 February 2022 Council meeting to provide the landowner additional time to obtain advice and provide comment on this proposal. An independent review of the City of Fremantle heritage assessment was provided by the landowner on Friday 25 March 2022 and it recommended that the property should not be included on the Heritage List or if it was included then the Local Heritage Survey management category should be changed from Level 2 to Level 3.**

**After considering the further information provided by the landowner, this report recommends that the place should be included on the Heritage List and LHS as originally recommended.**

#### **BACKGROUND**

The *Heritage Act 2018* requires that local governments prepare and maintain a Local Heritage Survey (LHS) of places that in its opinion are, or may become, of cultural heritage significance. That survey is required to be periodically updated and reviewed. Places on the LHS are recognised but do not automatically enjoy statutory protection.



The *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') Schedule 2 'Deemed Provisions for local planning schemes' part 3 make provision for the establishment and maintenance of a Heritage List and Heritage Areas which have been identified as of significance and worthy of built heritage conservation. Places on the Heritage List and in Heritage Areas have statutory protection under the planning scheme.

Council adopted its initial Local Heritage Survey (then called a Municipal Heritage Inventory) in September 2000 and subsequently adopted a Heritage List based on the Inventory through the provisions of Local Planning Scheme No. 4 (gazetted in 2007). Both have been amended since that time.

The City's *Local Planning Policy 2.6* outlines the process for modification of the LHS and Heritage List, including provisions for dealing with requests from property owners for inclusion, removal or amendment. This includes consideration of requests for modifications annually. The annual update forms part of the routine maintenance of these documents and complements but does not replace broader, more general reviews.

Maintenance of the City's LHS and Heritage List contributes to Council's objective to *"sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history"*.

On 15 September 2021, Council considered a report on the 2021 annual update and resolved to invite comment from 18 landowners affected by the proposed modifications to the Local Heritage Survey (LHS) and Heritage List with the intention that: *"In the event of landowners making no objection to modifications recommended to the Local Heritage Survey and Heritage List, that these changes be adopted, documented and communicated to the Heritage Council of Western Australia, and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council."*

In relation to 63 Thompson Road, the following changes were proposed to the Heritage List and LHS:

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle</i>	<i>Add as "Level 2"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation</i>



The Heritage Assessment prepared by City Officers in August 2021 (see Agenda Attachment 2) found that Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, a concrete block commercial building from the Late Twentieth Century had considerable cultural heritage significance in its own right within the context of Fremantle and its conservation was a priority. The Statement of significance read as follows:

*Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road has cultural heritage significance for the following reasons:*

- *It has aesthetic and rarity value as a simple but well composed example of the work of Iwan Iwanoff and as an idiosyncratic example of the Late Twentieth Century Brutalist style of architecture,*
- *it has historic and social value as an example of the light industrial and commercial development that was established in North Fremantle between the 1890s and 1970s. It illustrates the development of this traditional mixed use industrial and residential working class area before the rise of car ownership and the introduction of Post-War zoning plans, and*
- *it contributes to the character of the North Fremantle Heritage Area*

Consultation with affected landowners and tenants was undertaken between 3 November and 26 November 2021 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following is a summary of the two objections received during the consultation period:

- An objection to listing from the landowners of 84 Hampton Road, Fremantle.
- An objection to listing from the landowners of 63 Thompson Road, North Fremantle for a range of reasons, including the poor standard of the building, its incongruity with North Fremantle's character, a perceived lack of heritage or architectural quality, existing asbestos and further development aspirations. The objection included a request for extension of time to April 2022 to allow them to obtain professional advice to support their case. In response to this request officers have advised the submitter of the timeframe for presenting this matter to the Planning Committee and Council for consideration, and opportunities for the submitter to make a deputation to elected members at these meetings prior to the agenda item being considered.

The outcomes of consultation with affected landowners on the proposed updates and the officer recommendations on the consultation were presented at the 2 February 2022 Planning Committee.

Officers considered each submission and reconsidered each property's significance in relation to the Burra Charter criteria (as per local planning policies 1.6 and 2.6) but remained of the view that both properties meet the thresholds for listing





and were worthy of protection. No change to the recommendation was therefore proposed.

Planning Committee supported the officer recommendations regarding the heritage listings where no objections were received during consultation, and the two properties where objection were received were referred to the Council Meeting on 23 February 2022 for consideration.

At the Council Meeting on 23 February 2022 Council resolved to modify the Heritage List and Local Heritage Survey in regard to 84 Hampton Road as recommended, but resolved to defer consideration of the recommended listing of 63 Thompson Road to allow the landowner additional time to obtain advice and provide comment.

The purpose of this report is to consider the additional information provided by the landowner of 63 Thompson Road, North Fremantle to support their objection to the proposed heritage listing of their property.

### **OFFICER COMMENT**

The heritage assessment review by Griffiths Architects dated 25/03/2022 (see Agenda Attachment 1) disagreed with the recommendations of the City's internal heritage assessment and concluded that *"the City's assessment overstates the significance of the place"* and that *"the property should not be placed on the Heritage List. Alternatively, should the council be inclined to include the place in the Heritage List, at best its heritage value sits more comfortably as a Management Category 3 place."*

The independent report included some new information on the physical condition of the place but no significant documentary information. Griffiths Architects gained access to the interior of the place on 10 March 2022 and they recorded that, apart from some interior partitioning and some fittings and services installed for laboratory use, the interior of the building was largely intact. The plan form was found to be much the same as constructed and the original purpose of the studio remained discernible. Internal photographs are included in the heritage assessment review.

Most of the reasons presented in the heritage assessment review to demonstrate the limited heritage significance of the place had already been raised by the landowner during the public consultation phase of the annual update and these arguments had previously been rebutted by officers, refer to Schedule of Submissions.



Officers have considered the findings of the Heritage Assessment Review by Griffiths Architects and re-assessed the heritage significance of 63 Thompson Road but remain of the view that:

- the place meets the threshold for inclusion on the City of Fremantle Heritage List;
- the management category for the place should be Level 2 – “The City of Fremantle has identified this place as being of considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority” because it has individual and collective significance and is largely intact.

It is noted that heritage listing does not automatically preclude any change or development to a place, though it does add a constraint and layer of complexity.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

The *Heritage Act 2018* requires periodic update and review of the LHS. The requirement is met by this report.

### **CONSULTATION**

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

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

Simple Majority Required

### **OFFICER RECOMMENDATION**

**Moved: Cr Bryn Jones**

**Seconded: Cr Geoff Graham**

Council

1. Note the further information provided by the landowner of 63 Thompson Road North Fremantle in relation to the 2021 Local Heritage Survey and Heritage List Yearly Update as outlined in Attachment 1.



2. Modify the Local Heritage Survey and Heritage List as follows:

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle</i>	<i>Add as "Level 2"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation</i>

**AMENDMENT**

**Moved: Cr Andrew Sullivan    Seconded: Cr Ben Lawver**

**Amend the Local Heritage Survey level from 2 to 3 as follows**

<i>Place</i>	<i>Local Heritage Survey</i>	<i>Heritage List</i>	<i>Reason</i>
<i>Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle</i>	<i>Add as "Level <del>2</del> 3"</i>	<i>Add to Heritage List</i>	<i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation</i>

**Amendment carried: 7/0**

**Mayor Hannah Fitzhardinge, Cr Bryn Jones, Cr Geoff Graham, Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



**COMMITTEE RECOMMENDATION ITEM PC2204-3**  
**(Amended officer’s recommendation)**

**Moved: Cr Bryn Jones**

**Seconded: Cr Geoff Graham**

**Council**

- 1. Note the further information provided by the landowner of 63 Thompson Road North Fremantle in relation to the 2021 Local Heritage Survey and Heritage List Yearly Update as outlined in Attachment 1.**
- 2. Modify the Local Heritage Survey and Heritage List as follows:**

<b><i>Place</i></b>	<b><i>Local Heritage Survey</i></b>	<b><i>Heritage List</i></b>	<b><i>Reason</i></b>
<b><i>Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle</i></b>	<b><i>Add as "Level 3"</i></b>	<b><i>Add to Heritage List</i></b>	<b><i>Heritage Assessment has confirmed that the place has cultural heritage significance and is worthy of conservation</i></b>

**Carried: 7/0**

**Mayor Hannah Fitzhardinge, Cr Bryn Jones, Cr Geoff Graham,  
Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver**



**PC2204-12      PROPOSED MRS AMENDMENT NORTH FREMANTLE  
DEVELOPMENT PRECINCT - PRELIMINARY COMMENTS**

**Meeting date:** 6 April 2022  
**Responsible officer:** Manager Strategic Planning and City Design  
**Decision making authority:** Council  
**Attachments:** Proposed MRS Amendment – North Fremantle  
Development Precinct  
**Additional information:** Nil

**SUMMARY**

**The Western Australian Planning Commission (WAPC) is inviting preliminary comment on a proposed Metropolitan Region Scheme (MRS) amendment for the 'North Fremantle Development Precinct'.**

**The subject site is in North Fremantle, approximately 23ha in area and bound by Port Beach Road to the west, Primary Regional Road reserve to the east, Tydeman Road and Freight Rail Reserve to the south, and Walter Place to the north. The land has historically been used for industrial purposes including a fuel terminal and lubricant depot, a former Standard Wool site and Caltex operations.**

**The amendment proposal requests a rezoning of this land from 'Industrial' to 'Urban' and 'Parks and Recreation Reserve.'**

**The purpose of the amendment would be to create urban development land. The rezoning request is based on the site no longer being required for industrial uses and the site's close location to Fremantle and North Fremantle, the Fremantle passenger railway line and Port Beach.**

**The City's officers consider Urban zoning is, in principle, the logical alternative zoning for the land if it is no longer required for industrial purposes. There are however several issues in relation to the site that would need a greater degree of resolution prior to a rezoning and/or redevelopment. These include:**

- Past industrial use of the land and remediation requirements.**
- Proximity of the site to a section of coastline of high regional recreational significance and coastal hazard vulnerability.**
- Current and future functioning of the Fremantle Port.**
- Regional and local transport and access considerations.**
- Future of Fremantle work and impact of future development on the site to the wider area.**



This report recommends that in its preliminary comments to the WAPC Council requests, prior to progressing the formal MRS amendment process, that:

1. the WAPC are satisfied that the loss of this land to industrial use would not be contrary to the objectives of the Commission’s *Economic and Employment Lands Strategy: non-heavy industrial* and
2. the WAPC, City and applicants work together to resolve the appropriate extent of land required for inclusion in the coastal foreshore Parks and Recreation Reserve.

Following this work, the remaining land subject to the rezoning proposal may more appropriately be considered for a MRS ‘urban deferred’ zoning in the first instance, to allow for more planning to be completed prior to a transfer to the Urban zone.

## BACKGROUND







Figure 1. Subject site of Proposed Metropolitan Region Scheme (MRS) Amendment – North Fremantle Development Precinct (RLS/1012) and current MRS zoning.

The Western Australian Planning Commission (WAPC) is inviting preliminary comment from the City on a proposed Metropolitan Region Scheme (MRS) Amendment – North Fremantle Development Precinct (RLS/1012).

The subject site is approximately 23ha in area in North Fremantle. The site is bound by Port Beach Road to the west, Primary Regional Road reserve to the east, Tydeman Road and Freight Rail Reserve to the south, and Walter Place to the north (refer to figure 1). The land has historically been used for industrial purposes including a fuel terminal and lubricant depot by Viva Energy Australia (formerly Shell Australia), a former Standard Wool site and a former Caltex operation.





Figure 2. Proposed Metropolitan Region Scheme (MRS) Amendment – North Fremantle Development Precinct (RLS/1012).

The proposed MRS amendment is a joint proposal between the landowners VE Property Pty Ltd (VEP) and the North Fremantle JB Pty (NFJV). The amendment proposes to rezone the subject site (approximately 23ha) from 'Industrial' to 'Urban' and 'Parks and Recreation' (refer to figure 2).

Previously, two separate rezoning proposals were submitted by the two different landowners in the area in 2016 and 2019. In response to these, the Department of Planning, Lands and Heritage requested that both parties collaborate to create a single proposal to facilitate an integrated assessment. This proposed North Fremantle development precinct amendment is a result of the applicants responding to the Department's request and working together. Accordingly, the two previous proposals were formally withdrawn with the lodgement of this proposed MRS amendment.

In essence, while there are some residual industrial uses still functioning on the land, the proposal outlines that the subject site is no longer used or required for its past industrial use. The applicants therefore propose the land be rezoned for urban development noting its close location to Fremantle and North Fremantle, the Fremantle passenger railway (approximately 150m), and Port Beach as key reasons for this request.

The applicant's proposal provides the following justification for the amendment:

*The proposed MRS Amendment should be supported for the following reasons:*

- *The subject land is no longer required for industrial purposes*
- *The highest and best use of the land has been demonstrated through this proposal to be Urban*
- *The development of the land for Urban purposes represents a logical progression of established urban development in the locality*
- *The Amendment is consistent with the overarching objectives of the State and local strategic planning framework*
- *The land can be fully serviced with standard urban infrastructure*
- *There are no constraints or other factors that would preclude rezoning to Urban*
- *The rezoning of the land to Urban provides a unique opportunity to develop a land parcel with only four owners, in a coordinated manner and in accordance with State and local planning objectives*





## **OFFICER COMMENT**

The City's officers consider exploration of alternative uses for the North Fremantle Development precinct is reasonable and 'Urban' development presents a logical option for the following reasons:

- The site is large enough for comprehensive development and well located in proximity to the beach, train line (METRONET and its related emphasis on transit-oriented outcomes) and metropolitan centres.
- The State government has endorsed Westport's recommendation to move container trade to a new harbour in Kwinana leaving the future of the Fremantle Port, at the very least, to be a reduced freight operation.
- In recent years operations on the subject site have been downscaled so that now the site is relatively unused as an industrial area.

However, due to the land's past industrial use and its proximity to the Fremantle Port and a section of coastline of high regional recreational significance and coastal hazard vulnerability, as well as regional and local transport and access considerations (associated with the Port, new development and otherwise), and the Future of Fremantle work currently in train and impact of future development on the site to the wider area, there are several issues that would need to be resolved prior to the subject site being suitable for urban redevelopment.

Issues for rezoning and redevelopment of the subject site include:

### **1. Confidence on port relocation and future need for industrial land.**

When previous 2016 and 2019 MRS rezoning proposals were put forward for the subject site the Port Authority expressed views that this industrial land was needed for industrial purposes to support Port operations. Since this work, the independent taskforce Westport have assessed the options for the future of Fremantle Port operations and found that even with billions of dollars' worth of road upgrades, the transport network supporting the Fremantle Inner Harbour would reach capacity by the mid-2030s.

Accordingly, in May 2020, state government endorsed Westport's recommended location and design for a future container port at Kwinana. Work is now proceeding to determine the timetable of transitioning freight from Fremantle Port to Kwinana either in one step by 2032 or over a phased period that will see both ports share the freight task for around a further 15 years.



The proposed MRS rezoning report notes, in relation to the Westport investigations:

- *Prior to the transition of port operations to Kwinana it will be business-as-usual for Fremantle Ports and this in no way relies on the subject land being Industrial*
- *If port operations do not relocate to Kwinana and continue at Fremantle, it would not result in the subject land being required for port-related (industrial uses) and nor would it impact on matters of access*

Officers understand that Fremantle Port Authority has also been invited to provide preliminary comment to the WAPC and is likely to respond to the applicants' statements above.

In regard to the industrial use of the land the application notes that the subject site, while currently does have some industrial uses still in operation, is no longer needed for its former level of industrial uses. Over the years this has been evident in the downscaling of industrial sites and clearing of land in the area.

*WAPC's Economic and Employment Lands Strategy: non-heavy industrial specifically notes in relation to industrial land in the central sub-region: "Due to these other high end competing uses, such as residential and commercial, the land stock is under extreme pressure and if no intervention is taken to protect the remaining industrial land parcels the land stock will be dramatically reduced"*

Officers therefore recommend that in considering the rezoning of the subject site, in the first instance, the WAPC should satisfy itself that the loss of this land to urban use would not be contrary to the objectives of the Commission's *Economic and Employment Lands Strategy: non-heavy industrial*.

## **2. Future of Fremantle**

Subsequent to its acceptance of the recommendations of the Westport Task Force, last year the State Government established Future of Fremantle (FoF), a Committee of the WAPC, and a Reference Group to: *'to consider land use and economic development opportunities around North Quay and surrounding areas, and to continue developing a new vision for a Victoria Quay Waterfront Precinct.'*



Figure 3. Future of Fremantle Study Boundary

The subject site is within the FoF’s area of study (refer to figure 3).

The application for the MRS amendment puts forward the following justification for why the amendment should not be held up by the outcomes of the Future of Fremantle group’s work. Officer comments have been provided in reply.



Application comments	City of Fremantle Officer comments
<p><i>While there are opportunities for the subject land from the Future of Fremantle process, this amendment request relates to a discrete precinct capable and appropriate for planning that is mindful of FoF but not formally tied to it.</i></p> <p><i>This is important and possible because:</i></p> <p><i>The Fremantle Port Authority precinct (as the bulk of the FOF Study Area) and subject land are not integrated parcels. Tydeman Road represents a logical boundary between the two projects.</i></p>	<p>The subject site is in close proximity to the port land, albeit a road separates them (Tydeman Road). There will be an interface between the two precincts. This is an opportunity for comprehensive master planning a large inner-city piece of land. Even without the master planning the future development of the sites should logically consider each other in design, use, infrastructure and facilities for the best outcome.</p>
<p><i>The subject land and FoF area are not reliant on each other for design or implementation – with respect to access, land use, staging or the coastal foreshore etc.</i></p>	<p>Access into and around this area is an issue (see point 3 below). Land use needs to be considered on a district/regional level (see point 8 and 9). Future land use and infrastructure decisions relating to the north-western part of North Quay in particular (such as the future alignment and/or physical protection of Port Beach Road south of Tydeman Road could affect the Coastal foreshore and processes adjacent to the proposed Amendment area, and vice versa (see point 5).</p>
<p><i>The proposed amendment in no way prejudices FoF outcomes. The FoF has already embarked on planning for highly significant projects such as the Swan River Crossings project, a new film studio and screen production facility, and the redevelopment of the heritage-listed A Shed on Victoria Quay as a food and beverage destination – all of these projects are</i></p>	<p>It may be too early to determine if the proposed MRS amendment would prejudice the Future of Fremantle outcomes. Early FoF projects listed are focused on river crossings and Victoria Quay and not the main area of North Quay which has the most significant interface with the subject site.</p>





<p><i>in the FoF study area and have been able to progress concurrent with the study.</i></p>	
<p><i>The timing for FoF programming is uncertain – there is no guarantee of when a master plan for public comment will be complete. With this uncertainty it would be unreasonable to delay progress on a land parcel that is ready for more detailed planning to occur and is otherwise broadly consistent with the intent and purpose of the FOF study.</i></p>	<p>The FoF programming is not completely uncertain or excessively long. There may be scope to include or consider outcomes from the FoF at different times in the amendment process.</p>
<p><i>comparatively small area that the subject land represents in the context of the FoF area, further illustrating that it would not prejudice FoF outcomes.</i></p>	<p>The Port land is a very large tract of land for a predominantly built out urban local government. While a smaller area comparative to this, the subject land is still a large development area for the City of Fremantle. The subject site could potentially yield a large residential population and commercial centre and impact the surrounding area.</p>

While officers do not necessarily consider the FoF work needs to be completed before a rezoning of the subject site is progressed, it would be of value to have some outcomes of the FoF work advanced enough to inform the zoning and development configurations, access and roading, and future residential and commercial aspects on the site.

**3. Transport planning and access into the port**

Planning for the future regional road network in this area has been a long-outstanding critical issue. The applicant provides the following summary in their MRS Amendment report:

*There are two options for extension of Curtin Avenue under consideration.*

*Option 1 entails the extension of Curtin Avenue along the eastern boundary of the proposed rezoning area to connect with Tydemans Road.*

*Option 2 entails the creation of a grade separated flyover across the rail line and connection to Stirling Highway and Stirling Bridge. This option entails the relocation of North Fremantle Train Station approximately 150m further south.*



*It is understood that Main Roads WA's preferred option is Option 2. WAPC has placed a Planning Control over the area to facilitate either option.*

*Both options entail the realignment of Tydeman Road which results in the construction of a new T-intersection. It appears that both options show the possible reconfiguration of the existing signalised T-intersection of Port Beach Road / Tydeman Road, to a roundabout intersection.*

*Detailed future intersection designs for Tydeman Road / Port Beach Road and Curtin Avenue / Walter Place were not available at the time of this assessment.*

*At present there is no timeframe for the implementation of the Curtin Avenue Extension project. The proposed draft land use and movement plan shows the extension of the Curtin Avenue as per Option 1 and in line with the current MRS.*

The Main Roads WA preferred option 2 raises significant concerns from an urban design perspective. It would also create further barriers for the North Fremantle community living east of Stirling Highway to access the North Fremantle centre and the coast. It may also provide limited access to the Port (assuming redevelopment), resulting in the increased use of Port Beach Road or a realignment of this.

The need to maintain a functional regional road network in this area is acknowledged, but local access and resolving (or at least not worsening) community severance issues in North Fremantle also need to be considered. Officers consider a further road network option worthy of consideration is a model of a dispersed 'urban grid' network of boulevard style roads instead of consolidation of through-traffic onto one or two controlled access main roads. A grid network would provide flexibility to service local needs as well as through traffic, and could accommodate changes in land uses over time as Port trade likely transitions out of North Quay. Opportunities to improve local amenity as well as accessibility to the Leighton – Cottesloe foreshore is also preferable.

#### **4. Ground contamination**

The applicant provides two Environmental Assessment Reports (covering the north and south parts of the precinct) in the MRS amendment proposal. The reports note that prior to urban development the land will be remediated to accord with environmental requirements. It concludes, "*there are no environmental constraints to redevelopment of the site for Urban use.*" The reports also acknowledge that contamination of the site's soil and groundwater may be a possible environmental issue that requires management, but that this will be addressed under the requirements of the *Contaminated Sites Act 2003* and does not warrant further consideration under the planning process.



City officers consider however that given the long history of industrial and fuel storage land uses in this precinct some level of contamination is likely and therefore remediation will be required prior to redevelopment for urban purposes. Notwithstanding requirements to manage contamination under other legislation, officers consider this is a key issue that does warrant being addressed through early stages of the planning process to confirm that redevelopment for urban land uses (particularly) residential is viable and appropriate.

### **5. Coastal vulnerability and hazard management**

One potential constraint to development on the subject site is coastal vulnerability risk. The MRS amendment proposal includes a Coastal Foreshore Assessment study and notes:

*"The Study includes a comprehensive assessment of the amendment proposal against SPP2.6, a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and an assessment of the existing values, features and attributes of the foreshore area, and concludes that coastal erosion hazards are a manageable risk for the site and are no impediment to the approval and implementation of an urban outcome."*

The application notes in reference to figure 4 below:

*"The delineation of Urban zone in relation to proposed Parks and Recreation Reserve accommodates the ultimate 100-year planning horizon. Beyond the 100-year retreat line a foreshore can be accommodated in the proposed Parks and Recreation Reserve that provides for the replication of current characteristics and values as sought by SPP2.6."*



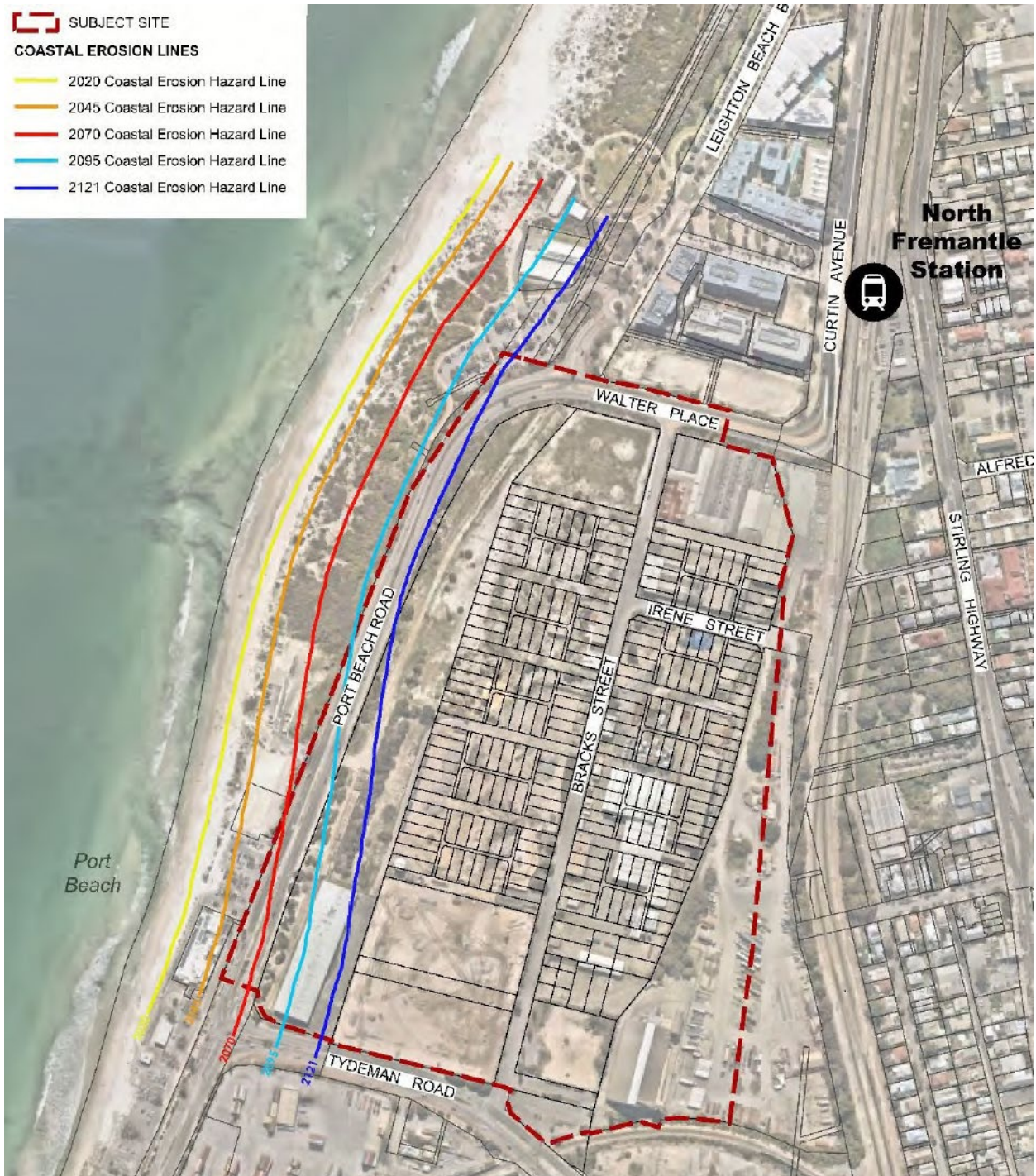


Figure 4. Application’s Coastal erosion lines including 100-year coastal hazard line.

Accordingly, the application proposes approximately 4ha of reserve land (as well as ‘urban’ zoned land) as part of the MRS amendment along the western side (refer to figure 2) that encompasses this 100-year coastal erosion line.





The applicant further provides:

*"The proposed foreshore ensures that even in a worst-case scenario where an unprotected coastline is impacted and eroded by extreme climatic conditions for the next 100 years, there will still be a broad and continuous coastal foreshore that:*

- Is responsive to the site and the specific local context;*
- Includes an allowance for physical processes to occur over a 100-year period, and assuming an unprotected 'natural' coastline;*
- Provides sufficient area landward of the coastal process allowance to continue to accommodate the prescribed values, functions and uses of the foreshore for the next 100 years and beyond; and*
- Provides sufficient area to deliver a high-amenity foreshore that is a significant improvement on the existing Port Beach area.*

*The rigorous, evidence-based analysis carried out by technical experts to inform the coastal reserve width is consistent with the process specified in SPP2.6 and its supporting Guidelines, and confirms that the proposed foreshore reserve is an appropriate and informed planning outcome."*

While State Planning Policy 2.6 – Coastal planning does consider coastal hazard risk and includes guidelines specific to this (*Coastal hazard risk management and adaptation planning guidelines*) it also considers matters such as development and settlement, water resources and management, building height limits, coastal protection works and coastal foreshore reserve.

In regard to Port Beach, it is also pertinent to note that at its Ordinary Meeting of Council on the 11 December 2019, Council adopted a policy position of managed retreat as the preferred strategy for responding to coastal erosion risk at Port and Leighton Beach, noting managed retreat is implemented over an extended timeframe. As part of this Council additionally resolved to:

*Progress discussions with the Western Australian Planning Commission on the preparation of a precinct plan for the area to resolve coastal setbacks, transport and access, recreation needs, landscape and land use with a view to establishing an enduring and sustainable beach, and advancing integrated planning for this.*

Officers have not had the opportunity to interrogate the proponents' Coastal Study in detail or compare it to the City's Port, Leighton and Mosman Beaches Coastal Hazard Risk Management and Adaptation Plans (CHRMAP) recommendations, to reach a definitive view on the adequacy of the proposed Parks and Recreation Reserve area. However, even if the MRS Amendment submission deals adequately with the assessment of coastal hazards and setback requirements needed to mitigate these risks on a 100-year planning horizon



and under a managed retreat strategy, officers have concerns that it might not additionally address reserve space needed for environmental and recreational use. SPP 2.6 explicitly states that planning for the impacts of coastal hazards is only one input into the determination of a coastal foreshore reserve, and adequately protecting the values, functions and uses of reserves is also important. Biodiversity and ecosystem integrity, public access and recreational use are specifically identified as other functions to be protected.

This area is in an unusual situation in that the MRS Amendment land is right beside, and effectively links, the main beach access points and 'nodes' of activity and facilities at Port and Leighton beaches. Port and Leighton beaches are heavily used and although Leighton is identified as a District-level coastal node in the hierarchy of coastal nodes contained in the WAPC *State Coastal Planning Policy Guidelines* (November 2020) which supplement SPP 2.6, it arguably serves more of a regional catchment function. There is a demonstrated need for improved facilities at Port Beach to take the pressure off Leighton Beach and accommodate overall growth in demand for beach use as population increases. With coastal hazard impacts already evident in this area any reserve planning may well need to provide for additional land for dune systems to establish further back, and land behind those dunes for new recreational facilities safe from erosion and/or inundation over the 100-year planning horizon, i.e. public car parks, cafés, change rooms/toilets, BBQs/shade structures and the like. Due to these factors there may be a need in this area for foreshore reserve depth over and above what a 'normal' SPP2.6 assessment might indicate. This work, however, has not currently been completed.

Accordingly, as the proposed MRS amendment proposes allocation of an area of the subject land as foreshore 'Parks and Recreation' reserve, as well as an 'Urban' zone, officers suggest further work to assess whether the currently proposed boundary between the foreshore reserve and urban zoned land is on an appropriate alignment. Specifically, officers recommend the WAPC, City of Fremantle, the proponents and other relevant stakeholders engage in further discussions (prior to formal progression of the MRS Amendment proposal) to review the extent of land required to be included within an expanded Parks and Recreation Reserve in order to meet the long-term recreational demands upon this precinct in addition to addressing the risks and impacts of coastal processes.

#### **6. Scope of upgrades to services needed to support urban land uses**

Servicing sites, especially brownfield sites with multiple landowners, for comprehensive redevelopment has been an issue in Fremantle on other development sites. In its favour, the subject site has only a few landowners. While the proposal notes the site has a level of water reticulation, underground power, telecommunications and wastewater, extensive service upgrades are required to support further development.



### 7. Management of Fremantle Port buffer transition

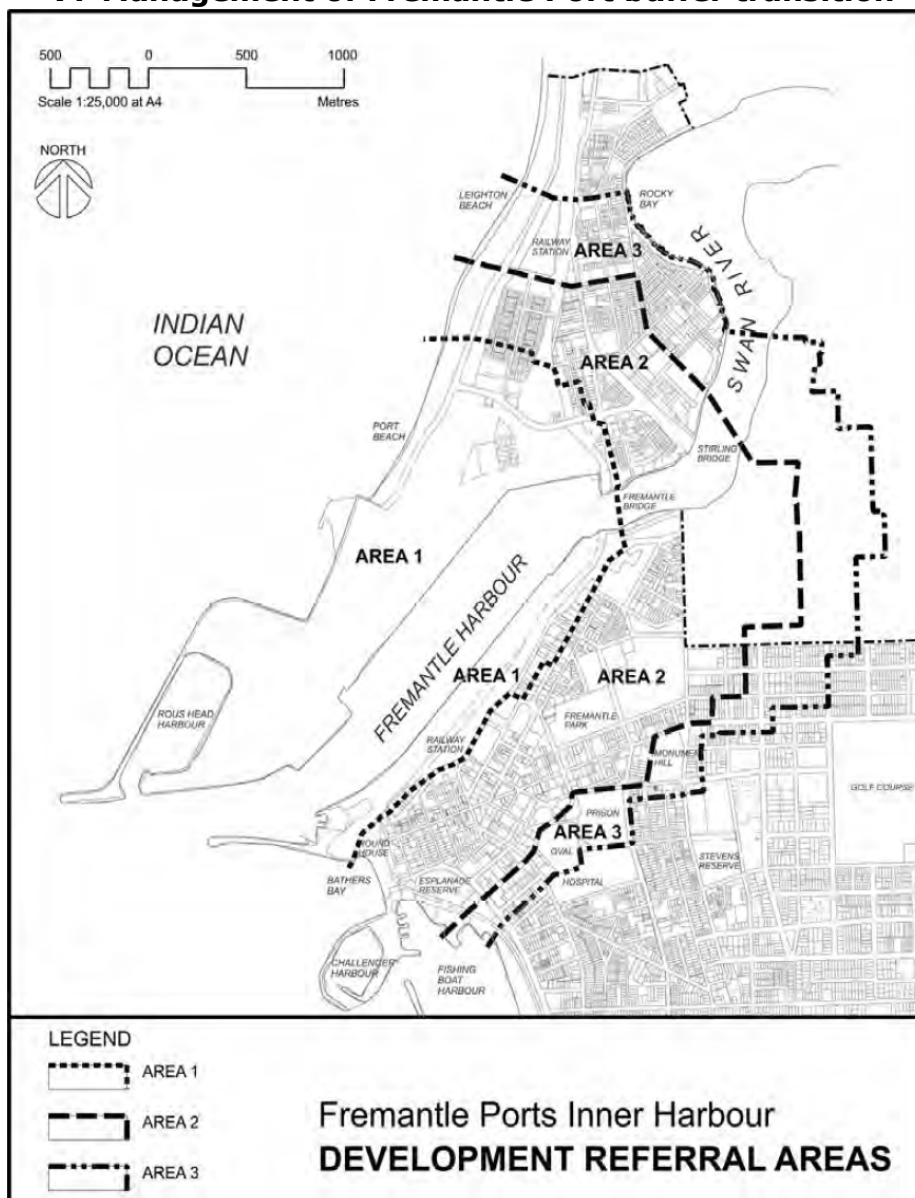


Figure 5. Local planning policy 2.3 Fremantle Port Buffer Area Development Guidelines – Development referral areas

The subject site is within the Fremantle Port buffer areas 1 and 2 (refer to figure 5). Being located in area 1 and 2 there is a requirement to control development in order to minimise the following potential impacts:

- a) Ingress of toxic gases in the event of an incident within the Port,
- b) Shattering or flying glass as a consequence of an explosion within the Port,
- c) Noise transmission emanating from the Port (attenuation in the order of 35dB(A) is required), and



d) Odour

Residential developments proposed in area 1 greater than 50 dwellings shall be supplemented with a formal risk assessment. The assessment shall clearly demonstrate that the risk impact from port operations to the occupants will be maintained as low as reasonably practical. Additional design requirements for the building are also applicable for area 1 and 2.

Assuming the Fremantle Port freight functions mover time, a reduction in the port buffer requirements would be reasonable at some future date as it would otherwise limit full development potential of the site and could even result in a less desirable outcome if planning was based on the port buffers, but no longer needed down the track. While this is not an issue for the proposed MRS amendment to urban and it could be considered at a later stage, it is an issue for the future development of the site and planning needs to ensure no significant land use conflict or hazard occurs or redundant controls do not hinder optimum development outcomes.

**8. Open space provision**

Any residential development on the subject site would need to be supported by some local/neighbourhood open space in addition to the regional foreshore reserve. The City's recreational planning work to date suggests that no additional active open space would be required in this location at this stage. In the event of the Port being redeveloped for residential, additional recreational facilities would be required but could be accommodated within that area.

This is not necessarily an issue for the MRS amendment stage, however something to consider if/when the site is developed.

**9. Commercial floorspace/ Land uses**

North Fremantle Activity Centre is nominated as a District Centre in State Planning Policy 4.2 – Activity centres, however it does not function as such. Specifically, it lacks a local supermarket. The closest supermarkets are East Fremantle (1.5km) and Mosman Park (3.5km). North Fremantle's growth as a centre has been restricted to some degree by its location, fragmentation and access limitations.

While it is not necessary to allocate commercial space at the MRS amendment stage, the proponents do include a 'concept plan' with indicative Commercial zoning/land use in the southwest corner of the site. The proponent provides:

*"Commercial and mixed use can be located along the southern extent of the subject land to buffer/transition from the port area and Tydeman Road Land use controls can be applied to ensure that future development does not*



*compete with Queen Victoria Street and instead focus on uses that are presently unprovided for such as a local supermarket.”*

Officers note that if additional retail is required to support additional urban development on the subject site, it would be preferable to collocate this with the existing centre, or at the very least establish strong pedestrian/cycle connections between the existing town centre and any new retail facilities. In any event at a future stage of planning any proposals to develop significant additional floorspace on the subject site should be accompanied by a retail impact assessment and demonstrate how it will not undermine the existing retail hierarchy.

A scenario which undermines Fremantle’s established activity centres would be of concern. Location of a car-based centre on the beach is also considered undesirable from both a planning and urban design perspective.

## **Conclusion**

Having regard to the range of issues discussed above, officers consider a more staged approach to a transition of zoning from Industry to Urban would be appropriate. Provision exists to do this through the use of an ‘urban deferred’ status under the MRS:

*Urban deferred: This zone provides a strong indication that the land is physically and locationally suitable for urban purposes, and that this use is consistent with planning intentions, although certain requirements have to be met before the WAPC will agree to the land being transferred to the urban zone.*

Under an urban deferred zoning, before agreeing to the transfer of land to the urban zone, the WAPC (under *Planning guidelines - Lifting of urban deferment 2019*) requires evidence, such as a draft structure plan, that:

- *the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;*
- *planning is sufficiently advanced to depict an acceptable overall design to guide future development;*
- *the proposed urban development represents a logical progression of development;*
- *regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and*
- *any constraints to urban development, including in relation to environmental, hazard and risk issues, can be satisfactorily addressed.*

Where land has an urban deferred status, the requirements for further work to be done to address various planning issues can be expressed as conditions to



be satisfied in order for the WAPC to lift the deferred status. In the case of the North Fremantle industrial precinct these conditional matters might appropriately deal with the following:

- a) Regional road planning requirements have been resolved and provision made for them.
- b) Full identification of the extent of any soil and/or groundwater contamination, and determination of satisfactory contamination management and remediation requirements.
- c) Demonstration by the applicants that the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services. Given the relatively large size of this overall land area, this requirement would enable servicing issues to be resolved before land ownership potentially becomes more fragmented. This would then save time at the local structure plan, subdivision and development application stages.

In conclusion, officers recommend providing preliminary comment back to WAPC stating that the City in the first instance requests:

1. the WAPC are satisfied that the loss of this land to urban use would not be contrary to the objectives of the Commission's *Economic and Employment Lands Strategy: non-heavy industrial*; and
2. the WAPC, City and applicants work together to resolve the appropriate extent of land required for inclusion in the coastal foreshore Parks and Recreation Reserve.

and subject to resolution of these two preliminary matters, the land not required to be included in the foreshore Parks and Recreation Reserve referred to in (2) above be rezoned to 'urban deferred' to allow for more planning to be completed prior to a transfer to the Urban zone.

## **FINANCIAL IMPLICATIONS**

Providing preliminary comments on a proposed MRS amendment to WAPC does not have any financial implications for the City.

## **LEGAL IMPLICATIONS**

None.





## CONSULTATION

Once comments have been received and reviewed by the Department of Planning, Lands and Heritage through this preliminary comment process, a report may be presented by the Department to the WAPC recommending the initiation of an amendment to the Metropolitan Region Scheme. Should an amendment be initiated, the WAPC will again contact the City seeking formal comment on the amendment proposal, and will advertise the amendment for widespread public comment.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority.

### **COMMITTEE RECOMMENDATION ITEM PC2204-12** **(Officer's recommendation)**

**Moved: Cr Bryn Jones**

**Seconded: Cr Geoff Graham**

**Council advises the Western Australian Planning Commission (WAPC) that the City of Fremantle's preliminary comments on the Proposed Metropolitan Region Scheme (MRS) Amendment – North Fremantle Development Precinct (RLS/1012), are as follows:**

- 1. The exploration of alternative land uses for the North Fremantle Development Precinct is reasonable given the vacant, and largely cleared, status of the land in this precinct. 'Urban' zoning presents a logical option given its prime location, subject to the WAPC being satisfied that the loss of this land to industrial use (whether related to Fremantle Port or other industrial land needs) would not be contrary to the objectives of the Commission's *Economic and Employment Lands Strategy: non-heavy industrial*. However, due to the land's past industrial use, its proximity to a section of coastline of high regional recreational significance and vulnerability to coastal hazards and the Fremantle Port, regional and local transport and access considerations, and the Future of Fremantle work and impact of future development on the site to the wider area, there are several issues that the City considers need a greater degree of resolution prior to the subject site being suitable for zoning for urban redevelopment. These are as follows:**
  - a) Determination of the extent of land required for an enlarged coastal foreshore Parks and Recreation Reserve, taking into account the need for the portion of the reserve inland of the year 2120 coastal erosion hazard line to provide sufficient**



space for environmental conservation and public recreational needs, noting that to meet these needs community infrastructure to service Port Beach as a second beach 'node' to relieve pressure on Leighton Beach and accommodate growing population demands for beach use will be required.

- b) The land being capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services.
  - c) Future of Fremantle planning has sufficiently advanced to a stage that depicts clear objectives to guide future development in the area.
  - d) Regional road planning requirements have been resolved and provision made for them.
2. Having regard to point 1 a) above, the City requests the WAPC to engage in further discussions with the City of Fremantle, the proponents and other relevant stakeholders to review the extent of land required to be included within an expanded Parks and Recreation Reserve in order to meet the long-term recreational demands upon this precinct in addition to addressing the risks and impacts of coastal processes.
3. Subject to resolving the appropriate extent of land required for inclusion in the coastal foreshore Parks and Recreation Reserve as referred to in point 2 above, the City considers that the remaining land subject to the rezoning proposal could more appropriately be considered for a MRS 'urban deferred' zoning in the first instance, to allow for more planning to be completed prior to a transfer to the Urban zone. The lifting of urban deferred status should be tied to demonstration of the matters referred to in point 1b, 1c and 1d above having been satisfactorily addressed.

**Carried: 6/1**  
**For**

Mayor Hannah Fitzhardinge, Cr Bryn Jones  
Cr Andrew Sullivan, Cr Su Groome, Cr Adin Lang, Cr Ben Lawver

**Against**  
Cr Geoff Graham





## 11.2 Finance, Policy, Operations and Legislation Committee 13 April 2022

### FPOL2204-5 MANAGEMENT ORDER - PIONEER PARK RESERVE NO. 35677

**Meeting date:** 13 April 2022  
**Responsible officer:** Acting Director City Business  
**Decision making authority:** Committee  
**Attachments:** 1. Draft Deed of Agreement and Annexure A  
**Additional information:** Nil

#### SUMMARY

The City of Fremantle ("City") has received a request from the Department of Planning, Lands and Heritage (DPLH) to formally accept the management of Pioneer Park Reserve No. 35677 ("Park"). The granting of a Management Order (MO) includes a deed of agreement to govern the management of the reserve.

Previously on 22 January 2021 the City's Management Order for the Pioneer Park was temporarily revoked upon the understanding that the management would be reinstated during following months.

This report recommends that Council accept the new Management Order for Reserve No. 35677 (Pioneer Park) including the finalisation of the attached draft Deed of Agreement and Annexure A for execution by the City of Fremantle.



Figure 1 - Pioneer Park Reserve No. 35677



## **BACKGROUND**

The State of WA originally "Vested" the Management of Pioneer Park Reserve No. 35677 to the City on 8 December 1978 as a "C" class Reserve. The historical purpose was noted as "*Cultural Facility & Park*".

On 1 June 1993, the *current purpose* on the Vesting Order was amended to "*Park*".

On 22 January 2021 – the vesting to the City of Fremantle was revoked pursuant of Section 50(2) of the *Land Administration Act 1997* with the "Management body" transferred to the Minister for Heritage as described in Note 2 of the Management Order below.

*"Minister responsible for the Heritage Act 2018, for the time being known as the Minister for Heritage care of Department of Planning, Lands and Heritage of 140 William Street Perth WA 6000"*.

The designated purpose remained as "Park" only.

The revocation of the City's management occurred due to a protest at Pioneer Park Reserve. The revocation of the Management Order was understood to be a temporary measure.

On 18 October 2021, the City received a request from the DPLH to accept the new Management Order of Pioneer Park Reserve No. 35677. The new MO included a draft Deed of agreement between the State of Western Australia (Minister) and the City of Fremantle (Management Body).

## **FINANCIAL IMPLICATIONS**

The continuation of the Maintenance of Pioneer Park was granted by the Department of Heritage in January 2021. There are no additional financial implications to accepting the return of the City's Management Order over the Park.

The bore at Pioneer Park failed in January 2022 and requires renewal, refer to the officer comments for details. Should the City take the Management Order on, it will be responsible for covering these costs. The estimate for the renewal is \$225 000 and officers have submitted a budget for consideration in the 2022/23 financial year.

The high cost of this renewal is a result of the only suitable water source at Pioneer Park for the purposes of irrigation being the Leederville Aquifer. Access to the Leederville Aquifer requires a new bore construction and the installation of related pumping infrastructure to a depth of approximately 100 metres. Alternative water source options of the Perth Superficial Aquifer and potable water were investigated but both deemed to be unsuitable options.

A licence to draw ground water (157615) from this aquifer is held by the City of Fremantle and is valid until May 2025. This licence can be renewed through the Department of Water and Environmental Regulation in the lead up to its expiry.



A Licence to 'Construct or Alter Well' (206964) has been applied for and approved by the Department of Water and Environmental Regulation.

### **LEGAL IMPLICATIONS**

The acceptance of the Management Order over Reserve No. 35677 (Pioneer Park) is subject to the City signing a deed of agreement (including Annexure A) between the State of Western Australian (Minister) and the City of Fremantle (Management Body ("the Deed"). The draft deed is based on a standard DPLH template for inclusion with Management Orders over significant/sensitive Reserves.

Reserve No. 35677 is described on Crown Land Certificate of Title Volume 3100 Folio 832 being Lot 2084 on Deposited Plan No. 191091.

### **CONSULTATION**

Nil.

### **OFFICER COMMENT**

The City has continued to maintain Pioneer Park after the revocation of the management order in January 2021.

The associated draft Deed of Agreement and Annexure A outlines the City's responsibility of Pioneer Park.

The DPLH has confirmed that the current approach, to the grant of management for significant/sensitive reserves, is to have a Management Order (MO) deed to govern the management of the reserve. In addition, the proposed MO for Pioneer Park is the standard deed template/conditions (which have been used previously) and there are no additional specific conditions.

An issue arose in January 2022 where the bore feeding the irrigation system at Pioneer Park failed. The bore was investigated to see if it could be repaired, however as it has collapsed and requires replacement. Officers have contacted DPLH and requested a contribution to the renewal costs of the bore. DPLH advised they do not have a budget allocation for works such as these and they will not incur or be responsible for any costs/upgrades in accordance with the conditions of the Management Order.

Should the City accept the Management Order, it would be responsible for the renewal of the bore inclusive of all associated costs. In the interim, officers are manually watering the turf to try and maintain it in such a condition that when the bore is renewed, the turf will effectively recover. If the bore is not renewed next financial year, this practice will need to continue.

In its current configuration, the bore services not only Pioneer Park, but also Railway Reserve on Public Transport Authority Land.



Officers have also sought a contribution for the renewal of the bore and requested Public Transport Authority enter into a service agreement for the ongoing use of the bore; however, they have since reinstated their irrigation off an existing system in their lot and will no longer require the use of Pioneer Park.

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

Simple majority required

#### **COMMITTEE DECISION ITEM FPOL2204-5 (Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

**Council accept the new Management Order for Reserve No. 35677 (Pioneer Park) including the finalisation of the attached draft Deed of Agreement and Annexure A for execution by the City of Fremantle, noting:**

- a) the bore and associated infrastructure at Pioneer Park has failed and requires replacement.**
- b) Officers have sought contribution from the Department of Planning, Lands and Heritage and the Public Transport Authority towards the replacement of the bore, which both agencies declined.**
- c) Officers have submitted a budget request for renewal of the bore consideration in the 2022/23 financial year budget.**

**Carried: 5/2**

**For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**

**Against**

**Cr Fedele Camarda, Cr Marija Vujcic**



## **PROCEDURAL MOTION**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

**That this item be referred to the next Ordinary Meeting of Council on Wednesday 27 April 2022 to enable officers to provide further information in respect to repair options for the bore.**

**Carried 7/0**

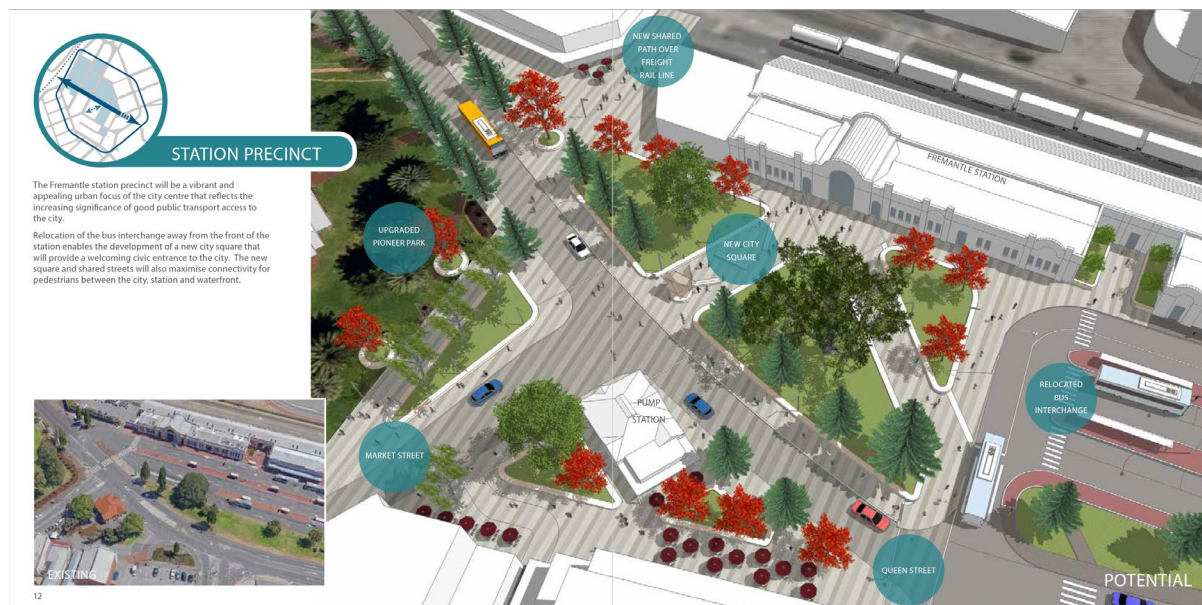
**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Fedele Camarda,  
Cr Marija Vujcic, Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**

## **ADDITIONAL OFFICER COMMENT**

### **Pioneer Park – Strategic Context**

Pioneer Park is identified within Freo 2029 in the City Centre projects as part of the Railway Station Forecourt. The strategy notes the "*Railway station forecourt and new city square - Relocation of the bus interchange entry to Queen Street will remove buses from in front of the railway station and enable development of a new public square and significantly improved pedestrian connections between the city centre, rail station and waterfront*". An upgrade of Pioneer Park is included in this project and is considered to be a key part of the gateway to the City from the station precinct. While Freo 2029 provides visioning, the design for Pioneer Park has not been developed further. However, it is anticipated that the redevelopment of the Railway Station Forecourt, including Pioneer Park will contain garden areas, trees and turf as part of the design. During the design process it is anticipated the landscaping will consider the efficient use of water, including water wise planting, trees and the use of turf only where it is appropriate. Noting the long term vision of the precinct, officers recommend a suitable irrigation water source is provided within Pioneer Park to accommodate for both the current use of Pioneer Park and the long term vision for the Railway Station Forecourt.





There are 4 water sources which can be considered as follows:

### **Scheme Water**

The use of scheme water may eliminate the need for a bore water supply to fulfil irrigation requirements on the site. Consideration would need to be given to the availability of suitable flow and pressure from the scheme water connection. It is likely that a water storage tank and pumping system would need to be included as it is unlikely that the flow and pressure would be suitable for direct connection of the scheme supply to the existing irrigation system. There would also need to be work undertaken to ensure the capacity of the system would cater for the future Railway Station Forecourt project. While the budget for implementation of a scheme water source would need to be determined based on the requirements for water use (current and future), tank and pump sizes and water point connection, it is likely to be significantly less than the \$225,000 required for the artesian bore. However, the ongoing operational costs of water are likely to be such that this option costs more over the life of the asset.

It is important to note the City's One Planet Fremantle Framework 2020-30 and Water Conservation and Efficiency Plan 2020-25 aim to reduce scheme water use while not exceeding the City's groundwater allocation.

Given the above, officers do not recommend this option.

### **Artesian Bore**

The City currently holds a licence to draw water from the Leederville aquifer. The existing irrigation system is set-up for this water source and further modification to the irrigation system are unlikely.

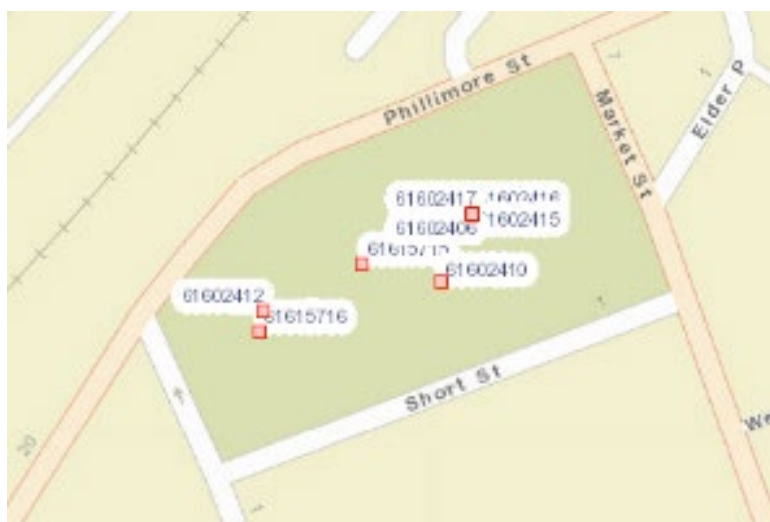




The capacity of the artesian water source will likely be suitable for the future Railway Station Forecourt project and provide an ongoing, sustainable water source. One consideration is the current water being drawn through the artesian bore has a high iron content which leads to staining. A treatment system may need to be considered when the Railway Station Forecourt project is constructed to ensure this is not an issue.

### **Shallow Bore**

The City’s consultant has advised that shallow bores in this area have typically proven to be saline and not suitable for irrigation. In addition to the artesian bore above, the DWER Water Information Reporting website shows the history of an additional 8 known bores on the site, 5 of which are test bores. While unknown, this likely means the test bores constructed drew water unsuitable for irrigation. The development and implementation of a shallow aquifer test program could be implemented for a cost of \$10,000 – 20,000 to verify the situation if the advice from DWER and past experience is deemed inadequate. Given the likelihood of the water being drawn is saline, officers do not recommend this as a viable option.





61602406 (Pioneer Reserve - 1 Test - 1 Test)
61602410 (Swan Coastal Catchment 616 - Pioneer Reserve - Pioneer Reserve)
61602412 (Fremantle Pioneer Park - New Artesian - New Artesian)
61602415 (Pioneer Reserve - 2 Test - 2 Test)
61602416 (Pioneer Reserve - 3 - Test - 3 - Test)
61602417 (Pioneer Reserve - 4 Test - 4 Test)
61602418 (Pioneer Reserve - 5 Test - 5 Test)
61615715 (Fremantle Pioneer Reserve - Short - Short)
61615716 (Swan Coastal Catchment 616 - Bore - Bore)

### **Esplanade Reserve Artesian Bore**

The nearest non potable site is Esplanade Reserve. It would be cost prohibitive in running a supply line due to the distance between the two sites.

### **Officer's Conclusion**

Officers recommend the artesian bore as the preferred source for water, subject to approval in the 2022/23 budget process. While servicing Pioneer Park in its current state, it also provides a reliable and sustainable long term water supply for any future redevelopment of the Railway Station Forecourt precinct, inclusive of tree plantings in connecting streets. Prior to any redevelopment, officers can investigate strategies and propose budgets, if required, to reduce the water use in Pioneer Park.



**FPOL2022-6 ADOPTION OF THE COUNCIL AND COMMITTEE MEETING SCHEDULE FOR THE PERIOD OF JUNE 2022 TO JUNE 2023**

**Meeting date:** 13 April 2022  
**Responsible officer:** Manager Governance  
**Decision making authority:** Council  
**Attachments:** 1. Schedule of Council and Committee Meetings for the period of 1 June 2022 to 30 June 2023.  
**Additional information:** Nil.

**SUMMARY**

**Each year Council considers the schedule for which it intends to hold its Ordinary Council meetings and Committee meetings for the next 12 months.**

**This report recommends that Council adopt the proposed City of Fremantle Schedule of Council and Committee Meetings for the period of 1 June 2022 to 30 June 2023 as shown in the attachment to this report.**

**BACKGROUND**

The City of Fremantle traditionally holds Ordinary Council meetings on the fourth Wednesday of each month, and Committee meetings on the first three Wednesdays of the month.

In past years, Council has agreed to hold fewer meetings in December and January, as Council recognises that many members of the community are enjoying holidays during this period and may miss their opportunity to be consulted or get involved with council business during this time.

Following adoption, any changes to dates or times will be published on the City's website.

Agendas and Minutes for all meetings and details relating to attendance and speaking at meetings will be made available on the City's website.

**FINANCIAL IMPLICATIONS**

There are no financial implications identified in setting a meeting schedule.



## **LEGAL IMPLICATIONS**

The Chief Executive Officer must publish Council and Committee meeting details on the City's website, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

## **CONSULTATION**

Nil consultation was sought in reference to this report.

## **OFFICER COMMENT**

Prior to 2020, under section 5.25. of the Local Government Act 1995 "Regulations about council and committee meetings and committees" a local government was required to adopt and give public notice of the details of the Ordinarily Council Meetings and Committee Meetings intended to be held in the next 12 months. In 2020, amendment to the Act meant that the CEO could process these actions without formal council decision.

However, as the meeting schedule directly impacts elected members, the administration prefers to continue to seek council adoption of the meeting schedule.

### **Previous Schedule**

Previously (before November 2020) the schedule of meetings has been structured as follows:

#### **Monthly**

Week 1	Planning Committee
Week 2	Finance, Policy, Operations and Legislation Committee
Week 3	Strategic Planning and Transport Committee
Week 4	Ordinary Meeting of Council

#### **Quarterly**

Week 3	Audit and Risk Management Committee
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## Current Schedule

In November 2020, the schedule was amended to hold; the Strategic Planning and Transport Committee and the Audit and Risk Management Committee on alternate months as follows:

### Monthly

Week 1	Planning Committee
Week 2	Finance, Policy, Operations and Legislation Committee
Week 3	Strategic Planning and Transport Committee
or	
Week 3	Audit and Risk Management Committee
Week 4	Ordinary Meeting of Council

The reason for this change was included in the officer comment of the report included in the agenda for the Ordinary Council Meeting held on 20 November 2020:

*"The relatively long-term nature and related statutory processes of many of the matters dealt with by SPT means that the workload of the committee tends to fluctuate over time. For example, a planning scheme amendment, after initial consideration by the committee, is subject to referral to external agencies and community engagement before reconsideration for final adoption – this often causes a lag of several months between the two reports on the matter to SPT. However, in recent months the committee's workload has consistently been relatively light. This has been partly due to disruptive impacts of COVID-19 on the City's capacity to undertake major strategic projects and policy initiatives in the current financial year. This has led to some questioning by elected members of the need for the committee to continue to meet on a regular monthly basis."*

Since this change the workload for the Strategic Planning and Transport Committee has continued to be light, and it has been suggested that the work of the committee could be undertaken by the Planning Committee and/or the Finance, Policy, Operations and Legislation Committee as appropriate, depending on the subject matter of the agenda item in question, making the SPT Committee meetings unnecessary.



This amendment to the usual schedule of meetings would free up a space to consider introducing a broader, less formal and more agile and fluid strategic planning workshop in that space.

For example, to consider varying items as they arise and invite guest experts in the field to fully explore potential options for presentation through report to council.

The CEO performance Committee has also previously been included in the adopted schedule but given its confidentiality and the possibility of flexibility requirements it is not considered necessary to be included and will be scheduled by the administration.

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

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2204-6 (Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Doug Thompson**

**Council adopts the City of Fremantle Schedule of Council and Committee Meetings, to be held during the period of June 2022 to June 2023 inclusive, as shown in attachment 1.**

**Carried: 7/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Fedele Camarda,  
Cr Marija Vujcic, Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**





## **FPOL2202-7 VENUE SUPPORT – THE SIT REQUEST**

<b>Meeting date:</b>	13 April 2022
<b>Responsible officer:</b>	Manager Community Development
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	Nil
<b>Additional information:</b>	Nil

### **SUMMARY**

**The purpose of this report is to seek Council’s approval to waive hire fees associated with the weekly one hour hire over a twelve-month period at Bathers Beach, as requested by the not-for-profit organisation, ‘The Sit’.**

**This report recommends Council waive all fees associated with the weekly hire of one hour at Bathers Beach, by ‘The Sit’ to deliver free beach meditation sessions, twelve-month period Saturday 5 June 2022 to Saturday 3 June 2023.**

### **BACKGROUND**

‘The Sit’ (also known as Making Meditation Mainstream) are seeking 100% subsidy for the weekly one hour hire of Bathers Beach. In return, the Fremantle community can participate in free 20-minute meditation sessions, led by volunteers, for a twelve-month period. This will be the organisation’s first location in Western Australia with the preferred location at Bathers Beach. The one hour booking request includes setup and pack down time.

‘The Sit’ is a not for profit and is recognised nationally in 17 locations across Australia and the globe. The organisation has previously partnered with Lifeline Australia to continue the support of mental health for communities in different locations around Australia. The Sit were awarded the ‘Community Event of the Year 2021’ at the Northern Beaches Sydney Council’s Australia Day Awards.

‘The Sit’ meditation sessions will be free of charge to the community and aim to increase participants mental health and wellbeing. ‘The Sit’ takes an active approach in acknowledging the importance of mental health, particularly during times of uncertainty and change that is currently occurring from this pandemic and seeks to build resilience and recovery through this program. A clear benefit of this program is its ability to provide greater accessibility to a mental health program.



Participants take part in a group meditation on the beach at sunrise, experiencing the ocean and natural environment, creating social cohesion and connection.

The Grants and Sponsorships Policy adopted by Council on 12 May 2021, outlines Venue Support grants in which community organisations are only eligible to apply for in-kind support for up to 50% of the cost of hire.

This request seeks 100% subsidy and thus is presented to Council for consideration as it sits outside the Policy. Under this Policy, should Council waive the fees, the City will receive acknowledgement as a supporting partner by 'The Sit' and recognition on program marketing material.

### **FINANCIAL IMPLICATIONS**

The Sit have requested weekly use of Bathers Beach on a Saturday morning for approximately 1-hour, inclusive of set up and pack down, with annual hire fees of \$676.00

The breakdown of fees listed below.

<b>Booking request</b>	<b>Hire cost/rate (proposed estimate on current fees)</b>	<b>Subsidy Request</b>	<b>Income Lost</b>
1-hour Group Fitness Reserve hire for 52 weeks	\$13.00 p/hr x 52 weeks	100%	\$676.00 per annum
		<b>Total</b>	<b>\$676.00 per annum</b>

### **LEGAL IMPLICATIONS**

Nil

The Sit Community Limited are registered as a charity with the Australian Charities and Not-for-Profits Commission (ACNC).



**CONSULTATION**

This request aligns to the City’s Strategic Community Plan – Key Result Area, Health and Happiness key objectives, as described below:

<b>Pillar</b>	<b>Outcome</b>	<b>Objective</b>
<b>Health and Happiness</b>	Fremantle is welcoming, safe, and caring place the celebrates and activity supports diversity	Improve community inclusiveness and participation
<b>Health and happiness</b>	Partner with the community to build capacity for social inclusion, connectivity, and capital	Improve community inclusiveness and participation Facilitate a sense of community and meaningful participation
<b>Health and Happiness</b>	Environments that promote healthier lifestyles and community enjoyment	Enhance the health and wellbeing of people who live, work, and visit Fremantle

**OFFICER COMMENT**

The Sit are a not-for-profit organisation who aim to support members of the Fremantle community through communal mindfulness practices and increasing opportunities for community connection.

Whilst this request sits outside the Grants and Sponsorship Policy, this program provides a valuable contribution to the health and wellbeing of people who live, work, and visit Fremantle by facilitating a sense of community and meaningful social connection as well as strengthening a sense of belonging and celebration of place.

The City plays a pivotal role in partnering with community organisations that aim to increase the social and physical inclusion of community members. Supporting ‘The Sit’ will support the delivery outcomes and objectives under Health and Happiness outlined in the Strategic Community Plan. As per the Grants and Sponsorship Policy, the City will be appropriately acknowledged for the support and an evaluation report be completed.

The COVID-19 pandemic and its going nature has caused great uncertainty and social change. ‘The Sit’ will provide opportunities for the community to participate in a meditation wellbeing activity with a focus on mental health and community connection.



## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required.

### **COMMITTEE RECOMMENDATION ITEM FPOL2204-7 (Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Rachel Pemberton**

#### **Council:**

- 1. Approve to waive fees of \$676.00 associated with the weekly one hour hire of Bathers Beach by The Sit from Saturday 5 June 2022 to Saturday 3 June 2023.**
- 2. Note the City of Fremantle requires appropriate acknowledgement for the support of this free community event.**

**Carried: 7/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Fedele Camarda,  
Cr Marija Vujcic, Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**



**FPOL2204-8      ADVERTISING THE INTENTION TO SPECIFY VIRGINIA RYAN PARK AS A DOG EXERCISE AREA**

**Meeting date:** 13 April 2022  
**Responsible officer:** Manager Field Services  
**Decision making authority:** Council  
**Attachments:** Nil  
**Additional information:** Nil

**SUMMARY**

**The purpose of this report is for Council to consider granting approval to undertake Community Consultation in relation to amending the City’s Dog Exercise Area Policy, to include Virginia Ryan Park as a dog exercise area. Officers have been liaising with the Fremantle District Cricket Club and Fremantle Hockey Club, to discuss strategies to improve ongoing dog related issues at Stevens Reserve.**

**Parks and Reserves in the area have been reviewed and Virginia Ryan Park has been identified as suitable to be used as a dog exercise area and a secure alternative to Stevens Reserve, while authorised sporting activity takes place at Stevens Reserve.**

**To specify a new dog exercise area the Dog Act 1976 requires a local government to advertise its intention to make a new off lead dog exercise area for a minimum of 28 days. Following advertising officers will provide a summary of community submissions received and a final recommendation to Council.**

**This report recommends that Council advertise its intention to specify Virginia Ryan Park as a dog exercise area.**

**BACKGROUND**

Stevens Reserve has been a dog exercise area since 2011, during that time there has been some conflict between users of the Reserve, particularly relating to the parks use as a dog exercise space and those that use the park for sporting purposes. Disruptions to sporting matches, to training sessions and damage to turf caused by dogs has been reported by the current sporting groups at the Reserve.

Due to the continuing nature of this issue the City has brought together relevant stakeholders to explore the possibility of finding a local area to accommodate a similar and secure alternative place for people to exercise their dogs. Virginia Ryan Park has been identified as the most suitable Park for this purpose.



The intention to specify Virginia Ryan Park will be advertised for a minimum of 28 days, during which time community feedback will be sought. Following consultation, a report will be submitted to council to determine final specification.

### **FINANCIAL IMPLICATIONS**

If Council determines to specify Virginia Ryan Park as a dog exercise area, the following minor improvements to the park, to facilitate this additional use, will be required:

- New fencing and gate to the boundary along Watkins Street
- New drink fountain with dog water bowl
- Additional seating
- Additional bin and dog bag dispensers.

It is anticipated that the cost for these improvements will be approximately \$20,000.

### **LEGAL IMPLICATIONS**

Section 31 of the Dog Act 1976 allows a local government to specify particular areas and conditions relating to dogs and the way in which this must be done:

- (3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
  - (b) a dog exercise area under subsection (3A); or
  - (c) a rural leashing area under subsection (3B),
- a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.
- (5) A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district.

### **CONSULTATION**

A minimum of 28 days public notice is required to be undertaken to advertise councils' intention to specify an area as a dog exercise area.

Community consultation will be undertaken and members of the public will be invited to comment on this proposal.





### **OFFICER COMMENT**

Concerns raised by sporting groups of Stevens Reserve highlight the ongoing challenges around the shared use of the Reserve between use for sporting purposes and use for dog exercise purposes.

A comprehensive and holistic review of dog exercise areas in the City will also be considered in the upcoming Community Sport and Recreation Plan review.

It is anticipated that the specification of Virginia Ryan Park as a dog exercise area and changes to the fencing around Stevens Reserve will alleviate some of the current issues of shared use.

Balanced and responsible management of public open space to support the recreational and social needs of the community contribute to the City's Health and Wellbeing objectives.

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

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM FPOL2204-8 (Officer's recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Mayor Hannah Fitzhardinge**

**Council approve public notice and community consultation to be undertaken to advertise its intention to specify Virginia Ryan Park as a dog exercise area.**

**Carried: 7/0**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Fedele Camarda,  
Cr Marija Vujcic, Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**



## **FPOL2204-9 BUDGET AMENDMENTS - APRIL 2022**

<b>Meeting date:</b>	13 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Agenda attachments:</b>	Nil
<b>Additional information:</b>	Nil

### **SUMMARY**

**To adopt budget amendments to the 2021/22 budget account numbers as detailed below in accordance with the Budget Management Policy.**

**This report recommends that Council approves the required budget amendments to the adopted budget for 2021/22 as outlined in the report.**

### **BACKGROUND**

In accordance with the Budget Management Policy, this report provides details of proposed amendments to the 2021/22 budget on a monthly basis to Council (via FPOL) to adopt budget amendments to:

1. Consider an additional purpose or grant acceptance or release of quarantined funds;
2. Reflect any expenditure above the budget amount agreed by the CEO in the previous month and adjust other accounts to accommodate the value of these.
3. Make amendments to the carried forward budget to reflect the final position at the end of the financial year.

### **FINANCIAL IMPLICATIONS**

The financial implications are detailed in this report.

### **LEGAL IMPLICATIONS**

#### ***Local Government Act 1995:***

#### **Section 6.2 (1)**

The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31<sup>st</sup> August each year.



### **Section 6.8 (1) and (2)**

The Council cannot incur expenditure from its municipal fund for a purpose for which no expenditure estimate is included in the annual budget (known as an 'additional purpose') except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution by Absolute Majority; or
- (c) is authorised in advance by the mayor or president in an emergency.

Where expenditure has been incurred;

- (a) under S 6.8 (1) (a) it is required to be included in the annual budget for that financial year; and
- (b) under S 6.8 (1) (c), it is to be reported to the next ordinary meeting of the council.

### ***Local Government (Financial Management) Regulations 1996:***

#### **Regulation 33A**

A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1<sup>st</sup> January and 31<sup>st</sup> March each year.

### **CONSULTATION**

There are no community engagement implications as a result of this report.

### **OFFICER COMMENT**

The following amendments are proposed to be made to the adopted/revised budget for 2021-22.

#### **1. Budget amendments for proposed expenditure for an additional purpose or release of quarantined funds.**

The proposed budget amendments below are for expenditure for an additional purpose to be determined by the Council as required by S6.8 (1) (b) of the Act. The decision will amend the budget by creating a new budget account number to accommodate that proposed expenditure, and by transferring the required funds from one or more existing accounts to the new account.



Item	Account #	Account Details	2021/22 Amended Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
NIL						

**2. Budget amendments for proposed expenditure for a purpose identified within the budget for which there are insufficient funds allocated.**

Chief Executive Officer (CEO) has the delegated authority under the Budget Management Policy to incur expenditure for a purpose identified within the budget for which there are insufficient funds allocated, where:

- a) The proposed expenditure is a maximum of 5% or \$50,000 (whichever is the lesser) above the budgeted amount; and
- b) There are sufficient funds equivalent to the value proposed to be sent allocated to other budget line items within the overall budget, and which, in the opinion of the CEO, are not expected to be spent during that financial year.

The budget amendments below are to reflect any expenditure above the budget amount agreed by the CEO during the previous month, and to adjust other accounts to accommodate the value of those.

Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				Income	(Expenditure)	
2.1	<p>The Contractor for the design and construction of lighting at Gilbert Fraser Reserve went into administration in March 2022. Prior to this, the city paid a deposit for the materials associated with the works, which has not been able to be recovered. At this point in time, the city needs to purchase the materials to complete the project which will result in a budget shortfall for this project.</p> <p>The city is currently working with the Administrator to recover the lost costs. To facilitate the implementation of this project and reduce any inconvenience for the Clubs using the oval for</p>					

**Agenda – Ordinary Meeting of Council  
27 April 2022**



Item	Account Details	Account #	2021/22 Amended Budget	Revenue Income / (Decrease)	Expenditure (Increase)/ Decrease	2021/22 Proposed Budget
				<b>Income</b>	<b>(Expenditure)</b>	
<p>night training, it is recommended to increase the budget to provide sufficient funds to complete the project as quickly as possible.</p> <p>The Clubs are considering making a financial contribution to the project to assist in the current shortfall, no formal decision has been made on this yet so will be brought back to council at a future date.</p>						
Exp	300186.1606	P-11904 Design and construct- Gilbert Fraser- Lighting	(278,120)		(100,000)	(378,120)
Inc	900520.3911	P-11904 Design and construct- Gilbert Fraser - Lighting	(2,859,894)	100,000		(2,759,894)
2.2	Grant expected to be received from the Coast West for maintenance of natural areas has been incorrectly budgeted as an expense instead of Income at the Mid-Year Review.					
Inc	100314.4311	Maintain natural areas	6,378	(12,756)		(6,378)



**3. Carried forward projects estimate budget amendments.**

The proposed budget amendments to the FY 2021/22 budget as shown below, are related to prior year capital projects not completed as anticipated.

<b>Item</b>	<b>Account Details</b>	<b>Account #</b>	<b>2021/22 Amended Budget</b>	<b>Revenue Income / (Decrease)</b>	<b>Expenditure (Increase)/ Decrease</b>	<b>2021/22 Proposed Budget</b>
				<b>Income</b>	<b>(Expenditure)</b>	
	NIL					

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute Majority Required



**COMMITTEE RECOMMENDATION ITEM FPOL2204-8**  
**(Officer’s recommendation)**

**Moved: Cr Jenny Archibald**

**Seconded: Cr Doug Thompson**

**Council approves the required budget amendments to the adopted budget for 2021/22 as outlined below:**

Item	Account #	Account Details	2021/22 Amended Budget	Increase/ (Decrease)	(Increase)/ Decrease	2021/22 Proposed Budget
1.1	The Contractor for the design and construction of lighting at Gilbert Fraser Reserve went into administration in March 2022. Prior to this, the city paid a deposit for the materials associated with the works, which has not been able to be recovered. At this point in time, the city needs to purchase the materials to complete the project and it is resulting in a budget shortfall. The city is currently working with the Administrator to recover the lost costs.					
Exp	300186.1606	P-11904 Design and construct- Gilbert Fraser – Lighting	(278,120)		(100,000)	(378,120)
Inc	900520.3911	P-11904 Design and construct- Gilbert Fraser – Lighting	(2,859,894)	100,000		(2,759,894)
2.2	Grant expected to be received from the Coast West for maintenance of natural areas has been incorrectly budgeted as an expense instead of Income at the Mid-Year Review.					
Inc	100314.4311	Maintain natural areas	6,378	(12,756)		(6,378)

**Carried: 6/1**  
**For**

**Mayor Hannah Fitzhardinge, Cr Jenny Archibald, Cr Fedele Camarda,  
Cr Doug Thompson, Cr Rachel Pemberton, Cr Ben Lawver**

**Against**  
**Cr Marija Vujcic**





## 11.3 Audit and Risk Management Committee 20 April 2022

### ARMC2204-1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEMBERSHIP UPDATE

<b>Meeting date:</b>	20 April 2022
<b>Responsible officer:</b>	Manager Field Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. City of Fremantle 2021 EM Capability Summary Report</li><li>2. City of Fremantle 2021 EM Capability Summary Supplement</li></ol> <p><i>(Confidential attachments under separate cover)</i></p>
<b>Additional information:</b>	<ol style="list-style-type: none"><li>1. Previous Minutes of the Local Emergency Management Committee</li></ol>

#### SUMMARY

**The purpose of this report is to provide an overview of the functions of the Local Emergency Management Committee (LEMC) including the City's role in emergency management and to amend the membership of the Committee.**

**It is recognised that local governments are the closest level of government to their communities and have access to local knowledge about the local environment and demographic features of their communities.**

**In accordance with the Emergency Management Act 2005, the functions of local government in an emergency are to:**

- (a) ensure that effective local emergency management arrangements are prepared and maintained for its district;**
- (b) manage recovery following an emergency affecting the community in its district; and**
- (c) perform other functions given to the local government under this Act.**

**The functions of a local emergency management committee are to:**

- (a) advise and assist the local government in ensuring that local emergency management arrangements are established for its district;**



- (b) liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and**
- (c) carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations.**

**It is recognised that in some instances the wider community are not always informed as best as can be on emergency management, and what it means to be prepared for an unanticipated emergency event.**

**This report recommends the membership of the LEMC is amended to include two elected members and that council nominate the two elected members to be included as additional members to of committee.**

## **BACKGROUND**

The City's Local Emergency Management Arrangements (LEMA), shared with the Town of East Fremantle, were endorsed by the LEMC on 27 February 2017 and approved by the State Emergency Management Committee (SEMC) on 2 May 2017, they are reviewed post incident with an official review due in 2022.

The LEMC meets four times per year and towards the end of each financial year officers of the LEMC prepare an Annual Report which is a self-assessment of the City's Emergency Management capabilities. The report identifies any gaps due to external or internal factors during that period.

Over the last five years the City has responded, on average, to three Incident Support Group (ISG) activations per year, with the main hazards being commercial and residential building fires.

Section 36 of the *Emergency Management Act 2005* states the functions of local government in an emergency are:

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

As per the definition in the *Act*, recovery means the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.



The functions of a local emergency management committee (LEMC) are:

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

The current LEMC is made up of City officers and representatives from:

- WA Police Force
- DFES
- St John Ambulance
- Department of Defence
- Australian Border Force
- Fremantle Ports
- Department of Communities
- Department of Health

Representatives from other groups such as aged care and medical facilities attend meetings on an irregular basis.

### **FINANCIAL IMPLICATIONS**

Nil

### **LEGAL IMPLICATIONS**

Nil

### **CONSULTATION**

Nil

### **OFFICER COMMENT**

It is recommended that consideration be given to expand the LEMC to include two elected members to best represent or advise on the interests of all community members and in particular those with special needs and to promote appropriate engagement with local Aboriginal communities.

Clause 38(3) and (4) of the *Emergency Management Act 2005* states that a local emergency management committee consists of a chairman and other members appointed by the local government in accordance with the constitution and procedures of a local emergency management committee, and that the terms and conditions of appointment of members are to be determined by the SEMC. It also states that the committee must have the local emergency coordinator as chairman, or if not them, the local emergency coordinator for the local government district.



The City's Local Emergency Management Arrangements (LEMA) also allows the City to amend its membership of this committee as required.

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

Simple Majority required

### **COMMITTEE RECOMMENDATION ITEM ARMC2204-1** **(Officer's recommendation)**

**Moved: Cr Su Groome**

**Seconded: Cr Andrew Sullivan**

#### **Council:**

- 1. Advises the Local Emergency Management Committee (LEMC) at the next scheduled meeting that the City wishes to amend the membership of the Committee.**
- 2. Nominates Cr Su Groome and Cr Frank Mofflin as additional members of the Committee.**

**Carried: 4/0**

**Cr Su Groome, Cr Andrew Sullivan  
Cr Frank Mofflin, Mr Ben Arnold**

### **ADDITIONAL OFFICER COMMENT**

During discussion at the Audit and Risk Management Committee meeting it was requested that a reporting structure for the Local Emergency Management Committee to report to Audit and Risk Management Committee be considered for adoption after the newly appointed Local Emergency Management Committee members appointment



## **AMENDED OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Advises the Local Emergency Management Committee (LEMC) at the next scheduled meeting that the City wishes to amend the membership of the Committee.**
- 2. Nominates Cr Su Groome and Cr Frank Mofflin as additional members of the Committee.**
- 3. Request that the newly appointed members listed above, bring a reporting structure recommendation, to the Audit and Risk Management Committee for consideration within 6 months of attending their first meeting.**



## **ARMC2204-3 WALYALUP CIVIC CENTRE – PROJECT UPDATE**

<b>Meeting date:</b>	20 April 2022
<b>Responsible officer:</b>	Director Infrastructure
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Risk Register Summary (April)
<b>Additional information:</b>	Nil

### **SUMMARY**

**This report provides a summary update in respect to the construction project for the Walyalup Civic Centre.**

**The report includes an overview of risks or issues and provides a summary of costs as they relate to the building construction contract, this includes costs and works associated with the Liquidation of Pindan Pty Ltd and the City's subsequent self-delivery model.**

**This report recommends that Council note the project update and the progress, management of any outstanding works and costs.**

### **BACKGROUND**

The building reached Practical Completion in late October 2021, it subsequently opened to the public and commenced service delivery on 22 November 2021.

On 25 November a flooding incident occurred in the lower ground plant room area. The implications of this were significant and the building was subsequently closed to staff and the public until 6 December 2021. Rectification works were completed and the building reopened (back to its designed function) on 20 December 2021.

### **FINANCIAL IMPLICATIONS**

Works relating to the flooding event are currently being finalised and are subject to an insurance claim. The value of works and remediation is now estimated at approximately \$175,000.

The City continues to manage costs associated with the delivery and reconciliation of the construction works via a 'Work Breakdown Structure' (WBS), within its financial system (Technology One).

Officers are progressing through the final account / retention release process with contractors and suppliers.

**Agenda – Ordinary Meeting of Council  
27 April 2022**



Given the duration of the project and the nature of trades involved, the retention payments made by the City are staggered; when contractors reach completion and final account payments it triggers their first 2.5% release, the second 2.5% release is activated at the end of the subsequent 12 months defects liability stage.

The total value of works spend is currently \$46,777,339 this is inclusive of adjustments and other additional works which are funded from separate budgets as per the breakdown below:

<b>Available Construction Budget (Building)</b> <i>(Financials as at 11 May 2022)</i>	<b>Budget</b>	<b>Actuals / Spend</b>	<b>Remaining</b>	
			<b>Outstanding</b>	<b>Retentions</b> <i>(to be paid from PBA)</i>
Initial Contract	\$ 41,461,128			
Contingency - 5% (\$600k Ddt'd - moved to Town Hall works)	\$ 1,500,000			
Changing Places (Grant)	\$ 150,000			
<b>Total</b>	<b>\$ 43,111,128</b>	<b>\$43,113,939</b>	<b>-\$2,811</b>	<b>\$ 652,332</b>
Liquidation / Insurance Bonds	\$3,600,000	\$3,321,510	\$278,490	
<i>Other bond (Street trees etc)</i>	\$96,000			
<b>Construction Works Budget</b>	<b>\$ 46,807,128</b>	<b>\$ 46,435,449</b>	<b>\$371,679</b>	
<b>Other Costs - (delivered by Contractors)</b>				
<i>Tenancy Fit out Works</i>	\$219,194	\$ 263,850	-\$44,656	
<i>Town Hall Basement waterproofing (blg maint')</i>	\$47,487	\$ 47,487	\$0	
<i>Kings sq paving inc William St link - (Eng Maint')</i>	\$30,553	\$30,553	\$0	
<b>Overall Payments</b>	<b>\$ 47,104,362</b>	<b>\$ 46,777,339</b>		

The City has paid retentions of \$159,721 since the last summary report and currently holds \$652,332 in remaining retentions. There is a \$371,679 positive balance against the building construction works.

**LEGAL IMPLICATIONS**

Nil.

**CONSULTATION**

The project team have continued to actively engage with key stakeholders through the delivery stage of the project.





## **OFFICER COMMENT**

### Tenancies

#### Visitor Centre:

- The facility opened to the public at the end of January 2022.

#### Newman Court (x2):

- Fit out works to the walls and floors complete – Officers are now procuring works for heating and cooling.

#### Level 3 / other areas:

- Officers have agreed essential terms for the prospective tenants for a portion of level 3; discussions are underway with prospective tenants for the level 2 area of the triangle and opportunities are being investigated for the remaining areas.
- Officers will propose a funding request for works to these areas. This is proposed to turn the current 'cold shells' (no services or finishes) in to 'warm shells' (to include heating/cooling, lighting and floor finishes) for consideration as part of the 2022/23 budget process.

### Defects

Officers are working with the CDI group to close out the remaining defects (approx. 200), these are expected to be complete by the end of May.

Outstanding defects are relatively minor issues that do not affect building function, occupation, or use.

Most outstanding items are small, aesthetic, finishing items like painting / scratches / missing beads / cracks / chips / faulty handles etc.

The remaining 'larger' issues include:

- Louvre / canopy controls, overrides and enhancements:
  - *partially complete (awaiting new drivers for the 'stacked' louvres).*
- Turf condition and maintenance (sloped bank)
  - *turf repairs planned for after easter – avoiding events.*
- Roof flashing (decorative)
  - *arranged for completion early May.*

Officers also have some furniture replacements and improvements to address with the suppliers – this is a separate contract from the construction works.



It should be noted that there remains issue with significant delays in addressing the above defects as a result of COVID (labour, travel, and supply chain implications) and the Christmas close downs.

Final payments and retention monies are being withheld until works are completed to both the Architect and City's satisfaction.

### Flooding Incident

Further to the flooding event of 25 November 2021, Officers have completed the rectification works, these included:

- Replacement of 2x Fire Pumps
- Replacement of 5x Electrical Control Panels
- Replacement of Lift Control boxes
- Electrical
  - Underfloor electrical systems and floor boxes tested and dried. Comms cabling and connections replaced.
- Mechanical
  - Plenums / Floor dried and precautionary anti-fungal treatment applied.
- Access Floor
  - Wet Carpet tiles – dried and cleaning (replacement tiles ordered.)
  - Access floor leg - anti-corrosion spray applied.
- Pump room Fire Doors replaced.
- The control panels and lift parts which were subject to longer lead times for replacement have also been completed.

The adjuster has now received and processed the insurance claim, the City anticipates feedback shortly in respect to settlement of the outstanding claim.

Officers have also programmed the mitigation works to better manage the risk of another failure and subsequent flood.

The increased mitigation measures include:

- Addition of a strainer on the mains water infill to eliminate the risk of debris reaching main inlet valve.
- Tank High Level Alarm.
- Flow control Valve.
- Review of Hydraulic Pumps within Basement level.
- Install secondary overflow to Fire Pump room.
- Provide secondary access point from Street level to Western Power assets.
- Bunds.

The City's Critical/Emergency Management Plan has been updated and further developed by the City of Fremantle Facilities Management (FM) team to



address the back of house area, including access/door management and Pump Room / Fire Tanks alarm response escalations and priority mains isolation process.

Additional FM staff training will be arranged at the completion and testing of the remaining installation works.

The above improvement works are being progressed, unfortunately COVID and supply chain issues have delayed immediate completion of some of the works.

Green Mark Engineering have reviewed and are satisfied with the proposed mitigation strategies and proposed improvements. It is currently anticipated that Green Mark Engineering will be able to return to carry out an overflow stress test and provide a final close out report by the end of July.

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

Simple majority required

#### **COMMITTEE RECOMMENDATION ITEM ARMC2204-3 (Officer's recommendation)**

**Moved: Cr Su Groome**

**Seconded: Cr Andrew Sullivan**

**Council note the status as of 12 April 2022 for the Walyalup Civic Centre construction project, as detailed in the update report provided to the Audit and Risk Management Committee.**

**Carried: 4/1**

**For**

**Cr Su Groome, Cr Andrew Sullivan**

**Cr Frank Mofflin, Mr Ben Arnold**

**Against**

**Cr Marija Vujcic**



**ARMC2204-4 PURCHASING POLICY EXEMPTIONS JANUARY TO February 2022**

**Meeting date:** 20 April 2022  
**Responsible officer:** Manager Financial Services  
**Decision making authority:** Council  
**Attachments:** 1. Purchasing Policy Exemption Details  
January 2022 to February 2022  
**Additional information:** Nil

**SUMMARY**

**The purpose of this report is to inform Council of purchases made by the City that were exempt to the requirements of the Purchasing Policy, during the period January 2022 to February 2022.**

**This report recommends that Council receive the Purchasing Policy Exemptions report for January 2022 to February 2022.**

**BACKGROUND**

At the Ordinary Meeting of Council of 25 November 2020, Council adopted a new Purchasing Policy. The policy contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and policy exemptions.

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

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**CONSULTATION**

Nil.

**OFFICER COMMENT**

**January 2022**

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$98,200.00 excluding GST for the month of January 2022.



The value of exemptions by category is:

<b>Exemption Category</b>	<b>Value (ex GST)</b>
Artists Exemptions	\$2,200.00
Subscriptions	\$96,000.00
<b>Total</b>	<b>\$98,200.00</b>

Details regarding individual exemptions can be found in attachment 1.

### **February 2022**

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$107,750.00 excluding GST for the month of February 2022.

The value of exemptions by category is:

<b>Exemption Category</b>	<b>Value (ex GST)</b>
Artists Exemptions	\$8,500.00
Sole Source of Supply Exemption	\$99,250.00
<b>Total</b>	<b>\$107,750.00</b>

Details regarding individual exemptions can be found in attachment 1.

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

Simple majority required

#### **COMMITTEE RECOMMENDATION ITEM ARMC2204-4** **(Officer's recommendation)**

**Moved: Cr Su Groome**

**Seconded: Cr Frank Mofflin**

**Council receive the information report on Purchasing Policy exemptions for January 2022 to February 2022.**

**Carried: 5/0**

**Cr Su Groome, Cr Andrew Sullivan  
Cr Marija Vujcic, Cr Frank Mofflin, Mr Ben Arnold**



## **ARMC2204-5      OVERDUE DEBTORS REPORT AS AT 28 FEBRUARY 2022**

<b>Meeting date:</b>	20 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Summary of Overdue Debts above Threshold (Confidential attachment under separate cover)
<b>Additional information:</b>	Nil

### **SUMMARY**

**This Overdue Debtors Report, with confidential attachment, is provided to the Audit and Risk Management Committee to report details of overdue debts, as at 28 February 2022, where the amount owing over 90 days exceeds \$10,000.**

**This report recommends that Council receive the Overdue Debtors Report and acknowledge the overdue debts exceeding 90 days that have a combined value greater than \$10,000 as at 28 February 2022.**

### **BACKGROUND**

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

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

### **FINANCIAL IMPLICATIONS**

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

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27 April 2022**



As at the year ending 30 June 2021 an amount of \$170,969 was held as an allowance for impairment of receivables. As at 28 February 2022, the current allowance held as impairment is \$168,935 with one debt being written off in the 2021/22 financial year.

During this financial year the following reportable write-offs and waivers have been processed against this account:

Total Write-offs	\$2,034
Total Waivers	nil
<b>Total</b>	<b>\$2,034</b>

Since the last report, no occurrences of delegated authority to waive or write off debts valued at \$1,000 or above per debtor by officers has occurred. Currently no debtor has been identified for potential write-off/waiver.

**Summary of Sundry Debtor’s Debts Written-off year to date:**

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
2019393	City Tours Pty Ltd	2,034	Community Development	Manager Community Development
	<b>TOTAL</b>	2,034		

**Summary of Rates Debtors Debts Written-off year to date:**

PID No.	Name	Amount	Business Unit	Delegated Officer or Council
	<b>TOTAL</b>	<b>NIL</b>		

**Summary of Sundry Debtor’s Debts Waived year to date:**

Debtor Name	Amount Waived Excl GST	Description
<b>TOTAL</b>	<b>NIL</b>	





**LEGAL IMPLICATIONS**

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

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

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

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

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

**CONSULTATION**

Nil.

**OFFICER COMMENT**

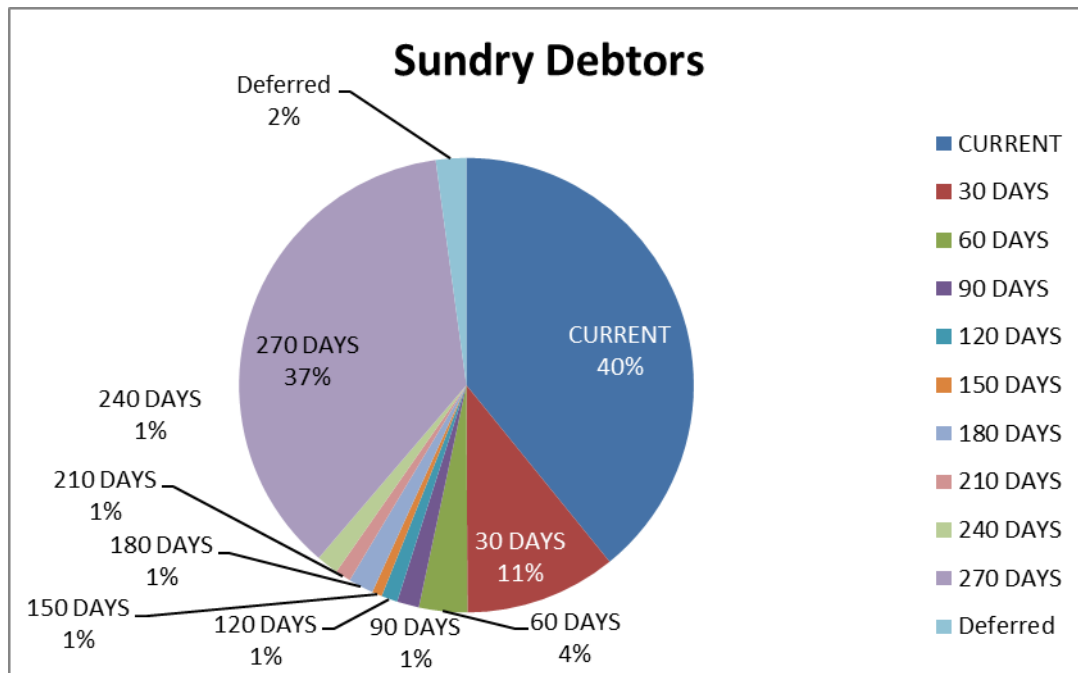
The total of debts outstanding as at 28 February 2022 is \$1,003,014. A breakdown of aged debt for the current period compared to prior year for the March 2021 period is tabled below.

<b>Period</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
July 21 – February 22	40%	11%	4%	45%	100%
	401,385	110,477	35,221	455,931	1,003,014
July 21 – February 22 excl. Commercial Properties	44%	14%	2%	40%	100%
	254,224	81,887	10,098	228,215	574,424
July 20 – March 21*	551,399	292,590	27,409	115,325	986,723



*\*Prior year reporting presented quarterly*

Of the total debt balance, the amount outstanding for 90+ days is \$455,931 or 45.46%. Below is a graph of the aged debt balances as at 28 February 2022.



Compared to the report of overdue debtors as at 31 December 2021, presented to Audit and Risk Management Committee at the 16 February 2022 meeting, the total value of outstanding debtors has decreased by \$12,395.

Outstanding debt over 90 days has decreased from \$468k at the end of the previous reporting date to \$456k. The number of overdue debtors above the reporting threshold of \$10,000 and 90 days has reduced from 9 to 8, with a total value of \$402,724. Of this, \$22,195 is deferred and subject to an agreed payment arrangement to secure payment in full by 30 June 2023.

The confidential attachment contains debtor information in relation to the \$402,724 of outstanding debtors exceeding 90 days with a combined value, by debtor, exceeding \$10,000.

**Debtors Outstanding**

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

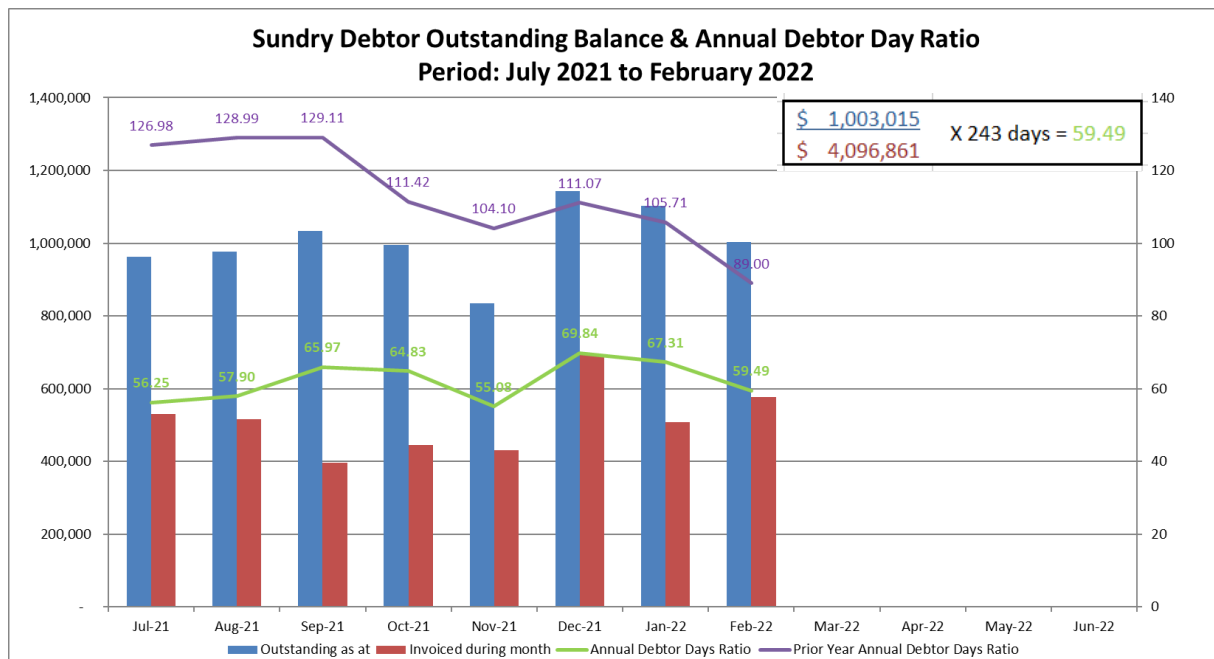
**Agenda – Ordinary Meeting of Council  
27 April 2022**



The calculation of the ratio considers the total amount outstanding at the end of the period over the total amount invoiced to that period for the financial year by the total number of days from 1 July to the end of the period. See calculation in the graph below.

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

At 1<sup>st</sup> July 2021, \$892,055 of invoices raised prior to 2021/22 were outstanding resulting in outstanding debt exceeding the amount invoiced during July 2021.



As at 28 February 2022, the Debtor Day Ratio was 59.49 – being a decrease from the prior reporting period. Of outstanding debt, 40% related to current invoices that were not yet due.

**Key Performance Indicators**

The Audit and Risk Management Committee recommended performance measures be developed to show a reporting date ‘snapshot’ of debt collection performance.

Internal debt management procedures have been reviewed resulting in officers engaging with debtors earlier where an amount is considered to have an increased



risk of default. Upon review of debt levels over prior financial years, officers consider reasonable and recommend the following targets against which to report.

The key performance targets below show the distribution of aged debtors that the City is aiming for:

<b>Key Performance Targets</b>					
<b>Age of Debt</b>	Current	30-59 Days	60-89 Days	90 Days or more	Total
<b>Target</b>	80% or more	no more than 10%	no more than 5%	no more than 5%	100%

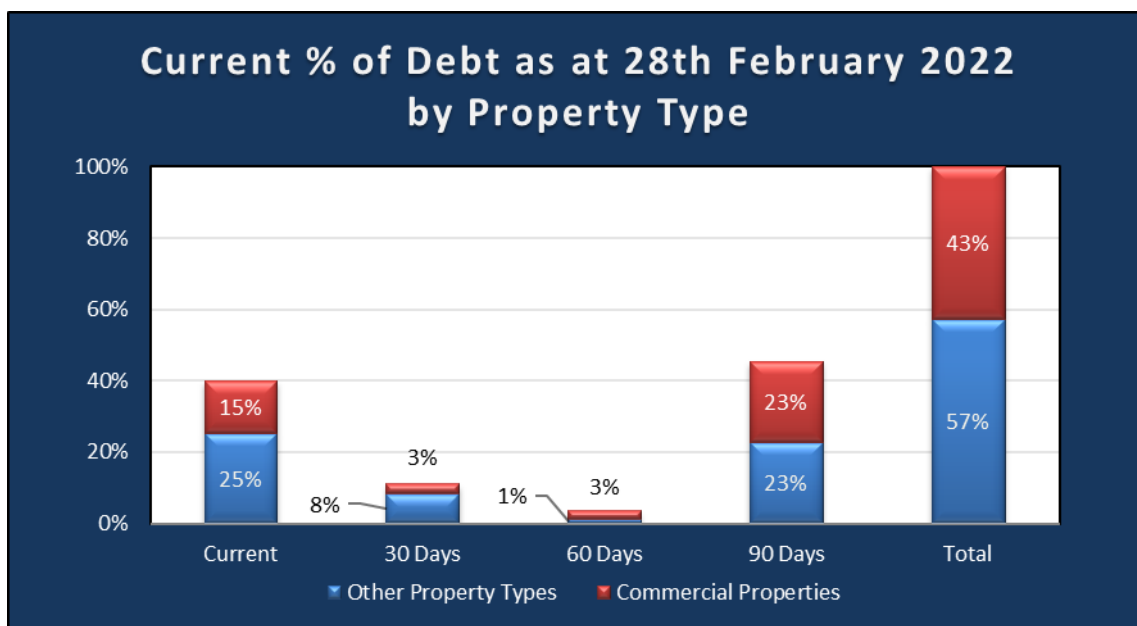
The following table reports the City’s debtor portfolio against these key performance targets as at February 2022:

<b>As at 28th February 2022</b>					
<b>Aged Debt Category</b>	Current	30-59 Days	60-89 Days	90 Days or more	Total
<b>Target % of Debt</b>	<b>80%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>	<b>100%</b>
<b>Current Value of Debt</b>	401,385	110,477	35,221	455,931	1,003,015
<b>Current % of Debt</b>	40.02%	11.01%	3.51%	45.46%	100.00%
<b>Target Met  / Not Met </b>					

From the start of this financial year, the percentage of debt that is ‘current’ has held steady at around 40%. However, we are seeing the percentage of debt that is outstanding 90 days or more steadily decline – down from 53% at the start of this financial year to 45% at the end of February 2022.



The Current Value of Debt by Age category is shown in the graph below, split between Commercial Properties and Other (non-Commercial) Property Types:



Of total overdue debt, Commercial Properties account for 43% (\$428,590), and Commercial Properties account for half of the debt owing 90 days or more (\$227,717). Deferred payment arrangements are currently in place for \$22,102 of total overdue Commercial Property debts.

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

### **Impact of COVID on Commercial Property**

In response to COVID-19, the State Government created legislation and guidelines aimed at protecting commercial tenants who may have been subject to financial duress as a result of the pandemic.

The City adhered to the legislation and guidelines in order to support its commercial tenants and opted to provide rent waivers in cases where tenants could demonstrate financial loss as a result of COVID-19.

During the emergency period (April 2020 – September 2020) landlords were required to provide waivers of up to 100%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.



During the recovery period (October 2020 – March 2021) landlords were required to provide waivers up to 50%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.

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

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

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

To date, of the \$492,579 only **\$22,195** remains outstanding a reduction, since the prior reporting period, of \$6,126 (1.24%), with all debtors currently successfully paying this back via direct debit arrangements.

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

Simple majority required

#### **COMMITTEE RECOMMENDATION ITEM ARMC2204-5 (Officer's recommendation)**

**Moved: Cr Su Groome**

**Seconded: Cr Frank Mofflin**

**Council receive the overdue debtors report and acknowledge the overdue debts exceeding ninety (90) days with the combined value, by debtor, exceeding \$10,000 as at 28 February 2021.**

**Carried: 5/0**

**Cr Su Groome, Cr Andrew Sullivan  
Cr Marija Vujcic, Cr Frank Mofflin, Mr Ben Arnold**



## **ARMC2204-6 TENDERS AWARDED UNDER DELEGATION JANUARY TO February 2022**

**Meeting date:** 20 April 2022  
**Responsible officer:** Manager Financial Services  
**Decision making authority:** Council  
**Attachments:** Nil  
**Additional information:** Nil

### **SUMMARY**

**The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and committees during the period January 2022 to February 2022.**

**This report recommends that Council receive the report on tenders awarded under delegation between January 2022 to February 2022.**

### **BACKGROUND**

Tenders awarded by the City are awarded under the following delegations, approved at Council on 8 July 2021:

<b>Delegated Authority</b>	<b>Amount of Delegation</b>
Finance, Policy Operations and Legislation Committee (FPOL)	\$500,000+ (if within budget)
CEO	Up to \$500,000
Directors	Up to \$500,000

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

### **FINANCIAL IMPLICATIONS**

All tenders were awarded within budget approved at Council on 23 July 2021.

### **LEGAL IMPLICATIONS**

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

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





## **CONSULTATION**

Nil.

## **OFFICER COMMENT**

No Tenders were awarded under delegation during this reporting period. It is common practice for the City to have fewer or no tenders awarded at the beginning of the calendar year as the City avoids calling for Tenders (any public consultation) during holiday periods.

### **January 2022**

Nil.

### **February 2022**

Nil.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

### **COMMITTEE RECOMMENDATION ITEM ARMC2204-6 (Officer's recommendation)**

**Moved: Cr Su Groome**

**Seconded: Cr Frank Mofflin**

**Council acknowledge that no tenders were awarded under delegation for January 2022 to February 2022.**

**Carried: 5/0**

**Cr Su Groome, Cr Andrew Sullivan  
Cr Marija Vujcic, Cr Frank Mofflin, Mr Ben Arnold**



## 12. Reports and recommendations from officers

### C2204-1 PLANNING REFORM- AMENDMENTS TO THE DEVELOPMENT ASSESSMENT PANEL REGULATIONS

<b>Meeting date:</b>	27 April 2022
<b>Responsible officer:</b>	Manager Development Approvals
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Feedback form – Planning Reform Consultation (DAP Regulations)
<b>Additional information:</b>	1. DAP reforms fact sheet

#### SUMMARY

The state government has recently called for input on their proposed changes to the *Planning and Development (Development Assessment Panel) Regulations 2011* (DAP Regulations). The submission period closes before the end of April which is why this report is presented directly to Council rather than to the next Planning Committee meeting on 4 May. This report outlines the proposed changes and recommends that Council make a submission on the amendments. Most initiatives are supported as they provide ways to streamline the process and improve accessibility to meetings for the public while reducing resource obligations for local government. However, the introduction of the Special Matters Development Assessment Panel proposes to exclude the representation of local government Elected Members from the decision-making process.

**This report recommends that Council endorse the officer’s submission to the Western Australian Planning Commission.**

#### BACKGROUND

In 2019, the State Government released its Planning Reform Action Plan. Over the last three years, considerable progress has been made in the delivery of the action plan including Precinct and Apartment Codes being released, draft Medium Density Codes soon to be finalised and updates to the Deemed Provisions to increase developments not requiring planning approval.

The DAP Regulations are currently out for public comment. The changes proposed can be summarised as the following:

- Reducing the number of geographical panels from 5 to 3 (District DAP’s)



- Fixed term Presiding and Deputy Presiding Members, who are employed full time and cannot work in other roles or run businesses
- Creation of a Special Matters DAP for significant projects
- General process and administrative reforms

Officer feedback on the proposed amendments can be found in the responses in the survey attached to this report and detailed in the Officer Comment below.

### **FINANCIAL IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil

### **CONSULTATION**

The City has not undertaken its own consultation on this matter, however the amendments to the regulations were publicly released by the Department of Planning, Lands and Heritage (DPLH).

### **OFFICER COMMENT**

#### *Special Matters DAP*

Complicating development in the state recently has been the COVID-19 pandemic which has affected supply chains, cost of materials and labour availability. In an effort to stimulate development during the state of emergency, the Minister for Planning introduced temporary exemptions for minor development, and the State Development Assessment Unit (SDAU) was set up for significant projects. Lodgement of applications to this unit has now ceased. The SDAU had extraordinary powers to override the local planning framework.

The updates to the DAP Regulations include the introduction of a Special Matters DAP. There are proposed to be criteria that sit separate to the Regulations that specify which projects fall within these criteria. It is quite clear that this Panel will operate quite differently to the SDAU in that it will be bound by the planning framework like all other DAP's and decision makers. While having a separate panel that specifically deals with significant projects is supported, the membership of the panel is of concern. The proposal is not to have any local government elected members, rather representatives of various professional bodies and state government departments. This goes against the intentions of the planning reforms which seek to ensure transparency and robust decision making, by excluding the



expertise of local councillors and ignores the importance of their connection to local communities.

There is also no intention to provide any application fees to local governments for these applications as officers representing the Western Australian Planning Commission (WAPC) will be writing the Responsible Authority Report. While it is recognised that local government planners will not be writing the final report, as experienced in the SDAU system, they will be expected to provide detailed comment and recommendations to state government officers, clear all conditions of approval and be relied upon for their local planning framework expertise. It is noted that these proposals are intended to be complex and significant projects, that will take considerable time to administer.

#### *District DAP's*

A positive amendment is the removal of the threshold for applications to be mandatory DAP applications (where they do not fall within the Special Matters criteria). This will allow applicants to opt out of the DAP process and save on the application fees, and potentially time spent on application processing. It will also return decision making to local governments for applications over \$10 million where applicants choose to do so, noting at present it is mandatory for these applications to go to DAP.

The introduction of full time Presiding and Deputy Presiding members to the panel in an effort to reduce perceived or actual conflicts of interest is also supported. Salaries and working conditions should be significant in order to attract exceptional candidates.

Many of the other changes proposed are minor administrative changes and include the introduction of centralised and regular meetings and minute taking by the DAP, are supported to assist in reducing the burden on resource poor local governments.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required



## OFFICER'S RECOMMENDATION

### Council

- 1. Approve the lodgement of a submission on the proposed amendments to the *Planning and Development (Development Assessment Panel) Regulations 2011* based on the following key points, and the more detailed comments in the feedback form in Attachment 1:**
  - a. The Special Matters DAP should retain local government elected member representation on the panel.**
  - b. A portion of the application fees for the Special Matters DAP should be provided to local government who will still be required to administer conditions and provide detailed comment.**
  - c. Request that any updates to the criteria for Special Matters DAP be advertised for public comment prior to being finalised in a Ministerial Order.**
  - d. Support the removal of the mandatory threshold for District DAPs.**
  - e. Support the administrative changes to centralise meeting support functions, with the ability to have people attend either virtually or in person to improve accessibility.**
  - f. Support the introduction of full time Presiding and Deputy Presiding Members.**



**C2204-2                    PROPOSED MRS AMENDMENT 1389/57 – THE MCCALL CENTRE, LOT 556 CURTIN AVENUE, COTTESLOE**

- Meeting date:** 27 April 2022  
**Responsible officer:** Director Strategic Planning and Projects  
**Decision making authority:** Council  
**Attachments:**  
1. WAPC Scheme Amendment Report 1389/57  
**Additional information:**  
1. Copy of Entry on State Register of Heritage Places – Old Cable Station (McCall Centre), 2 Curtin Avenue, Cottesloe  
2. The Vlamingh Parklands Final Report, 1998  
3. Leighton Oceanside Parklands Masterplan – draft 2006  
4. Leighton Oceanside Parklands Masterplan – Final Report July 2007

**SUMMARY**

**The Western Australian Planning Commission (WAPC) is advertising for public comment a proposed Metropolitan Region Scheme (MRS) amendment relating to Lot 556 Curtin Avenue, developed with premises currently known as The McCall Centre.**

**The subject site is partly within the Town of Cottesloe and partly within the Town of Mosman Park, and approximately 600m north of the City of Fremantle’s northern municipal boundary where it crosses Curtin Avenue. Because the subject land is not within or directly adjoining the City of Fremantle the City was not notified of the MRS amendment by the WAPC, but has become aware of the proposal part way through the public advertising period which ends on 29 April 2022.**

**Although not within the City of Fremantle, the subject land forms part of a much larger, regionally important area extending from Port Beach to the southern end of Marine Parade in Cottesloe which has been the subject of two major coastal open space planning exercises since the late 1990’s – the Vlamingh Parklands study and concept plan and the Leighton Oceanside Parklands Masterplan. These have involved the three relevant local governments including the City of Fremantle, the State government, and community stakeholders. It is therefore considered appropriate for the City to make a submission on the proposed MRS amendment.**



**The amendment proposes a rezoning of this land from Public Purposes – Special Uses reservation to the Urban zone. The purpose of the amendment would be to create urban development land. The rezoning proposal is based on the land now being surplus to government requirements and Urban zoning is being sought to facilitate the sale of the site and further planning to provide for the conservation and protection of the heritage listed buildings on the site.**

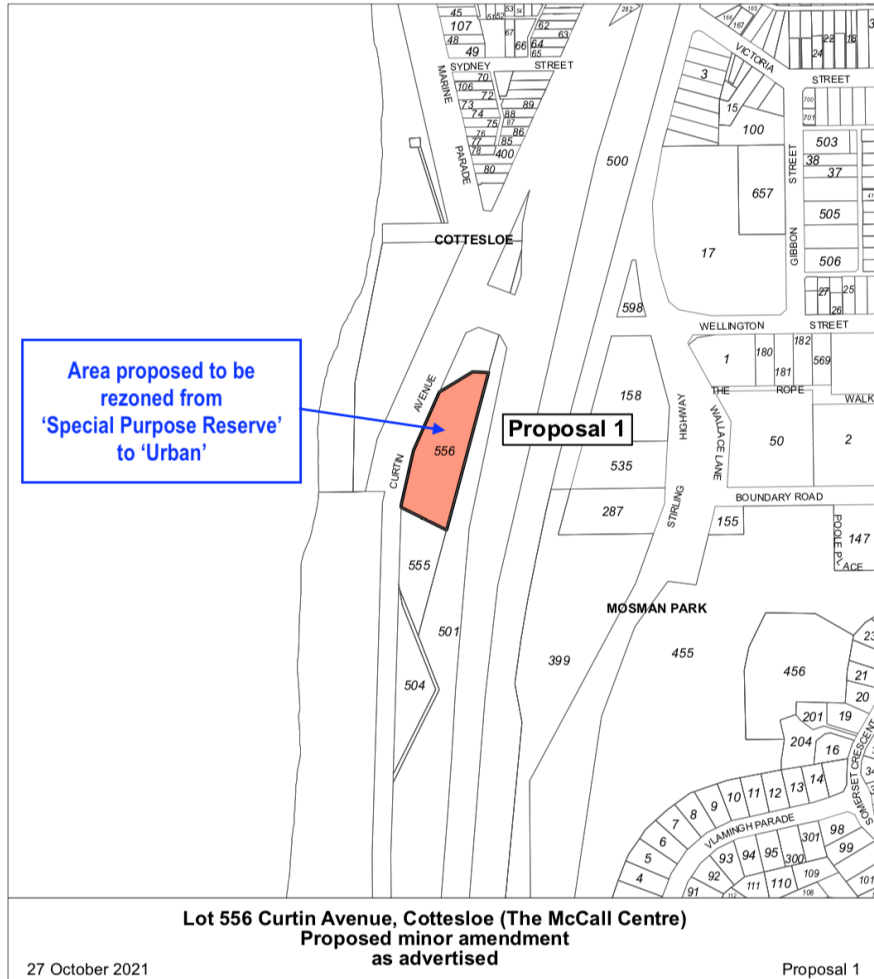
**This report recommends that Council approves a submission to the WAPC stating the City of Fremantle considers that:**

- 1. The proposed rezoning to Urban is considered premature as detailed planning for implementation of the Northern Node of the Leighton Oceanside Parklands Masterplan has not been undertaken.**
- 2. Further consideration should be given to retaining Lot 556 as a reservation for modified Public Purpose – Special Use purpose(s) as an alternative to rezoning to Urban under the Metropolitan Region Scheme. The conservation and adaptive reuse of the heritage listed buildings on the site, which is part of the stated reason for the MRS Amendment, could also be achieved under an appropriate Special Use reservation and provide for compatible new land uses.**

## **BACKGROUND**

The Western Australian Planning Commission (WAPC) has called for submissions in relation proposed Metropolitan Region Scheme Amendment 1389/57, covering Lot 556 Curtin Avenue, Cottesloe (The McCall Centre).

The amendment proposes to transfer approximately 8,028 square metres of land from the Public Purposes - Special Uses reservation to the Urban zone in the Metropolitan Region Scheme (MRS), as shown in Figure 1 below. The WAPC states that the site is now surplus to government requirements, and the proposed Urban zoning is being sought to facilitate the sale of the site and further planning to provide for the conservation and protection of the heritage listed buildings on the site. A copy of the full MRS Scheme Amendment Report is provided in Attachment 1.



**Figure 1 – Proposed Scheme Amendment**

The site is owned by the State Government and is occupied by the former Cottesloe Cable Station, which is listed on the State Register of Heritage Places. In more recent years the buildings on the site have been known as the McCall Centre and were occupied by then Department of Child Protection and Family Support until 2016. The buildings have been unoccupied since then.

The amendment area is reserved Public Purposes - Special Uses in the MRS, and adjacent land to the west, north and east is reserved Parks and Recreation. Land set aside for the future alignment of Curtin Avenue to the east is reserved Primary Regional Roads, and the Beehive Montessori School site to the south is reserved Public Purposes - Special Uses in the MRS. Land use and development within the amendment area is currently controlled by the MRS given it is reserved Public Purposes - Special Uses. Should the amendment be approved, the future use and development of the site would be subject to the requirements of the Town of





Cottesloe Local Planning Scheme No. 3 and the Town of Mosman Park Local Planning Scheme No. 3.

Although not within the City of Fremantle, the subject land forms part of a much larger, regionally important area extending from Port Beach to the southern end of Marine Parade in Cottesloe which has been the subject of two major coastal open space planning exercises since the late 1990's – the Vlamingh Parklands study and concept plan and the Leighton Oceanside Parklands Masterplan. These have involved the three relevant local governments including the City of Fremantle, the State government, and community stakeholders.

### **McCall Centre & Vlamingh Memorial**

The subject site includes the State Heritage Registered Old Cable Station buildings, built in 1926, now known as the McCall Centre (see Additional Information document 1 for the State Heritage Listing). Located at 1-2 (lot 556) Curtin Avenue, Cottesloe, the buildings are also classified by the National Trust. The Cable Station was one of only two purpose-built facilities in Western Australia. It forms a landmark feature on high ground along the coastal landscape between Cottesloe and Leighton.

The place is associated with the submarine cable system of communication which played an important role in improving communications between Australia and the rest of the world (see Additional Information document 1 - Register of Heritage Places - Permanent Entry - Old Cable Station)

To the west of the McCall Centre is the Vlamingh Memorial which marks the site where Dutchman Willem de Vlamingh and a party of his men set foot on the mainland of Western Australia on 5 January 1697. They explored the Leighton Peninsula and beyond to Freshwater Bay, giving the name "Black Swan River" (translated) to the Derbarl Yerrigan, now known as the Swan River. (see Additional Information document 2 - The Vlamingh Parklands Final Report, 1998)

### **The Vlamingh Parklands**

In 1997, the then Minister for Planning, Graham Kierath MLA, proposed that the Western Australian State Government would establish a network of linked open spaces between the river and sea to be named 'The Vlamingh Parklands', to commemorate the explorer's arrival 300 years earlier. The *Vlamingh Parklands Report*, October 1998, included recommendations to make the most of the natural and historical attributes of this unique part of the metropolitan area.

The Vlamingh Parklands Report came about in response to years of community lobbying that commenced at the time the Buckland Hill Estate was first



proposed. By 1990, State Cabinet had approved the principle of establishing a regional park on the Leighton Peninsula. This was followed by the *Leighton Park Peninsula Study* undertaken by the Western Australian Planning Commission (WAPC), chaired by the then Member for Cottesloe, Hon. Colin Barnett MLA, with representatives from the City of Fremantle and Towns of Cottesloe and Mosman Park.

The subsequent Vlamingh Parklands vision reflected the community's long-awaited desire for such a park, and the rapidly expanding population's needs and expectations for improved recreational facilities in the area:

*"The vision for Vlamingh Parklands is to establish a park that provides for the recreational needs of the community, by focussing on links between the river and sea, and which conserves, enhances and promotes the natural and historical heritage of the area."* (Source: The Vlamingh Parklands Report, 1998)

The proposed MRS Amendment area includes land that is the subject of numerous recommendations in the Vlamingh Parklands report, including:

- **Open Space Link – North** - a recommendation for a generously wide, open space link to be located immediately south of the McCall Centre buildings. The proposed open space was to link the coastal reserve to the high ground adjacent to Stirling Highway, including a recommendation for a footbridge over the cutting in which the passenger rail line and Curtin Avenue road reserve are located. Further east, the parklands were to include an underpass at Stirling Highway to connect to the extensive open space located at Buckland Hill.
- **McCall Centre** – it was recommended that the park boundaries include the McCall Centre which was identified as being suitable for a heritage centre covering Indigenous heritage, the Vlamingh expedition, the colonial history and the use of the building in early communications. The report identified that the McCall Centre had the potential to become a major attraction linking together the existing attractions of Buckland Hill, the WWII era gun emplacement and tunnels, and the coast. It was recommended that the McCall Centre include a café/restaurant and that additional parking be provided on the land to the north. Both the McCall Centre and the land to the north now form a part of the MRS rezoning area.

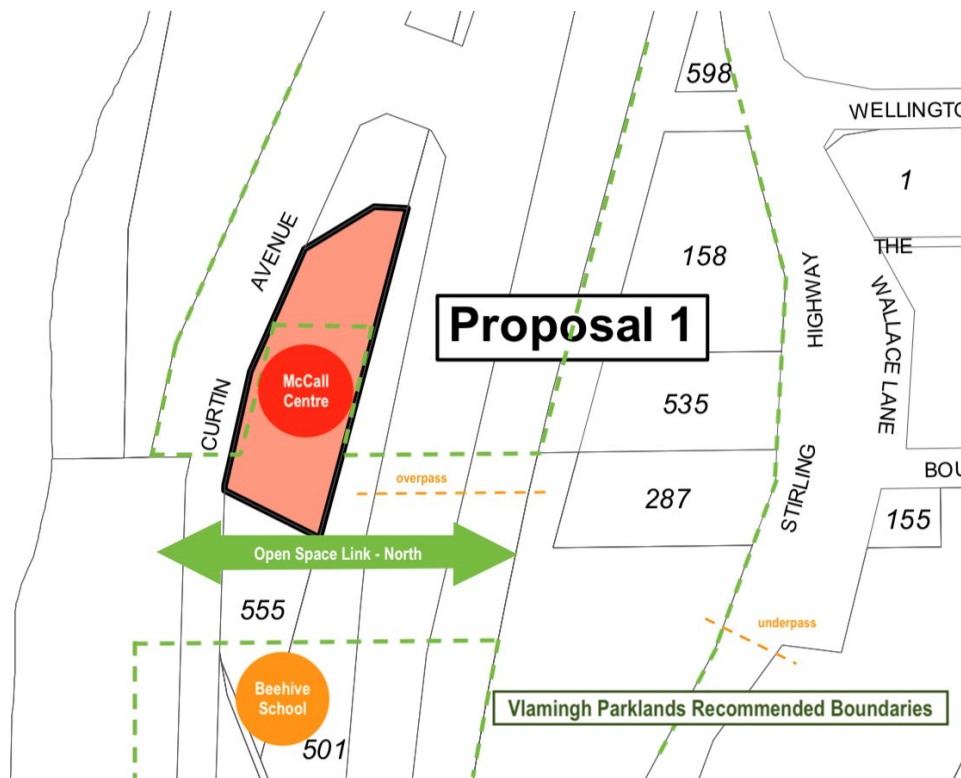


Figure 2: Relationship of Vlamingh Parklands recommended boundaries to proposed MRS Amendment area.

### Leighton Oceanside Parklands Landscape Masterplan

The *Leighton Regional Planning Guidelines* were released by the WAPC in 2000 and set the broad planning objectives for the Leighton railway marshalling yards land and coastal reserve. In May 2005, the WAPC commenced public consultation to develop a shared vision for the Leighton Oceanside Parklands. A Steering Committee was chaired by a WAPC representative and included representatives from the City of Fremantle and Town of Mosman Park. A community stakeholder reference group (CSRG) comprising 20 participants was formed to provide ongoing detailed input into the development of the masterplan.

The masterplan concentrates public coastal access and recreational facilities in three areas referred to as the 'southern area' (Leighton Node), 'central area' (south of the footbridge, and 'northern area' (immediately south of the Beehive School). The public forums outcomes identified strong community support for three more intensive nodes of development, one at the surf club node, one at the footbridge, and a third at the Vlamingh Memorial and McCall Centre.



The project area at the northern node included the foreshore reserve and Port Beach Road reserve as far north as the Vlamingh Memorial but excluded the McCall Centre and Beehive School on the grounds that these parcels of land were the subject of existing government use and leases. The draft version of the report (see Additional Information document 3 – Leighton Oceanside Parklands Masterplan – draft 2006) stated that:

*“the Montessori Beehive School site, the McCall Centre and former Cable Station building are under lease agreements and are existing uses to be retained but the relationship of these uses in the context of the future public use needs to be considered.”*

Community representatives on the Steering Committee and CSRG objected to the exclusion of these areas arguing that the McCall Centre and an open space area to the south of it had already been recommended for parks and recreation usage as part of the Vlamingh Parklands recommendations and should therefore form an integral part of the oceanside parklands.

The Leighton Action Coalition Inc. (LAC), representing a broad cross-section of the regional community with an interest in the Leighton coastal environs, also supported the McCall Centre being used as the focal point for a much larger northern node to serve coastal recreational needs. It envisaged the existing buildings would be used for hospitality and conference facilities with the possibility of new tourism short-stay accommodation to support the node. The LAC also proposed that the beach access road (Port Beach Road) should be re-aligned around the east side of the McCall Centre so that all of the land west of the buildings would become protected parklands with very high recreational value.

The subsequent commitment by the State to enter into a long-term lease with the Beehive School (expiring in 2033) meant that the southern part of the LAC’s vision could not reasonably be pursued by the CSRG in the short to medium term. Instead, the CSRG agreed to a proposal where the re-aligned access road still ran behind the McCall Centre but back down to the current Port Beach Road alignment just north of the Beehive School site – referred to as Concept B.

The WAPC agreed to include the CSRG’s proposed Northern Node Concept B in Appendix 3 of the draft masterplan report (see Additional Information document 3), noting that the treatment of this area was one of the most contentious issues raised throughout the consultation period. The main point of contention identified by the WAPC was that the CSRG option pre-supposed the re-purposing of the McCall Centre for public use but that the Department of Child Protection and Family Support was actively using the site for its institutional purposes. Since 2016 that situation has changed with the building currently lying empty and unused.

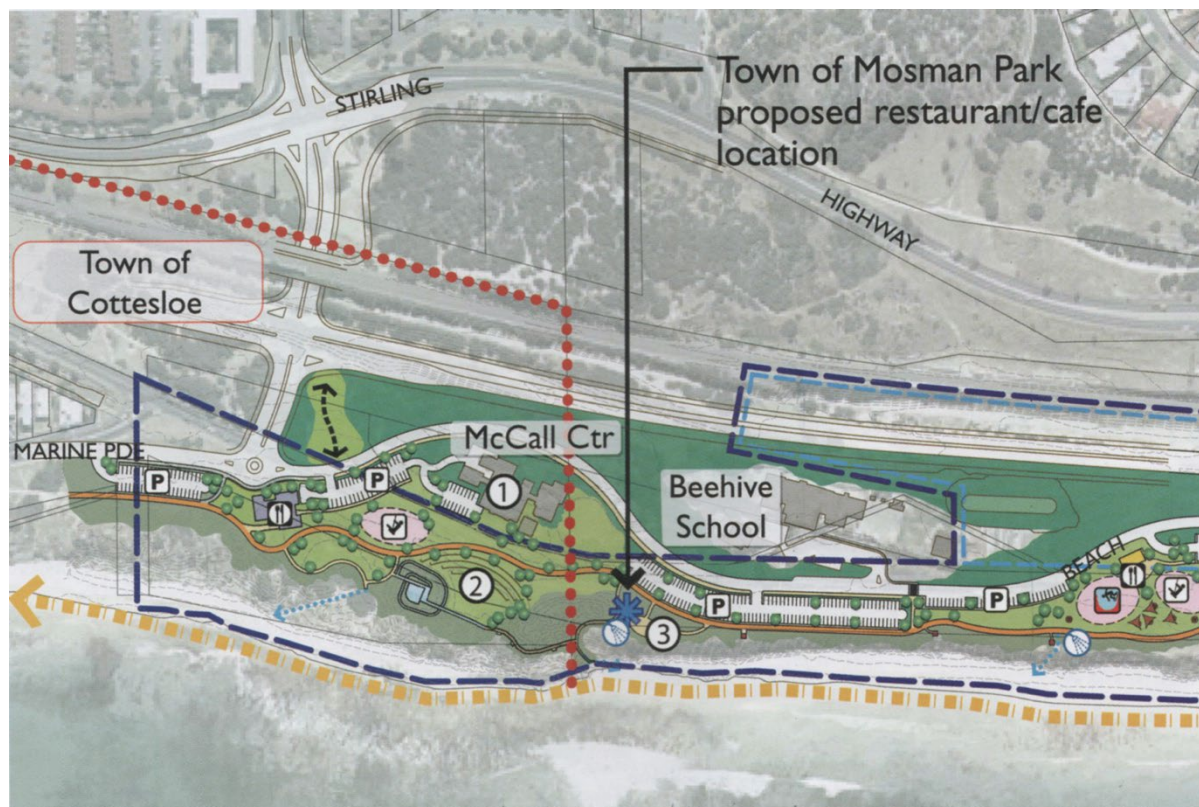


Figure 3: Northern Node Concept B as supported by the Community Stakeholder Reference Group (from Additional Information document 3 - Leighton Oceanside Parklands Masterplan – Draft Report, 2006)

The WAPC’s other main area of concern related to the re-alignment of Port Beach Road around the back (east) of the McCall Centre and between the McCall Centre and the school. The WAPC’s consultant engineers, SKM, modelled the proposed re-alignment in association with the future Curtin Avenue alignment, the Wellington Street underpass extension, and the existing buildings and infrastructure. SKM concluded that the road could be constructed without the need for any extensive retaining measures, at a cost of \$600,000 (in 2006).

The proposed route for the re-aligned road passes across the southern and northern parts of the proposed MRS amendment area. In addition, an area to the north of the McCall Centre was to be included in the foreshore parklands to provide additional car parking to serve the Northern Node.





Figure 4: Relationship of Leighton Oceanside Parklands Northern Node Option B & MRS amendment area.

All reference to the Northern Node Concept B was subsequently removed from the final version of the report endorsed by State Cabinet in 2007 (see Additional Information document 4 – Leighton Oceanside Parklands Masterplan Final Report).

### FINANCIAL IMPLICATIONS

Nil

### LEGAL IMPLICATIONS

Nil



## **CONSULTATION**

The purpose of this report is to recommend a submission by the City of Fremantle in response to consultation being undertaken by the WAPC.

## **OFFICER COMMENT**

There is considerable support in the regional community for the development of the Leighton Oceanside Parklands, including the Northern Node at the McCall Centre. The Leighton Action Coalition (LAC) continues to lobby the City of Fremantle and the State Government for the parklands to be completed.

Considerable pressure is placed on the existing coastal nodes in the area, including at Cottesloe, Leighton and Port beaches. These nodes are located at the epicentre of metropolitan Perth's long coastline. Each of these nodes currently struggles to cater for peak recreational access demands and do not provide the full range of coastal facilities that are typically warranted at regional coastal nodes. In particular, the Leighton node became far more popular as a destination because of the improved facilities and access delivered as part of the adjoining redevelopments. The popularity of Leighton beach and the pressures associated with its use are referred to in a separate agenda item dealing with another proposed MRS Amendment relating to the North Fremantle industrial precinct adjacent to Port Beach, immediately south of the Leighton development area. In the short to medium term, numerous high-density redevelopments on the Leighton Peninsular, including at McCabe Street, and potential future developments at North Quay, will significantly increase public access demand in the coastal reserves. Similar developments in the Western Suburbs continue to add pressure on these existing centrally located coastal nodes.

The development of a coastal node at the McCall Centre represents the only location where a new node can realistically be developed along the long stretch of coastline between Leighton and Swanbourne. Its enormous potential as an elevated coastal recreation node on a stable headland has been recognised for at least 30 years. If approved, the proposed 'Urban' zoning across the McCall Centre site would almost certainly preclude the realisation of the true potential of this public coastal asset.

The proposed rezoning of the McCall Centre land to 'Urban' is likely to result in the privatisation of some or all of that land. That would be contrary to the recommendations of The Vlamingh Parklands Report. Failing to allocate the McCall Centre buildings, and the land to the south of it, for public use and/or as open space will represent a major failing to implement this important plan. Instead, the land should be zoned either 'Parks and Recreation' in the MRS or the existing 'Special Purposes Reserve' be modified to suit the repurposing of



the site for public and recreational use as envisaged by The Vlamingh Parklands recommendations.

The WAPC Scheme Amendment Report (see Attachment 1) refers to facilitating conservation and adaptive reuse of the heritage listed Cable Station buildings, consistent with State Planning Policy 3.5: Historic Heritage Conservation, as being a primary driver for the proposed rezoning. However, the Amendment report also refers to the proposed Urban rezoning being 'broadly consistent' with the Central Sub-regional Planning Framework (the part of the State Government's Perth and Peel @3.5 million suite of strategic planning framework documents relevant to the inner metro area) because it is close to areas identified as a Station Precinct (Mosman Park & Victoria St stations and surrounds) and as an Urban Corridor (Stirling Highway corridor) in the Sub-regional Framework. The station precincts and urban corridors in the Sub-regional Framework are areas where more intensive urban infill is encouraged. If the McCall Centre site is treated in this context, if it were to be rezoned Urban it infers that it is a suitable site in principle for higher density new urban development which might be hard to reconcile with conservation of the former Cable Station building and retention of it (and the landmark views to and from it) as the predominant physical feature on the site. City officers consider there is an inconsistency between these two strands of the justification the WAPC is making for the Urban zoning.

It is worth noting that the conservation and adaptive reuse of significant heritage buildings for commercial and/or other publicly-accessible land uses is possible under a Special Use reservation, not just under an Urban zoning. A prime example of this is the Old Swan Brewery buildings at Mounts Bay in Perth, which is a Special Use reserve under the MRS and contains a range of hospitality, entertainment and tourism-orientated businesses. Accordingly, a rezoning of the McCall Centre to Urban is not necessarily a prerequisite to enable conservation of the former Cable Station buildings for adaptive reuse, which is part of the WAPC's stated rationale for the MRS Amendment. City officers recommend that further consideration should be given to applying a modified Special Use reservation status to the subject land to facilitate such reuse as an alternative to rezoning the site Urban under the MRS.

Implementation of the Northern Node of the Leighton Oceanside Parklands Landscape Masterplan was not considered a priority at the time of completing the draft report in 2006. It was acknowledged that numerous land use and staging matters required further investigation at a future stage of planning. The development of the community's strongly preferred Option B proposal was not ruled out, rather it was included in the final draft for future investigation when the timing was right.





The proposed rezoning of the McCall Centre site is an indication that the site is surplus to needs in terms and no longer required for State Government purposes. Clearly, the timing is now right to further consider the community preferred Option B for the Northern Node. The unresolved planning for the Northern Node should be completed prior to any further consideration of an 'Urban' zoning for this critical site.

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

Simple majority required

### **OFFICER'S RECOMMENDATION**

**Council advises the Western Australian Planning Commission that the City of Fremantle's comments on the proposed Metropolitan Region Scheme Amendment 1389/57 – The McCall Centre, Lot 556 Curtin Avenue, Cottesloe, are as follows:**

- 1. The proposed rezoning of Lot 556 to Urban is considered premature as detailed planning for implementation of the Northern Node of the Leighton Oceanside Parklands Masterplan, including further consideration of the merits of incorporation of the Concept B design from the draft Masterplan into the Northern Node now that the McCall Centre is surplus to state government requirements, has not been undertaken. Urban zoning of Lot 556 would also be contrary to the recommendations of The Vlamingh Parklands Report which recommended allocation of the McCall Centre buildings, and the land to the south of it, for public use and/or as open space.**
- 2. Further consideration should be given to retaining Lot 556 as a reservation for modified Public Purpose – Special Use purpose(s) as an alternative to rezoning to Urban under the Metropolitan Region Scheme. The conservation and adaptive reuse of the heritage listed buildings on the site, which is part of the stated reason for the MRS Amendment, could also be achieved under an appropriate Special Use reservation and provide for compatible publicly-accessible, recreational and tourism-orientated land uses in combination with an appropriate commercial leasehold arrangement, as has occurred with other significant heritage places such as the Old Swan Brewery buildings in Mounts Bay, Perth.**



## **C2204-3 MONTHLY FINANCIAL REPORT - MARCH 2022**

<b>Meeting date:</b>	27 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Monthly Financial Report – March 2022
<b>Additional information:</b>	Nil

### **SUMMARY**

**The monthly financial report for the period ending 31 March 2022 has been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.**

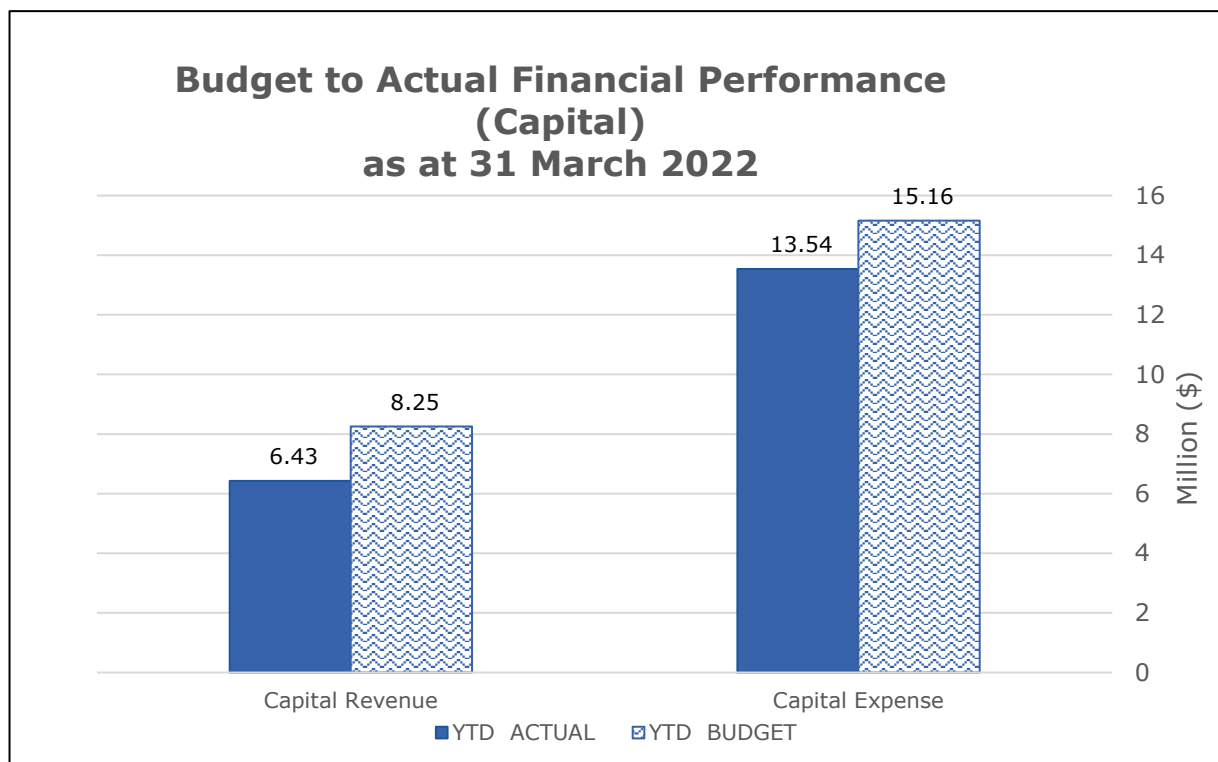
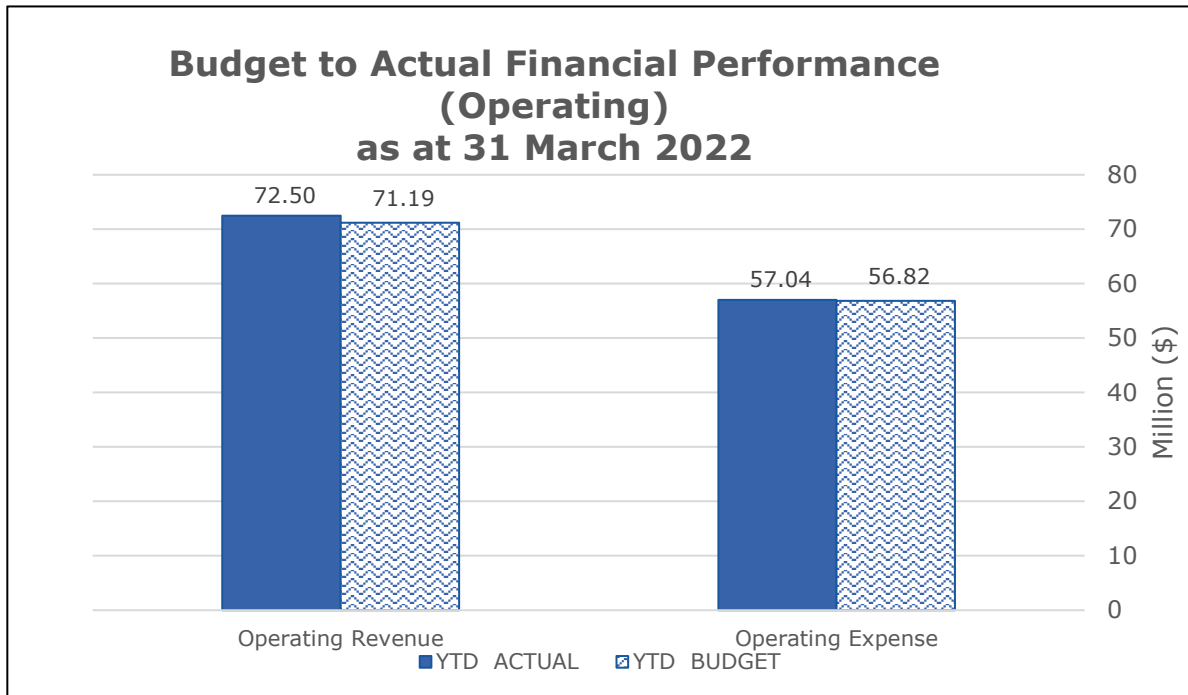
**This report provides an analysis of financial performance for March 2022 based on the following statements:**

- **Statement of Comprehensive Income by Nature & Type and by Program;**
- **Rate Setting Statement by Nature & Type and by Directorate; and**
- **Statement of Financial Position with Net Current Assets.**

The budget figures in this report represent the Amended Budget including the Mid-Year Review budget amendments adopted by Council on 23 March 2022 (Item C2203-4 Budget Review 2021-2022). Further, this financial report for the period ending 31 March 2022 is prepared considering accrued interest on borrowings (loans) and prepaid insurance premiums.

### **BACKGROUND**

The following graph and table provide a high-level summary of the Council's year to date financial performance as at 31 March 2022.





**RATE SETTING STATEMENT BY NATURE AND TYPE - FOR THE PERIOD ENDED 31 MARCH 2022**

Description	Amended YTD Budget \$M	YTD Actual \$M	Variance \$M	Variance %
<b>Opening Surplus</b>	3.72	15.06	11.34	304.43%
<b>OPERATING</b>				
Rate Revenue	50.19	50.17	(0.02)	(0.03%)
Revenue	21.00	22.33	1.33	6.35%
Expenses	(56.82)	(57.04)	(0.22)	(0.39%)
Non-Cash Adj.	7.22	7.31	0.09	1.25%
	<b>21.59</b>	<b>22.77</b>	<b>1.18</b>	<b>5.47%</b>
<b>INVESTING</b>				
Capital Revenue	8.25	6.43	(1.82)	(22.09%)
Capital Expenses	(15.16)	(13.54)	1.62	10.69%
<b>FINANCING</b>				
Repayment Loans & Leases	(1.64)	(1.57)	0.07	4.44%
Reserve Transfers	10.54	9.15	(1.39)	(13.20%)
Total of Investing and Financing activities	<b>1.99</b>	<b>0.47</b>	<b>(1.52)</b>	<b>(76.38%)</b>
<b>Closing Surplus</b>	<b>27.30</b>	<b>38.30</b>	<b>11.00</b>	<b>40.33%</b>



**STATEMENT OF COMPREHENSIVE INCOME BY NATURE AND TYPE - FOR THE PERIOD ENDED 31 MARCH 2022**

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

Income	YTD Amended Budget \$M	YTD Actual \$	Variance \$	Variance %
<b>Revenue</b>				
Rates (including Annual Levy)	50,365,258	50,348,229	(17,029)	(0.03%)
Service Charges	7,192	8,804	1,612	22.41%
Operating Grants, Subsidies & Contributions	2,691,003	2,924,143	233,140	8.66%
Fees and Charges	16,542,744	17,324,133	781,389	4.72%
Interest Earnings	575,979	552,091	(23,888)	(4.15%)
Reimbursement Income	676,040	829,535	153,495	22.71%
Other Income	329,383	516,717	187,334	56.87%
<b>Total Operating Income</b>	<b>71,187,599</b>	<b>72,503,653</b>	<b>1,316,054</b>	<b>1.85%</b>
<b>Expenses</b>	<b>YTD Amended Budget \$</b>	<b>YTD Actual \$</b>	<b>Variance \$</b>	<b>Variance %</b>
<b>Expenses</b>				
Employee Costs	(27,985,936)	(28,474,909)	(488,973)	(1.75%)
Employee costs - Agency Labour	(1,155,481)	(1,283,154)	(127,673)	(11.05%)
Materials and Contracts	(16,635,689)	(16,459,859)	175,830	1.06%
Depreciation-Non-Current Assets	(7,220,418)	(7,231,796)	(11,378)	(0.16%)
Interest Expenses	(300,300)	(391,280)	(90,980)	(30.30%)
Utility Charges (gas, electricity, water)	(1,307,982)	(1,160,902)	147,080	11.24%
Insurance Expenses	(836,075)	(705,004)	131,071	15.68%
Other Expenditure	(1,379,568)	(1,333,527)	46,041	3.34%
<b>Total Operating Expenses</b>	<b>(56,821,449)</b>	<b>(57,040,431)</b>	<b>(218,982)</b>	<b>(0.39%)</b>

Further explanation of material variances, excluding rates income and employee variances, is included under Officer's Comments.



## **FINANCIAL IMPLICATIONS**

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

## **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**

The overall performance for the City of Fremantle for the period ended 31 March 2022 resulted in an additional \$11,008,238 surplus being identified in the year to date position over anticipated, which is mainly as a result of: -

### *Increase in anticipated year to date position*

- Increased carry forward funds from FY20/21 of \$11,337,279. This reported opening position is a draft position as presented at the time of preparation of this report and is subject to change on account of the end of year closing journals, accruals etc. A final opening position figure for FY21/22 will be determined upon completion of the City's external audit;
- Increased Operating Grants, Subsidies and Contributions of \$0.2m to the YTD budget;
- Increased Fees and Charges revenue of \$0.8m to the YTD budget;
- Increased Reimbursement and Other Income of \$0.3m; and
- Reduced capital expenditure of \$1.6m to YTD budget.

Partially offset by:

### *Reduction in anticipated year to date position*

- Reduction in Capital Grants, Subsidies and Contributions for the development of Assets of \$1.8m to the YTD budget; and
- Reduction in transfer from Reserves (Capital) of \$1.2m to YTD budget.





**Explanation of Material Variances**




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 in FY2021/22 for reporting material variances as 10% or \$100,000, whichever is greater (Item C2106-1 refers Council meeting on 23 June 2021).

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 Rate Setting Statement by Nature and Type.

The below comments are to be read in conjunction with the Rate Setting Statement in the attached Monthly Financial Report – March 2022:



<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
<b>Net current assets at the start of the financial year</b>	<b>11,337,279</b>	 <b>304.43%</b>
		The explanation for the above variance was reported to Council via FPOL2202-3 [Draft Annual Financial Statements 2020-21] on 23 March 2022, and explained in previous monthly financial reports for 2021-22.
<b>Employee Costs</b>	<b>616,646</b>	 <b>2.07%</b>
<b>Major Variances:</b>		
Employee Costs	488,973	Unfavourable variance: This is the result of leave provision accounting as at end of Mid-Year Budget Review. This balance is adjusted at the end of the financial year.
Employee Costs – Agency Labour	127,673	Unfavourable variance: Overspend on agency labour during the first half of the year. Most were addressed during Mid-Year Budget Review. However, three







Description	Variance Amount	Comment
		items were overlooked when requesting approval for Budget Amendments.
<b>Reimbursement Income</b>	<b>153,495</b>	 <b>22.71%</b>
<b>Major Variances:</b>		
Containers for Change	39,902	Favourable variance: Due to higher interest from the community, the number of containers received for recycling has increased more than anticipated.
	39,902	Favourable variance: Due to higher interest from the community, the number of containers received for recycling has increased more than anticipated.
Administer Long Service Leave transfers	39,678	Staff Long Service Leave reimbursements were received from other local authorities. No budget is allocated for this item.
Collect & dispose of illegally dumped waste	34,163	Favourable variance: The City has generated additional income as a result of the MOU signed between CoF and the Department of Communities.
<b>Other Revenue</b>	<b>187,334</b>	 <b>56.87%</b>
<b>Major Variances:</b>		
Miscellaneous Revenue – Monitor financial accounting processes	140,474	Recoup of various unclaimed bonds that have been held in the trust fund for more than 10 years, have now been transferred to the municipal fund.
<b>Utility Charges (gas, electricity, water)</b>	<b>147,080</b>	 <b>11.24%</b>
<b>Major Variances:</b>		





<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
Contribute to public street lighting	63,818	Timing variance: Delay in receiving invoices (March).
Maintain & operate public toilets	25,788	Permanent favourable variance: It is expected that the actual utility charges related to public toilets for the year to be less than the budget.
<b>Insurance Expenses</b>	<b>131,071</b>	 <b>15.68%</b>
<b>Major Variances:</b>		
Monitor city insurances (excluding workers' compensation)	74,168	Timing variance: Budget has been amended to reflect the increase in worker compensation insurance premium expected later in the year.
Maintain Walyalup Civic Centre	40,000	Timing variance: Budget to be utilised towards the end of the financial year.
<b>Capital Revenue - Capital Grants and Subsidies/ Contributions for the development of Assets</b>	<b>(1,826,501)</b>	 <b>(22.15%)</b>
<b>Major Variances:</b>		
P-11823 Design and construct-Port Beach coastal adaptation	1,265,560	Timing variance: Grant income received (YTD) is less than forecasted, though full grant is expected to be received. However, the project is likely to be carried forward to the next financial year.
P-11915 Road safety - South Tce - Node 2	134,000	Timing variance: Delay in receipt of funds. Funds are expected to be received in June 2022.
P-11819 Design and construct - Dick Lawrence - Playspace	90,000	Timing variance: Delay in receipt of funds. Funds are expected to be received in the following months.



Description	Variance Amount	Comment
<b>Capital Expense Purchase – Infrastructure Roads</b>	<b>174,015</b>	 <b>12.65%</b>
<b>Major Variances:</b>		
P-12047 Road safety - Wiluna and Hope - Intersection	155,150	Timing variance: Project has been commenced and it is expected to be completed in May.
P-12003 Resurface - MRRG - McCombe Ave (NB&SM)	47,571	Timing Variance: Project has been completed, however, there is a delay in receiving supplier invoices.
<b>Capital Expense Purchase – Infrastructure Parks</b>	<b>444,315</b>	 <b>26.08%</b>
<b>Major Variances:</b>		
P-10295 Design and construct-Kings Square Public Realm Newman	282,763	Favourable variance: Project has reached practical completion. Savings are from reduction of works to High Street area. This saving will be utilised on the Town Hall fire suppression system project.
P-12058 Design and construct - Booyeembara Park - Bike trail	110,527	Timing variance: The project scope was altered. As a result, the project is likely to be carried forward to next financial year.
<b>Capital Expense Purchase – Infrastructure - Other</b>	<b>176,100</b>	 <b>17.73%</b>
<b>Major Variances:</b>		
P-12057 Contribution - Westgate Mall courtyard	160,000	Timing variance: Project work has been commenced. Budget is to be utilised towards the end of the financial year.
<b>Repayment of Operating Lease</b>	<b>102,504</b>	 <b>34.98%</b>



<b>Description</b>	<b>Variance Amount</b>	<b>Comment</b>
Payment of Operating Leases Instalments	102,504	Accounting variance: Correction journal will be prepared to capture all leases repayment transactions.
<b>Reserve Transfers</b>	<b>(1,391,009)</b>	<b>▼ (13.20%)</b>
Transfer from Reserve (Restricted) - Capital	(1,239,249)	Variance is primarily attributed to an underspend on capital works for various reasons mentioned above, therefore, the required funding from Reserves is less than budgeted.
Transfer from Reserve (Restricted) - Operating	(129,932)	Variance is primarily attributed to an underspend on operating works funded by Reserves.

**Overall Comments** - Progress on some capital works projects has begun to slow as the City begins to experience supply chain delays in relation to materials as a consequence of COVID-19. Officers continue to monitor for any issues that may result in delayed delivery and for any potential carry forwards to 2022-23. Capital revenue has been largely unaffected however it is anticipated that Reserve transfers to fund the projects' expenditures may not occur in 2021-22 as had been budgeted. Transfers will continue to be processed as costs are realised.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

**OFFICER'S RECOMMENDATION**

**Council receives 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 March 2022.**



## **C2204-4 STATEMENT OF INVESTMENTS – MARCH 2022**

<b>Meeting date:</b>	27 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Statement of Investments – March 2022
<b>Additional information:</b>	Nil

### **SUMMARY**

**This report outlines the investment of surplus funds for the month ending 31 March 2022 and provides information on these investments for Council consideration.**

**This report recommends that Council receive the Investment Report for the month ended 31 March 2022, as provided in the Attachment.**

**The investment report provides a snapshot of the City’s investment portfolio and includes:**

- **Portfolio details as at March 2022;**
- **Portfolio counterparty credit framework;**
- **Portfolio liquidity with term to maturity;**
- **Portfolio fossil fuel summary;**
- **Interest income earned for the month; and**
- **Investing activities for the month.**

### **BACKGROUND**

In accordance with the Investment Policy adopted by Council, the City of Fremantle (the City) 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 in appropriately rated and liquid investments, until such time as the City requires the money for expenditure.

The City has committed to carbon neutrality and to this end seeks to ensure its financial investments consider the reduction of fossil fuels and our One Planet Fremantle Strategy.



To this end, the City will review and manage its investment portfolio to identify financial institutions which support, either directly or indirectly, fossil fuel companies and has limited investments in these institutions to the minimum whilst maintaining compliance with the investment policy.

### **FINANCIAL IMPLICATIONS**

To date, actual investment interest earned is \$159,504 against a year-to-date budget of \$161,604 and a full year adopted budget of \$200,000.

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 0.42% for the month of 31 March 2022. The City's actual portfolio return in the last 12 months is 0.33%, which compares favourably to the benchmark Bloomberg AusBond Bill Index reference rate of 0.04% (refer Attachment, 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**

A comprehensive Investment Report for the month ending 31 March 2022 can be viewed in the Attachment to this agenda item. A summary of the investment report is provided below.

#### **1. Portfolio details as at 31 March 2022**

At period end, the City's investment portfolio totalled \$43.91m. The market value was \$43.98m, which takes into account accrued interest.



The investment portfolio is made up of:

Cash Investments (<= 3 months)	\$ 6.39m
Term Deposits (> 3 months)	\$ 37.52m
<b>TOTAL</b>	<b>\$ 43.91m</b>

Of which:

Unrestricted cash	\$ 40.43m
Restricted cash (Reserve Funds)	\$ 3.48m
<b>TOTAL</b>	<b>\$ 43.91m</b>

The current amount of \$40.43m held as unrestricted cash represents 52.0% of the total adopted budget for operating revenue (\$77.76m)

## **2. Portfolio counterparty credit framework (as at 31 March 2022)**

The City’s Investment policy determines the maximum amount to be invested in any one financial institution or bank 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. The recently adopted counterparty credit framework is as 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.

<b>Credit quality</b>	<b>Maximum % of total investments</b>
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)

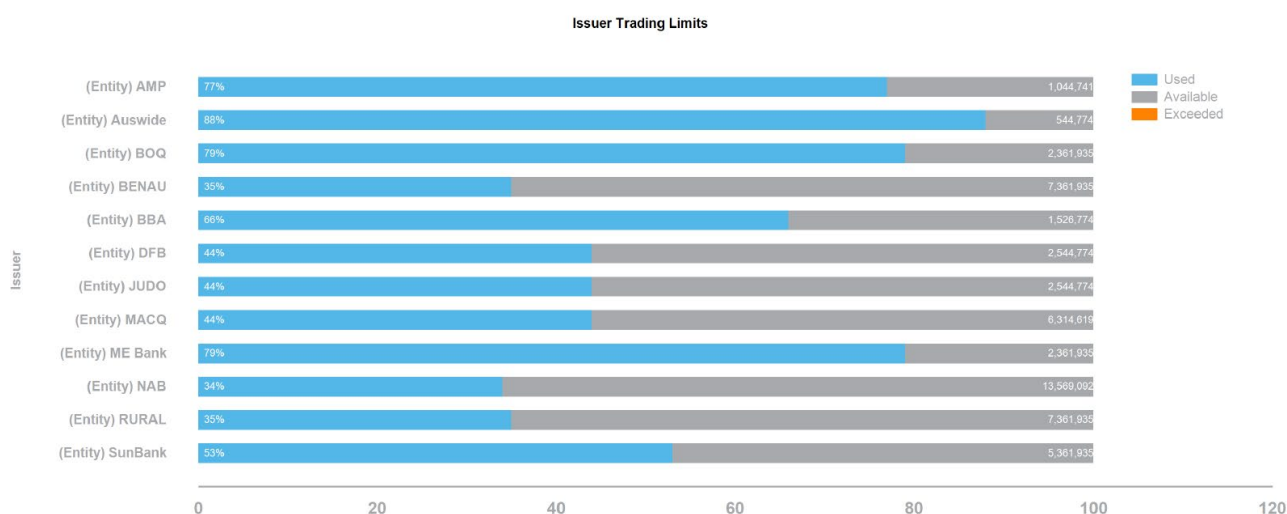
The following graphs provide details of the funds invested at the end of this month as per the City’s investment portfolio relative to the threshold allowed by the investment policy.



**Portfolio Credit Framework Limits As at 31 March 2022**

Tier	Allocation	Allocation %	Maximum Allocation %	% Used of Maximum Allocation	% Available of Maximum Allocation	% Exceeded of Maximum Allocation
Tier 1	5,347,186.74	12.18%	100.00%	12.18%	87.82%	0.00%
Tier 2	24,047,348.16	54.76%	60.00%	91.27%	8.73%	0.00%
Tier 3	14,518,000.00	33.06%	35.00%	94.46%	5.54%	0.00%
Tier 4	0.00	0.00%	15.00%	0.00%	100.00%	0.00%
	<b>43,912,534.90</b>					

Values used in the above calculations exclude interest for term deposits and other simple interest securities



As reported in the above graphs at 31 March 2022, the portfolio was compliant with the issuer trading limit (refer Attachment).

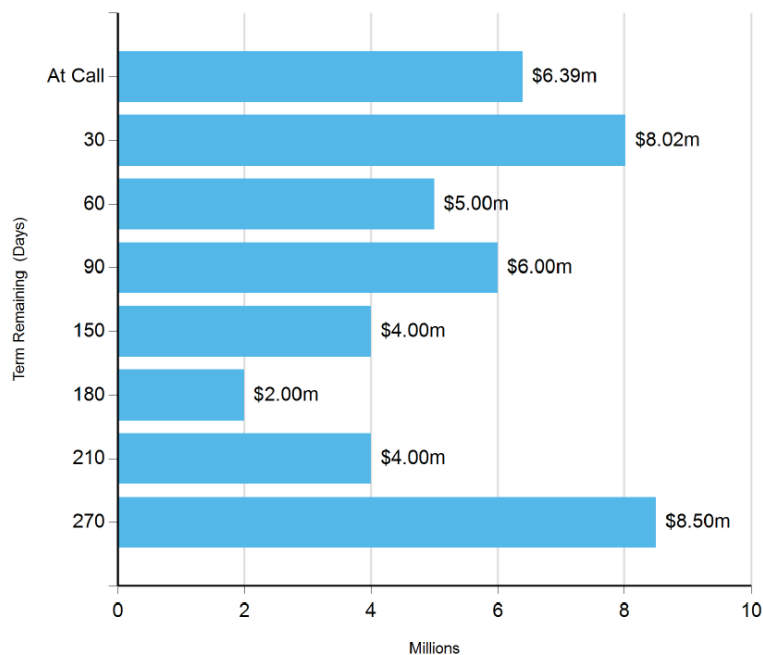
**3. Portfolio Liquidity Indicator (as at 31 March 2022)**

The below graph provides details on the maturity timing of the City’s investment portfolio. Currently, all investments will mature in one year or less.

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.



**Face Value by Term Remaining**



**4. Portfolio Summary by Fossil Fuels Lending ADIs (as at 31 March 2022)**

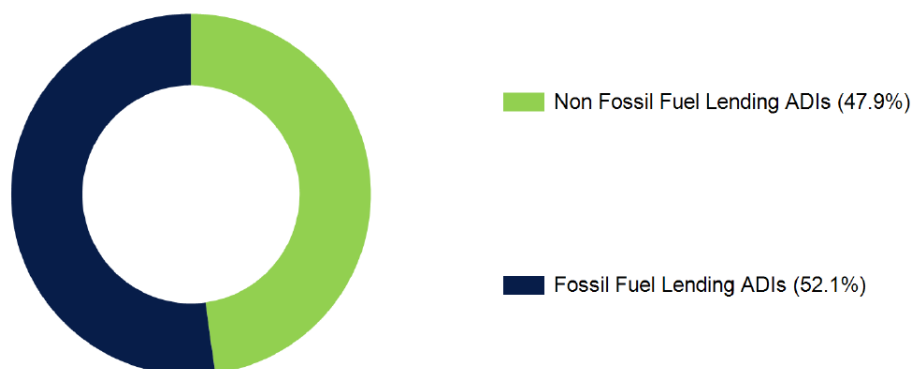
At the end of this month, \$21m (47.9%) of the portfolio was invested in “Green Investments”; authorised deposit taking institutions that do not lend to industries engaged in the exploration for, or production of, fossil fuels (Non-Fossil Fuel lending ADI’s).

In order to address 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 to allow some greater flexibility. Since December 2020 investments have been made in accordance with the revised policy to increase in the percentage invested in “Green Investments”. However, it has been challenging for the City to invest in banks deemed “green” as these banks are full on liquidity and therefore are not issuing new term deposits.





**Fossil Fuel vs  
Non Fossil Fuel  
Lending ADI**



**5. Interest Income for Matured Investments (For 1 March 2022 to 31 March 2022)**

During the month of March 2022, interest income earned from matured investments was \$26,037.81 (refer to the Attachment, point 9).

**6. Investing Activities (For 1 March 2022 to 31 March 2022)**

During the month of March 2022, five (05) term deposit investments totalling \$7.0m were withdrawn for operational requirements and one (01) term deposit investment was acquired for a total of \$3m.

Full details of the institution invested in, interest rate, number of days and maturity date are provided in the attached report.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

**OFFICER'S RECOMMENDATION**

**Council receives the Investment Report for the month ending 31 March 2022, as provided in the Attachment.**



## C2204-5 SCHEDULE OF PAYMENTS – MARCH 2022

<b>Meeting date:</b>	27 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Schedule of Payments and Listings 2. Purchase Card Transactions <i>Attachments viewed electronically</i>
<b>Additional information:</b>	Nil

### 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 March 2022, 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 February 2022, is provided within Attachment 1 and 2.

### FINANCIAL IMPLICATIONS

A total of \$11,289,812.02 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; and*
  - (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 March 2022 by payment type, with full details of the accounts paid contained within Attachment 1.

<b>Payment Type</b>	<b>Amount (\$)</b>
Cheque / EFT / Direct Debit	\$ 8,534,373.69
Purchase card transactions	\$ 28,968.17
Salary / Wages / Superannuation	\$ 2,726,470.16
Other payments	\$ 0.00
<b>Total *</b>	<b>\$ 11,289,812.02</b>

Contained within Attachment 2 is a detailed listing of the Purchase Card transactions for the month ending 31 March 2022.



## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple majority required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Accept the list of payments made under delegated authority, totalling \$11,289,812.02 for the month ending 31 March 2022, as contained within Attachment 1.**
- 2. Accept the detailed transaction listing of Purchase Card expenditure, for the month ending 31 March 2022, as contained within Attachment 2.**



### **13. 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.

### **14. 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.

### **15. 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.



## 16. Confidential business

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

### **ARMC2204-2    FREMANTLE PARK – PROJECT INDEPENDENT FINANCIAL AUDIT REPORT**

<b>Meeting date:</b>	20 April 2022
<b>Responsible officer:</b>	Manager Financial Services
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	1. Management Letter – Fremantle Park Project 2. Audit Opinion Report – Fremantle Park Project <i>(Confidential attachments under separate cover)</i>
<b>Additional information:</b>	Nil.

### **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:

- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret; or
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person,



## ARMC2204-7 EMERGING ISSUES REPORT - APRIL 2022

<b>Meeting date:</b>	20 April 2022
<b>Responsible officer:</b>	Director City Business
<b>Decision making authority:</b>	Council
<b>Attachments:</b>	Nil
<b>Additional information:</b>	Nil

### REASON FOR CONFIDENTIALITY

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

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

## 17. Closure