MINUTES

Ordinary Meeting of Council

Wednesday, 13 December 2017, 6.00pm
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Minutes of the Ordinary Meeting of Council
held in the Council Chambers, Fremantle City Council
on 13 December 2017 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Dr Brad Pettitt declared the meeting open at 6.03 pm and welcomed members of the public to the meeting.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

"We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar people as the custodians of the greater Fremantle/Walyalup area and that their cultural and heritage beliefs are still important to the living Nyoongar people today."

IN ATTENDANCE

Dr Brad Pettitt Mayor
Cr Ingrid Waltham Deputy Mayor / East Ward
Cr Jenny Archibald East Ward
Cr Doug Thompson North Ward (entered at 7.14 pm)
Cr Bryn Jones North Ward
Cr Rachel Pemberton City Ward
Cr Adin Lang City Ward
Cr Jon Strachan South Ward (entered at 6.11 pm)
Cr Andrew Sullivan South Ward
Cr David Hume Beaconsfield Ward (left at 8.54 pm)
Cr Hannah Fitzhardinge Beaconsfield Ward

Mr Philip St John Chief Executive Officer
Mr Glen Dougall Director City Business
Ms Fiona Hodges Director Community Development
Mr Paul Garbett Director Strategic Planning and Projects
Mr Graham Tattersall Director Infrastructure and Project Delivery
Ms Marisa Spaziani Director People and Culture
Ms Beverley Bone Manager Community Development
Ms Julia Kingsbury Manager Development Approvals
Mr David Janssens Manager Infrastructure Engineering
Mr Tom Griffiths Manager Economic Development and Marketing
Mr Jason Cunningham Acting Manager Communications and Media
Mr Sri Sriranjan Principal Engineer
Ms Melody Foster Minute Secretary
There were approximately 15 members of the public and 3 members of the press in attendance.

APOLOGIES

Cr Jeff McDonald  Hilton Ward

LEAVE OF ABSENCE

Cr Sam Wainwright  Hilton Ward

DISCLOSURES OF INTEREST BY MEMBERS

Cr R Pemberton declared a financial interest in item number PC1712-2, as she has previously received tickets from the applicant involved in this item, during her current term of office.

Cr A Sullivan declared a financial interest in item number C1712-4, as Cr Sullivan has a business relationship with the consultant used for the Walyalup Aboriginal Cultural Centre (WACC) review.

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Responses to questions taken on notice at the Ordinary Meeting of Council held 22 November 2017 from Mr John Dowson.

Question

Notre Dame has reneged on the MOU with the Fremantle Council and in 2012 the Council signed an MOU with Notre Dame that said new developments should go outside the West End. My question tonight is, what communication went between Fremantle Council and Notre Dame in writing or verbally, to try to get them to adhere to the MOU?

Did the Council write to Notre Dame, did they negotiate with Notre Dame? Will you pursue Notre Dame about this MOU and try to get them to follow the MOU and to actually buy property and develop outside the West End?

Response

The City received advice of this issue just before the public announcement. The Mayor and City have advised NDU of our disappointment and also released a public statement to that effect. Whilst the purchase is not the preference of the City, the intent to place student accommodation on the property is something the City broadly encourages.

The MOU does not legally bind either party and is a document of intent between the City and the University. The City will continue to work with the University to ensure that we achieve the best possible outcomes for the City and the West End.
**Question**

On what basis is it progress to cut a very valuable resource like the Local History Library, by cutting the staff from two to one?

**Response**

The City’s long term strategy is to integrate the Local History Collection with the mainstream library services. We believe that this will enhance the availability of the Local History resources to the community.

Whilst we are at the temporary accommodation at the Fremantle Oval, some local history resources will be available in the main library area. However the more precious items will be stored back of house and will be available upon request.

A lot of the Local History Collection has been digitised and there are now many more resources available on line.

In the new civic building the local history collection will be available to the public as part of the main library area. Appropriate secure and controlled storage will be in place for archival items that require safe keeping. The Local History Collection will be maintained in full in the new library, as an integrated part of the facility, where it will be more accessible and interactive for our community to access and use.

**PUBLIC QUESTION TIME**

**Summary of comment by Alison MacGuire**

Noted that she met with the City to discuss appropriate parking options for residents living in the Warders cottages on Henderson Street. She spoke about the options provided by the City and asked that the City re-consider their proposal of providing six parking bays on Henderson Street for the residents, or provide parking permits for the multi-story parking.

At 6.11 pm Cr Jon Strachan entered the meeting.

**Summary of question by Julie Murphy**

Spoke in relation to item C1712-10, against the recommendation and asked the following questions;

1. Why does the Fremantle Council appear to be basing its recommendation for a ‘safe crossing at Hampton Road’ on less than 100 peoples ‘opinions’ (ie those 95 respondents who preferred Option 1)?
2. Why is Fremantle Council ignoring the fact that Hampton Road is classified by Main Roads as a “Distributor A” road and as such should have signalised pedestrian crossings?
3. Why is Fremantle Council not basing its decision making on WA Department of Transports Pedestrian Guidelines that show signalised pedestrian crossing is the recommended treatment for an arterial road such as Hampton Road?
4. Did Fremantle Council use current accurate data on traffic and pedestrians when it formulated its proposed recommendation? If so, can these be released to the public? If not why?
5. If accurate, current traffic and pedestrian data is not available for Hampton Road, will Fremantle Council commission the collection of such data?

6. Why is Fremantle Council ignoring its own published Transport Strategy and Priorities of ‘pedestrians first, private vehicles last’ for Hampton Road?

7. If Council endorses the current recommendation, will it publish an update its Integrated Transport Strategy and priorities to reflect that these priorities do not apply for major roads such as Hampton Road and publish the full list of all roads in Fremantle where this strategy does not apply?

8. If Fremantle Council rejects the recommendation before it, will it commission a new review based on accurate, comprehensive data in accordance with published Standards and Guidelines for pedestrian safety, to make an informed decision that is in appropriate for Hampton Road?

Summary of response from Mayor

I think majority of your questions will be answered during the debate, and your questions will be taken on notice and responded to in writing.

The following member/s of the public spoke in relation to item PC1712-8.
Rob Harrison

The following member/s of the public spoke in relation to item C1712-10.
Nick Bolton

Cr Rachel Pemberton made a disclosure of interest in item PC1712-2 (earlier in the meeting) and left the chamber at 6.23 pm.

The following member/s of the public spoke in relation to item PC1712-2.
Cheryl Greaves
Maryrose Baker
Jenny Dawson
David Chitty

Summary of response from Chief Executive Officer, Philip St John

The CEO responded to a statement made by Maryrose Baker, in relation to Elected Members disclosure of interest in the J-shed item. The CEO responded stating that some interests may reset with an election cycle, depending on the nature of the interest.

At 6.38 pm Cr Rachel Pemberton returned to the chamber.

APPLICATIONS FOR LEAVE OF ABSENCE

Nil
PETITIONS / DEPUTATIONS / PRESENTATIONS

Cr Jon Strachan noted that he made a presentation, on behalf of the Mayor, to the City of Perth Sustainability Policy Consultation Workshop Panel.

Cr Rachel Pemberton noted that she attended, on behalf of the Mayor, the Dance Ability Dance Night held at the Newport Hotel, which was a night club event for people with disabilities.

CONFIRMATION OF MINUTES

MOVED: Mayor, Brad Pettitt

That the minutes of the Ordinary Meeting of Council dated 22 November 2017 be confirmed as a true and accurate record.

SECONDED: Cr R Pemberton

CARRIED: 10/0

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<td>Cr Ingrid Waltham</td>
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ANNOUNCEMENTS BY THE MAYOR

The Mayor acknowledged that this was the last Council meeting to be held at the Fremantle Town Hall and thanked the staff for their hard work during the City’s move to the new temporary office at Fremantle Oval. The Mayor also noted that the next Council meeting will be held in the North Fremantle Community Hall.

QUESTIONS OR PERSONAL EXPLANATIONS BY ELECTED MEMBERS

Cr Andrew Sullivan noted that the invalidity complaint on the South Ward Election will be heard in the Court of Disputed Returns in the New Year and until then, he will continue to participate in all Council meetings and represent Council on the JDAP Committee.

Cr Jon Strachan questioned why there are so many items on the Council Agenda this month.
Chief Executive Officer, Philip St John responded to Cr Strachan’s question and noted that as there was no FPOL committee meeting held in December and therefore all items were sent directly to Council for consideration.

TABLED DOCUMENTS

Council Additional Documents – 13 December 2017

LATE ITEMS NOTED

Nil
PLANNING COMMITTEE 6 DECEMBER 2017

At 6.46 pm Cr R Pemberton declared a financial interest in item number PC1712-2 and was absent during discussion and voting of this item.

PC1712 -2 FLEET STREET, J-SHED UNIT 1 (LOT 2051), FREMANTLE - PARTIAL CHANGE OF USE TO TAVERN, AND ADDITIONS AND ALTERATIONS TO EXISTING BUILDING - (NB DA0281/17)

Meeting Date: 6 December 2017
Responsible Officer: Manager Development Approvals
Decision Making Authority: Committee
Attachments: 1: Development Plans
2: Schedule of Submissions
3: Applicant’s Justification
4: Site Photos

SUMMARY

Approval is sought for a partial change of use to Tavern, and additions and alterations to an existing building at J-Shed, Unit 1 (Lot 2051) Fleet Street, Fremantle.

The application is presented to Planning Committee as it is considered a significant application that seeks considerable discretion and has received objections that cannot be satisfied through a condition of planning approval.

As the proposal is contained within land reserved under the Metropolitan Region Scheme (MRS) as ‘Parks and Recreation’, the City acts only in the capacity as a referral body providing a recommendation to the determining authority, the Western Australian Planning Commission (WAPC).

As the proposal relates to reserved land under the MRS, the provisions of the City’s Local Planning Scheme No. 4 (LPS4) and Council’s Local Planning Policies (LPPs) do not apply, but have been used as a guide in assisting Council in formulating its position for its recommendation to the WAPC. The WAPC’s Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space has also been given due regard in City officers’ assessment of the application.

Having due regard for Council’s previous recommendation on a similar application, community comments, and the Western Australian Planning Commission (WAPC) decision to refuse a similar previous application, it is recommended that the Council advise the WAPC to refuse the application.

PROPOSAL

Detail
The application seeks approval for the following use and additions and alterations to the existing unit:
• Partial change of use to Tavern, which includes a micro-brewery component.
• Additions and alterations to existing J-Shed building to accommodate the proposed tavern land use including kitchen/bar area, decking, pergolas and toilet blocks.
• Landscaping comprising “beach” area, lawn area, interpretive cliff wall and signage.

The Tavern is proposed to operate as follows:
• Hours of operation:
  o Monday to Saturday – 11:00am to 12:00am (midnight);
  o Sunday - 11:00am – 10:00pm;
• A patron capacity of 400.
• 10 to 15 staff at any given time.

The applicant submitted amended plans on 1 November 2017 which included the following changes:
• Indicative seating arrangements in the grassed area, outdoor bar, deck and beach area.
• Interpretive cliff wall changed from timber to limestone.
• Addition of public wayfinding signage to significant sites in the area.
• Justification for the proposal based on WAPC’s previous decision (Attachment 3).

A copy of the amended development plans is included as Attachment 1.

**Site/application information**

Date received: 6 April 2017  
Owner name: City of Fremantle  
Submitted by: Benson Studio  
Scheme: Parks and Recreation Reserve (MRS only)  
Heritage listing: MHI management category level 1A; Inner Harbour Heritage Area, Arthur Head Precinct Heritage Area, WECA Heritage Area, Victoria Quay Heritage Area  
Existing land use: Vacant building  
Use class: Tavern  
Use permissibility: Not specified
CONSULTATION

External referrals
While the City is not the determining authority for this application, it referred the proposal to external agencies where relevant, as if it were. Advice from these agencies was sought by the City to assist in preparing its recommendation to the WAPC.

Department of Water and Environmental Regulation (DWER)
The application was referred to the DWER as the site is listed as 'possibly contaminated – investigation required'. The DWER advised that they have no objection to the proposed development provided that the following advice is appended to any approval:

“It is recommended that management of ground disturbing works at the site (if any) include contingency measures for unexpected unearthing of asbestos or other contamination, to mitigate any potential health risks to workers or the public. In the event that the development activities detect or unearth asbestos-containing-material or other contamination at the site, any potential exposure risks should be immediately mitigated and the site should be investigated without delay in accordance with the Department of Water and Environmental Regulations Contaminated Sites Guidelines.”

Department of Planning, Lands and Heritage (DPLH)
The application was referred to DPLH as the site is on the State Heritage Register. The DPLH offered conditional support for the design and submitted the following comments/advice:

Findings
1. The proposed new structures are contemporary and lightweight and will not have a negative impact on the heritage values of the place.

2. The proposal involves works in the vicinity of areas of exceptional archaeological significance. While the works are largely low impact, some levelling and compacting will be required and there will be some excavation for footings etc. A concise Archaeological Management Strategy would be beneficial to ensure that all archaeological considerations have been investigated and to provide a framework for dealing with any archaeological material that may be uncovered.

3. The proposal includes efforts to interpret the history of the site through the interpretive wall and outdoor beach lounge area. The interpretative outcomes could be further developed to improve visitor engagement with the highly significant historical landscape and archaeology.

Advice

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

1. An Archaeological Management Strategy (AMS) is to be prepared for the site to the satisfaction of the Assistant Director General, Heritage Services, of the Department of Planning, Lands and Heritage. The AMS should be prepared in accordance with the Heritage Council's draft brief. The AMS is to provide guidelines for dealing with the archaeology at the site and a framework for dealing with any archaeological material that may be uncovered during the site works according to its assessed significance.

2. Interpretative material/signage is to be designed and located on site to ensure that visitors to the venue have access to information explaining the history of the site.

3. The design of the interpretive timber wall is to be revised to include better reference to the original cliff line through the use of appropriate materials.

Department of Aboriginal Affairs (DAA)
The City is not aware of any statutory requirement that may necessitate formal referral of this proposal to the DAA. Notwithstanding this, the application was referred to the DAA for their comment as the site is located within the boundaries of two known Aboriginal heritage places: DAA 3421 (Fremantle: Manjaree) and DAA 3774 (Fremantle: Arthur Head). The DAA considered the proposal and determined that the Aboriginal Heritage Act 1972 does not apply to these Aboriginal heritage places

The DAA has recommended that the applicant have consideration for the DAA’s Aboriginal Heritage Due Diligence Guidelines.

Fremantle Port Authority (FPA)
The previous application was referred to the FPA as the site is located within Fremantle Port Buffer Area 2, and given that they are adjoining landowners. The FPA objected to the use of their land for vehicle and pedestrian access. Alternate arrangements were made between the City and the applicant, which were ultimately supported by FPA (refer Attachment 2). The subject application (with the same amended access arrangements) was referred to FPA, who provided the following response:
"Thank you for inviting our comment on the proposal. From a land use compatibility perspective the proposed tavern and micro-brewery is of concern to Fremantle Ports. As the Inner Harbour is the only dedicated container port in Western Australia its protection and ability to grow to serve the State and National economies is a fundamental objective for Fremantle Ports.

Fremantle Ports has been in liaison with the proponents and the City since the site was initially approved in late 2015 for events on a temporary basis. Initially concerns were raised in regards to potential externalities including vehicle and pedestrian movements, parking and anti-social behaviour. The process that was put in place to address our concerns in relation to the initial temporary approval, which included regular meetings with the proponents before and after each event has proven to be a very useful mechanism to manage use of the site and to develop a good working relationship; it has been beneficial and effective in dealing with any matters as they have arisen.

We still have concerns over the scale of use of the site and the potential for this to grow. However in light of our experience to date we believe, as per previous advice, the current practise of regular meetings should be continued, for at least the next 12 months on a quarterly basis. This is considered an adequate period to ensure that any potential issues associated with permanent use of the site can be identified and addressed.

It is also requested that the proponent, in liaison with the City and Fremantle Ports, be required to document and commit to the manner in which externalities will be managed.”

It is not considered appropriate to recommend the above requirement as a condition of any planning approval, rather that it be recommended as an advice note that encourages this to occur should the WAPC approve the development.

**Community**

The application was not required to be advertised in accordance with Council’s Local Planning Policy 1.3 - Notification of Planning Proposals (LPP 1.3) as the provisions of Council’s LPPs are not applicable to land to which the City’s Local Planning Scheme does not apply.

Notwithstanding, the City did advertise the proposal as it considered that it was in the public interest for the following reasons:

- The proposed land use is typically discretionary within most zones under LPS4.
- The car parking requirement for such a land use under LPS4 means that there may be some impact.
- High level of interest from the community in regards to the previous application.

Advertising of the application comprised of the following:

- Letter to owners and occupiers within 100 metres of the site
- Advertising on the City’s website
- One notice relating to the proposal was placed in the Fremantle Gazette on the 1 July 2017.
At the conclusion of the advertising period, being 14 July 2017, the City received 48 submissions: six in support and 42 in opposition, plus a petition with 220 signatories objecting to the tavern use.

The submissions in support stated the following comments (summarised):
- revised proposal addresses most concerns of previous refused proposal
- compatible with landscape and heritage
- will be good for tourism and local visitors
- provides activation in the area
- supportive of proposed land use
- generally supportive as it will increase vibrancy of area.

The objections raised the following concerns (summarised):
- inappropriate land use for a reserve
- inappropriate land use for an arts precinct
- inconsistent with local planning policies
- negative impact to heritage and existing vegetation
- negative impact to nearby tenants
- negative impact to beach and public open space access
- concerns over noise, anti-social behaviour and safety of patrons
- overcrowding of the area
- design inappropriate and incompatible with the adjoining buildings
- lack of car parking
- lack of adequate servicing (infrastructure)

A summarised schedule of submissions is included as Attachment 2.

In response to the concerns raised above, it is acknowledged that current sewerage and water connections of the site are inadequate to support the proposed 400 patron capacity. Infrastructure upgrades will be required to be implemented by the applicant (in accordance with the lease conditions) prior to development of the site, if approved.

The other matters raised are discussed below through an assessment of the individual planning policies governing the area.

OFFICER COMMENT

Statutory and policy assessment
As the proposal relates to reserved land under the MRS, the provisions of the City’s Local Planning Scheme No. 4 (LPS4) and Council’s Local Planning Policies (LPPs) do not apply, but have been used as a guide in assisting Council in formulating its position for its recommendation to the WAPC. An assessment against the relevant provisions is below.

Background
The site is reserved for the purposes of Parks and Recreation under the Metropolitan Region Scheme (MRS). The site is not zoned or reserved under the City’s LPS4.

The site is listed on the City’s Heritage List and the City’s Municipal Heritage Inventory (MHI) as a management category level 1A (State Heritage Register) as well as for
precinct management. Furthermore, the site is located within the Inner Harbour Heritage Area, Arthur Head Precinct Heritage Area, WECA Heritage Area, Victoria Quay Heritage Area, which are prescribed Heritage Areas under Clause 7.2 of LPS4.

The subject site is 37,463m² and is located on southern side of Fleet Street and to the west of the freight rail line. The site has a predominantly north-south orientation.

In November 2012 Council resolved to seek “the front glass-walled studio of J-Shed to be put out for lease through a competitive process as a bar/café/gallery as a major attractor for the whole area. This should include space for artists in Arthur Head precinct to be able to exhibit their work on a priority basis. At other time the gallery space would be for rent like the Moores building.”

An expression of interest process was undertaken in early 2013 in which Sunset Events was selected as the preferred proponent. The City has since undertaken negotiations for a lease with Sunset Events for a term of 21 years for Unit 1 and a portion of the surrounds to J-Shed.

The City advertised the proposal to enter into a land transaction through disposal of Unit 1 J-Shed Fleet Street, Fremantle in the form of a lease. The plan outlined the proposal from Sunset Events and the essential terms and conditions of the lease negotiations. The proposal was extensively advertised through several newspapers, social media, the City’s website, and a public information session.

At its meeting of 26 February 2014, the City’s Strategic and General Services Committee resolved to conditionally grant the lease to Sunset Events for Unit 1 of J-Shed.

On 15 May 2015, the Minister for Lands granted approval for the lease.

**Previous planning history**

On 31 July 2015, the City received an application for temporary approval - special event venue (live music venue) (DA0373/15). This represented what was effectively a ‘trial’ period for a permanent tavern use and concert venue.

On 5 August 2015, the City received an application for planning approval for a partial change of use to Tavern (including live music), additions and alterations to existing building at J-Shed Unit 1 (Lot 2051) Fleet Street, Fremantle (DA0370/15).

The proposal consisted of the following:

- partial change of use to tavern, which included a micro-brewery component
- additions and alterations to existing J-shed building to accommodate the proposed tavern land use
- 12 concerts over the summer months (held on any day of the week);
- 850 patron capacity for regular ‘tavern’ trade and 1500 capacity for ticket music concert events
- Hours of operation:
  - Monday to Saturday – 11:00am to 12:00am (midnight);
  - Sunday - 11:00am – 10:00pm;
- Number of employees: Approximately 10 staff at any given time, during standard operations.
At the Ordinary Council Meeting (OCM) on 14 October 2015, it was resolved to refer DA0373/15 to the WAPC for temporary conditional approval, ending 31 May 2017.

On 27 November 2015, the WAPC granted conditional planning approval for DA0373/15 subject to a number of conditions and advice.

In late 2015, after approval was issued for the temporary activation of the site (DA0373/15), the applicant made a request to the WAPC to put the processing of DA0370/15 for the tavern on hold to allow the concerts to be 'trialled'. In a letter addressed to the WAPC dated 31 March 2016, being after a number of music concert events had been held at the site, the applicant requested the WAPC to re-activate the processing of the tavern application DA0370/15.

Application DA0370/15 was considered by council on 22 June 2016. Council resolved:

That the application be REFERRED to the Western Australian Planning Commission with a recommendation for REFUSAL under the Metropolitan Region Scheme for the proposed partial change of use to Tavern (including live music), additions and alterations to existing building at J Shed Unit 1/Fleet Street (Lot 2051), Fremantle, as detailed on plans dated 1 April 2016, for the following reasons:

1. The proposal is inappropriate having regard to the purposes for which the land is reserved under the Metropolitan Region Scheme.

2. The proposal is inconsistent with clauses 67 (b), (n) and (y) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development:
   a) Is not consistent with orderly and proper planning;
   b) Will have an adverse impact on the amenity of the locality; and
   c) Has not adequately addressed submissions received.

3. The proposal does not provide sufficient on-site car parking.

4. The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 – Arthur Head Reserve Strategy Plan.

5. The proposal is inconsistent with Policy 3 of the City of Fremantle’s Local Planning Policy DGF6 – Arthur Head – (West End of High Street, Fremantle).

6. The proposal is inconsistent with clause 3.4 of the City of Fremantle’s Local Planning Policy DGF26 – Planning Policy for the West End of Victoria Quay.

7. The proposal is inconsistent with clause 1.1 of the City of Fremantle’s Local Planning Policy DBU6 – Late Night Entertainment Venues Serving Alcohol.
8. The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 – Fremantle West End Conservation Area Policy.

Advice Note:

i. The WAPC is advised that the City of Fremantle is not satisfied that the applicant, in the period since they obtained approval for the temporary activation from the WAPC on 27 November 2015 (WAPC05-3715-9; DA0373/15), have demonstrated that they have adequately managed the activities for the following reasons, including but not limited to:

- Client behaviour;
- Drunkenness;
- Rubbish;
- Management of site;
- Risks to people on top of the cliff face adjacent to the roundhouse;
- Provision of promised community events;
- Provision of food at events, alcohol was the major sales push.

On 30 August 2016, the WAPC refused application DA0370/15 for the following reasons:

1. The proposed application does not comply with the requirements of the Clause 30 of the Metropolitan Region Scheme as it is inconsistent with the purpose for which the land is reserved under the scheme, inconsistent with the orderly and proper planning of the locality and does not allow the preservation of amenities in the locality.

2. The proposal does not provide sufficient on-site car parking.

3. The proposed application does not comply with the requirements of Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space as it is not of a nature and scale compatible with the use and zoning of the surrounding land, the nature and purpose of the reserved land and the environmental character of the location.

4. The proposed application does not comply with the requirements of Development Control Policy 5.3 - Use of Land Reserved for Parks and Recreation and Regional Open Space as it is not identified there being a community need for the proposed facility in the proposed location and the proposal is not consistent with existing or proposed land use and management plans.

5. The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 - Fremantle West End Conservation Area Policy as the proposal does not demonstrate a low key use and is not compatible with the ethos of the area.

6. The proposal is inconsistent with clause 3.4 of the City of Fremantle’s Local Planning Policy DGF26 - Planning Policy for the West End of Victoria Quay as the proposed land uses are not compatible with the primary or ancillary land uses desired for the locality.
7. The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 - Arthur Head Reserve Strategy Plan as the proposal is not a low profile commercial use of J-Shed and is not compatible with the history and maritime themes of Arthur Head and the foreshore.

8. The proposal is inconsistent with Clause 2 of the City of Fremantle’s Local Planning Policy DG6 - Arthur Head - (West End of High Street, Fremantle) as the proposal is overloading the vicinity with proposed developments.

Current application
On 7 June 2017, the City received the current application (DA0281/17), which differs from the previously refused application by revising the building layout and including the addition of a new freestanding structure comprising of a kitchen, bar and toilets to the west end of the site, as well as varying the use and capacity of the proposal as shown in the table below:

<table>
<thead>
<tr>
<th>Element</th>
<th>Previous proposal (refused by WAPC)</th>
<th>Current proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use</td>
<td>Tavern</td>
<td>Tavern</td>
</tr>
<tr>
<td>Tavern capacity (patrons)</td>
<td>850</td>
<td>400</td>
</tr>
<tr>
<td>Ticketed music events capacity (patrons)</td>
<td>1500</td>
<td>Not proposed by this application</td>
</tr>
<tr>
<td>Ticketed music events per year</td>
<td>Up to 12 per year (summer months)</td>
<td>Not proposed by this application</td>
</tr>
</tbody>
</table>

A copy of the application plans is provided in Attachment 1.

City officers recommended that the previous application for the permanent change of use to a live music venue (DA0370/15) be approved. Council did not accept this recommendation and instead resolved to recommend to the WAPC that the application be refused. While it is recognized that consistency in decision-making is a component of orderly and proper planning, the land is not zoned under LPS4 and, therefore, the decision-maker in this instance is the WAPC. As noted above, the WAPC refused the previous application. In light of this, and considering the similarities between the subject application and the previously refused application, due regard has been given to the WAPC’s reasons for refusal when assessing the current application. In assessing the application under the scheme provisions and relevant policies, particular attention has been given to whether or not the new proposal has sufficiently addressed the reasons for refusal previously given by Council and the WAPC.

Metropolitan Region Scheme (MRS)
The subject site is reserved as ‘Parks and Recreation’ under the MRS, meaning that it is “Land of regional significance for ecological, recreation or landscape purposes.” Development Control Policy 5.3 (DC 5.3) is a Department of Planning, Lands and Heritage document that establishes the WAPC’s position regarding use and development within a Parks and Recreation reserve. DC 5.3 is intended to guide WAPC decisions in coordinating land use planning throughout the state of Western Australia.

Clause 3 of DC 5.3 states:

*The use of reserved land is restricted to:*
(b) private businesses, which:

(i) are in accordance with a management plan endorsed by the WAPC;
(ii) are open to and provide services for the public; and
(iii) have a purpose which is ancillary and incidental to the primary purposes of the reservation.

It is noted that the WAPC’s report on the previous application did not support the Tavern component as it was not considered to be incidental to the primary purpose of the reservation nor was it a land use that supported the amenity of the reservation as per DC 5.3. Given that the building footprint of the Tavern has increased (though the patron capacity has decreased) through the addition of a kitchen, bar and toilet structure on the western end of the site, it is unlikely that the current proposal would be considered consistent with, or incidental to, the nature and purpose of the reservation.

Ultimately, however, it is a matter for the WAPC to determine whether it considers the proposal to be consistent with the nature of the reservation, particularly as it pertains to their previous reasons for refusal numbers 1, 3 and 4 above.

Local Planning Scheme No. 4 (LPS4)

Car parking

<table>
<thead>
<tr>
<th>Use</th>
<th>LPS 4 Requirement</th>
<th>Previously required</th>
<th>Currently required</th>
<th>Proposed</th>
<th>Shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern/Hotel</td>
<td>1: 2.5m² of public bar area</td>
<td>155m² = 62 bays</td>
<td>252m² = 101 bays</td>
<td>Nil</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>1: 5m² of lounge/garden area</td>
<td>950m² = 190 bays</td>
<td>408m² = 82 bays</td>
<td>Nil</td>
<td>82</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>252</td>
<td>183</td>
<td>Nil</td>
<td>183</td>
</tr>
</tbody>
</table>

Neither the subject proposal nor the previous permanent proposal (DA0370/15) included any car parking on-site. Therefore, the car parking shortfall of the subject application could be considered to be reduced by 69 bays from the previously refused application.

The site is severely constrained by being located within an open space reserve, on land that is of some heritage significance, and adjacent to FPA land. The WAPC and Council, by refusing the previous application on grounds of lack of on-site car parking, could not have intended that the applicant provide on-site car parking, particularly given the FPA’s refusal to grant permission for service vehicle and pedestrian access over Fleet Street to reach the subject site. Rather, the lack of car parking is considered to be a reflection on the implications of the proposed intensity of use in terms of the required car bays and the intended occupancy of the site.

City officers supported the previous shortfall under Clause 5.7.3 of LPS4 and detailed reasons for doing so in the previous report. In summary, the shortfall was supported due to:

- ability of patrons to utilise existing paid public parking, notwithstanding that some of this parking was located within the FPA area
- underutilisation of existing nearby public parking capacity provided by the City based on a 2012 survey carried out by the City
proximity to public transport.

The required car bays have been reduced by 27% compared to the previous application, with no live events now being proposed. Given the site constraints and the reasons stated above, the new proposal could be considered to adequately address the car parking shortfall of the previous application.

Local Planning Policies (LPPs)

DGF5 – Arthur Head Reserve Strategy Plan

The subject site is located within Precinct 3 – J-shed as described by DGF5. DGF5 prescribes that the goal of this precinct is to:

“Develop this area as a transition zone that links the Arthur Head Reserve with port uses and other maritime themes of the foreshore.”

There are three specified objectives for this precinct, which are detailed and discussed below:

Objective 3.1 of DGF5 states:

“Provide a northern access to the Reserve”

Council refused the previous application partly on the grounds that it did not meet this objective. The previous application included a covered walkway that bisected the lease area and included a gate on the northern end. The current proposal provides a pedestrian path through the lease area and eliminates the gate. Deleting the live music events also negates the need for a wider area to be closed off to access during events. However, the additions of the kitchen and bar structures on the western end of the site serve to enclose the seating area and contribute to the sense that the area is a private space rather than a public thoroughfare, thus discouraging entry to non-patrons. Further, the liquor license may require that access be restricted through the site.

The application proposes a pedestrian path around the perimeter of the site, though this is outside the lease area and the proposed western-most walkway is shown to be the responsibility of the City. The lease signed with the City also includes provision for the City to develop a Masterplan for the reserve and implement necessary works to improve pedestrian access. Such works are the subject of a separate process and do not form part of the subject application. It is noted that without such a walkway, there will be no formalised access around the perimeter. This remains unchanged from the previous application.

In regard to improvements to northern access through the site, the current proposal presents little improvement on the previous proposal and is therefore not considered to adequately address the WAPC and Council’s reason for refusal.

Objective 3.2 of DGF5 states:

“Encourage low profile commercial uses of J-Shed reflective of and compatible with the history and maritime themes of Arthur Head and the foreshore.”
Both Council and the WAPC refused the application, in part, because the “proposal is not a low profile commercial use of J-Shed and is not compatible with the history and maritime themes of Arthur Head and the foreshore.”

There is no definition of what distinguishes a ‘low profile’ commercial use against a ‘high profile’ commercial use within DGF5. In refusing the application, the WAPC report reasoned that:

- “…allowing up to 850 patrons in standard tavern mode and/or up to 1,500 patrons for ticketed events…may prevent too many negative amenity concerns and as such not be considered to be ‘low profile’.”
- “The tavern will be visible from many vantage points from Bathers Beach area and due to fencing and expansion of the activities into the adjacent open space area is not considered low profile.”

In terms of use, a maximum of 400 patrons, as now proposed, is certainly lower profile than that of the previously proposed capacity. However a tavern use operating at this capacity would be likely to represent an intensification of land use not currently seen with the artist studios that predominantly exist in the remainder of the J-Shed units.

In regard to the proposed built form, the solid western boundary fence remains and three new buildings are proposed near the western end of the site. Given that the previous tavern use was considered to not be ‘low profile’, in part, for being visible from many vantage points in Bathers Beach and expanding into the open space area, the subject proposal is unlikely to be considered ‘low profile’. This is due to the fact that it presents an intensification of built form through the provision of the new western structures that expand into an area previously used as open space in the previous application.

Having regard for the above, City officers consider the proposal does not conform to the objectives of DGF5 as elucidated by Council and the WAPC, nor does it adequately address the previous reasons for refusal.

DGF6 – Arthur Head – (West End of High Street, Fremantle)

It is noted that this policy is from 1983 and many of its provisions are outdated given the numerous physical and material changes to the broader area since that time. Notwithstanding this, clause 2 of DGF6 relates to access within the Arthur Head area and states:

“Arthur Head is quite small so planning for access is important as well as not overloading the vicinity with proposed developments.

In general terms, visitors should be able to walk easily (from a nearby car park) into the pedestrian-only area of Arthur Head, and enjoy the combination of beach, ocean, vegetation, landforms and historic building as a Local Area which offers physical pleasure, relaxation, information, creature comforts and - importantly - an emotional experience.”

One of the reasons for refusing the previous application was that “the proposal is overloading the vicinity with proposed developments.” Though the subject proposal reduces the maximum capacity and eliminates the large events, it also introduces three new buildings. This represents an increase of permanent physical development above that refused by Council and the WAPC. See also the discussion of Objective 3.1 above.
Clause 3 of DGF6 relates to new structures within the Arthur Head area and states:

“The only new structures which may be considered for introduction into the Arthur Head area are:

- a public amenities building above Bathers Beach to the north of the pottery workshop, incorporating changing rooms,
- showers, toilets, and kiosk; and
- historic boat shelters, located parallel to the railway line in the vicinity of the Western Australian Maritime Museum.”

The proposal is not considered to be consistent with above clause, specifically in relation to the types of new structures which may be considered for introduction into the Arthur Head area. The subject application introduces additional structures (kitchen, bar and toilets), only one of which (the toilets) is specifically permitted under DGF6. It is worth noting that the overarching objective of DGF6 is the preservation of the historical and cultural significance of the area. In this respect, the application is conditionally supported by the DPLH.

DGF14 – Fremantle West End Conservation Area Policy

Clause 4.1.2(b) of DGF14 provides for development controls within the Arthur Head Reserve as contained within ‘The Foreshore’ area, and specifies:

“A low key use of the J-Shed, compatible with the ethos of the area, is acceptable.”

There are a number of artist-based industries and businesses in and around the J-Shed area. Though the subject application includes the provision of an artists’ exhibition area to the north of the site, this comprises a relatively small portion of the site (approximately 70m²). The predominant proposed use is of a tavern serving up to 400 patrons. While it is unlikely this number would be reached outside of weekends and holidays, it far exceeds the current visitation numbers for the artist units in the remainder of J Shed. Compared with the current uses within J-Shed and considering one of the previous reasons for refusal, the proposed use is not considered to be either low key or compatible with the ethos of the area.

DGF26 – Planning Policy for the West End of Victoria Quay

The subject site is located within ‘Area D – Workshops’ character area as prescribed by this policy. Clause 3.4 of DGF26 sets out conservation objectives, land use and development principles.

The policy prescribes the following uses as ‘primary uses’:

- maritime and port functions;
- maritime education;
- maritime industry, research and exhibition;
- maritime related administration, trade, service and professional offices

Further, the policy prescribes the following uses as ‘ancillary uses’ (maximum 50% total gross floor area per building):

- maritime arts and craft workshops, display, retail (produced on site)
- cultural heritage exhibition and interpretation relevant to the site
- marine related commercial offices e.g. shipping agents,
- marine related trade outlets e.g. boating materials and supplies
• car parking

The proposed use is not considered to fit within the prescribed primary or secondary uses of the site, though it does include provision for cultural heritage exhibition and interpretation relevant to the site through the interpretive cliff wall and potential wayfinding signs. Though it does reduce patron numbers and eliminate the live music events, the land use itself is still quite significant for the area and does not represent a substantial change to the use as compared with the application refused by Council and the WAPC.

Objective iv of DGF26 aims to:

“Ensure an appropriate mix of activities is maintained to ensure development in the policy area supports and complements, rather than competes with, activities accommodated in the city centre or West End of Fremantle. Activities are also required to be compatible with port operations.”

The FPA has noted concerns regarding the intensity of the proposed land use in proximity to port operations (see External referrals above). Specifically, they consider that the proposed number of patrons, potential anti-social activities, and the traffic generated from the use of the site could negatively impact current port activities. If council holds a similar view to the FPA, the application could be considered to be inconsistent with the part of the above objective of DGF26 referring to compatibility with port operations.

DBU6 – Late Night Entertainment Venues Serving Alcohol

Clause 1.1 of Council’s DBU6 relates to the location of late night venues which propose to serve alcohol and states:

“Due to access and safety issues, any proposal for a late night entertainment venue (serving alcohol), including hotels, nightclubs, jazz and piano bars and performing arts centres, should be located on land adjacent to well-lit through streets to enable adequate safety and access for taxi cabs. Ideally a loading zone or similar shall be located near the entrance to the building to allow for private vehicle drop off and pick up as well as pre-ordered taxi travel. Amenity and safety considerations may preclude narrow or quiet streets from this type of development.”

In terms of the Tavern land use, little has changed from the refused application except a reduction in patron numbers. It is recognized that the existing site constraints, such as the distance from a gazetted road, proximity to Fremantle Port, and reliance on existing public footpaths outside of the lease area, make it difficult for the applicant to adequately address the above considerations of this policy.

Council recommended non-compliance with DBU6 as a reason for refusal of the previous application, though the WAPC did not include this in its list of reasons for refusal.

CONCLUSION

The proposal relates to land reserved under the MRS rather than land zoned under the City’s scheme, meaning the City acts only as a referral body to provide a recommendation to the WAPC. Nevertheless, in line with normal practice in such
circumstances, relevant provisions of LPS4 and Council policies have been used as a
guide in formulating the City’s recommendation to the WAPC.

City officers acknowledge the importance of consistency in decision-making to facilitate
orderly and proper planning. In light of the fact that the current application in some ways
presents a “scaled down” version of the previously refused application, the above report
has endeavoured to assess whether the new application adequately addresses Council’s
and the WAPC’s previous reasons for refusal.

City officers consider that the subject application does not represent a change sufficient
to overcome the reasons for refusal of the previous application, particularly the policy-
based reasons directly relating to incompatibility between the scale and intensity of the
proposed Tavern use and the purpose and character of the reserve.

Therefore it is considered the City should recommend to the WAPC that the application
be refused.

STRATEGIC IMPLICATIONS

The proposal is consistent with the City’s following strategic documents:

Strategic Community Plan 2015-25
- Increase the number of people working in Fremantle
- Increase the number of visitors to Fremantle
- Increase in commercial and retail development within 800m of Fremantle train station

FINANCIAL IMPLICATIONS

There are no financial implications for the City directly related to determination of the
development application.

LEGAL IMPLICATIONS

The lease referred to in the Background section of this report gives the City the ability to
decrease the patron limit having regard to the management of the premises and
compliance with the memorandum of understanding. The lease also grants permission
for a “Tavern, restaurant, micro-brewery, performance venue and artists studios” subject
to development approval. If development approval for one of the above uses is not
forthcoming, that use is no longer available and the applicant would need to seek
approval for another.

COMMITTEE RECOMMENDATION

Planning committee acting under delegation 2.1:

Refer to the Western Australian Planning Commission with a recommendation for
REFUSAL under the Metropolitan Region Scheme, the proposed partial change of use
to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet
Street, Fremantle, as detailed on plans dated 1 November 2017, for the following
reasons:
1. The proposal is inappropriate having regard to the purposes for which the land is reserved under the Metropolitan Region Scheme.

2. The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 – Arthur Head Reserve Strategy Plan.

3. The proposal is inconsistent with Policy 3 of the City of Fremantle’s Local Planning Policy DGF6 – Arthur Head – (West End of High Street, Fremantle).

4. The proposal is inconsistent with clause 3.4 of the City of Fremantle’s Local Planning Policy DGF26 – Planning Policy for the West End of Victoria Quay.

5. The proposal is inconsistent with clause 1.1 of the City of Fremantle’s Local Planning Policy DBU6 – Late Night Entertainment Venues Serving Alcohol.

6. The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 – Fremantle West End Conservation Area Policy.

Committee note: Mayor, Brad Pettitt requested the item be referred to the Ordinary Meeting of Council. Seconded by Cr Ingrid Waltham.

Mayor, Brad Pettitt MOVED the following alternative recommendation:

1. Advise the applicant that the current proposal for partial change of use to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet Street, Fremantle, as detailed on plans dated 1 November 2017, is not acceptable on planning grounds for the following reasons:

   (i) The proposal is inappropriate having regard to the purposes for which the land is reserved under the Metropolitan Region Scheme.

   (ii) The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 – Arthur Head Reserve Strategy Plan.

   (iii) The proposal is inconsistent with Policy 3 of the City of Fremantle’s Local Planning Policy DGF6 – Arthur Head – (West End of High Street, Fremantle).

   (iv) The proposal is inconsistent with clause 3.4 of the City of Fremantle’s Local Planning Policy DGF26 – Planning Policy for the West End of Victoria Quay.

   (v) The proposal is inconsistent with clause 1.1 of the City of Fremantle’s Local Planning Policy DBU6 – Late Night Entertainment Venues Serving Alcohol.

   (vi) The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 – Fremantle West End Conservation Area Policy.

2. Invite the applicant to meet with the City with the aim of submitting amended plans to significantly revise the current proposal by scaling down the size and intensity of the proposed tavern use (in terms of land area devoted to this use and/or number of patrons) and introducing a more balanced mix of food,
beverage, craft and creative industries uses within the application premises including significant space for (i) for artists working in the Arthur's Head Arts and Heritage Precinct to be able to exhibit their work on a priority basis; and (ii) at other times to be available to external artists to exhibit their work. If the applicant chooses to submit amended plans as referred to above, these must be received by the City of Fremantle within 2 months of the date of this resolution for consideration at the next appropriate meeting of the Planning Committee.

3. Advise the Western Australian Planning Commission of parts 1 and 2 of this resolution as set out above, and request the Commission to defer determination of the application to allow the applicant time to consider whether to submit amended plans in accordance with the details and timeframe referred to in part 2.

SECONDED: Cr D Hume

REASON/S FOR CHANGE

To allow the applicant an opportunity to address current planning objections to the proposal through the submission of amended plans.

Cr Hannah Fitzhardinge proposed a further amendment (shown in red) to part 2 of the alternative recommendation, to read as follows;

2. Invite the applicant to participate in professionally mediated meetings with the City and Arthur Head artists with the aim of submitting amended plans to significantly revise the current proposal by scaling down the size and intensity of the proposed tavern use (in terms of land area devoted to this use and/or number of patrons) and introducing a more balanced mix of food, beverage, craft and creative industries uses within the application premises including significant space for (i) for artists working in the Arthur's Head Arts and Heritage Precinct to be able to exhibit their work on a priority basis; and (ii) at other times to be available to external artists to exhibit their work. If the applicant chooses to submit amended plans as referred to above, these must be received by the City of Fremantle within 2 months of the date of this resolution for consideration at the next appropriate meeting of the Planning Committee.

REASON/S FOR CHANGE

The intent of this amendment is for the City to engage a professional mediator to help mediate the discussions with all parties and ensure an outcome is achieved within the required timeframe.

The above amendment was accepted by the mover and seconder, to be included in the alternative recommendation.
Cr Adin Lang MOVED a minor amendment to part 2 (shown in red) of the alternative recommendation, to read as follows;

2. Invite the applicant to participate in professionally mediated meetings with the City and Arthur Head artists with the aim of submitting amended plans to significantly revise the current proposal by scaling down the size and intensity of the proposed tavern use (in terms of land area devoted to this use and/or number of patrons) and introducing a more balanced mix of food, beverage, craft and creative industries uses within the application premises including significant space for (i) for artists working in the Arthur’s Head Arts and Heritage Precinct to be able to exhibit their work on a priority basis; and (ii) at other times to be available to external artists to exhibit their work. If the applicant chooses to submit amended plans as referred to above, these must be received by the City of Fremantle within 3 months of the date of this resolution for consideration at the next appropriate meeting of the Planning Committee.

SECONDED: Cr D Hume

CARRIED: 6/3

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
<td>Cr Bryn Jones</td>
</tr>
<tr>
<td>Cr Andrew Sullivan</td>
<td>Cr Jon Strachan</td>
</tr>
<tr>
<td>Cr Hannah Fitzhardinge</td>
<td>Cr Jenny Archibald</td>
</tr>
<tr>
<td>Cr Adin Lang</td>
<td></td>
</tr>
<tr>
<td>Cr David Hume</td>
<td></td>
</tr>
<tr>
<td>Cr Ingrid Waltham</td>
<td></td>
</tr>
</tbody>
</table>

REASON/S FOR CHANGE
To provide an appropriate timeframe for affective mediation to take place.

At 7.14 pm Cr Doug Thompson entered the meeting, prior to the following motion being put to the vote.

Mayor, Brad Pettitt MOVED the alternative recommendation as amended:

COUNCIL DECISION

1. Advise the applicant that the current proposal for partial change of use to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet Street, Fremantle, as detailed on plans dated 1 November 2017, is not acceptable on planning grounds for the following reasons:

(i) The proposal is inappropriate having regard to the purposes for which the land is reserved under the Metropolitan Region Scheme.
(ii) The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 – Arthur Head Reserve Strategy Plan.
(iii) The proposal is inconsistent with Policy 3 of the City of Fremantle’s Local Planning Policy DGF6 – Arthur Head – (West End of High Street, Fremantle).
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(v) The proposal is inconsistent with clause 1.1 of the City of Fremantle’s Local Planning Policy DBU6 – Late Night Entertainment Venues Serving Alcohol.
(vi) The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 – Fremantle West End

2. Invite the applicant to participate in professionally mediated meetings with the City and Arthur Head artists with the aim of submitting amended plans to significantly revise the current proposal by scaling down the size and intensity of the proposed tavern use (in terms of land area devoted to this use and/or number of patrons) and introducing a more balanced mix of food, beverage, craft and creative industries uses within the application premises including significant space for (i) for artists working in the Arthur’s Head Arts and Heritage Precinct to be able to exhibit their work on a priority basis; and (ii) at other times to be available to external artists to exhibit their work. If the applicant chooses to submit amended plans as referred to above, these must be received by the City of Fremantle within 3 months of the date of this resolution for consideration at the next appropriate meeting of the Planning Committee.

3. Advise the Western Australian Planning Commission of parts 1 and 2 of this resolution as set out above, and request the Commission to defer determination of the application to allow the applicant time to consider whether to submit amended plans in accordance with the details and timeframe referred to in part 2.

SECONDED: Cr D Hume

CARRIED: 6/4

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Cr R Pemberton returned at 7.22 pm, prior to consideration of the enbloc items.

Cr J Strachan MOVED en bloc the committee recommendations numbered PC1712-6, PC1712-7 and PC1712-8.

SECONDED: Cr I Waltham

CARRIED: 11/0

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AMENDMENT TO LOCAL PLANNING POLICY 2.8: FENCES POLICY - FINAL ADOPTION

Meeting Date: 6 December 2017
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Attachments: 1: Full and Final Local Planning Policy 2.8: Fences Policy

SUMMARY

In September 2017, Council approved amendments to Local Planning Policy 2.8: Fences Policy for community comment. The proposed amendments include the following:

- Reinstate exemptions for certain types of fences from requiring development approval, subject to meeting specific criteria, that were inadvertently deleted.
- Introduce new exemptions for lots within or abutting a place on the City’s Heritage List.
- Eliminate the need for neighbour consultation when a side/rear boundary fence only impacts Industrial lots.
- Clarify elements of the existing policy.
- Provide administrative fixes to reflect the changes resulting from the enactment of the Planning and Development (Local Planning Schemes) Regulations 2015.

The proposed amendments to the policy were advertised to the public for comment from 20 October to 13 November 2017. No submissions were received during this time. Some minor amendments have been made for clarification since advertising commenced but these changes are considered so minimal as to not require additional advertising. This report recommends that Council adopt the amendments to the policy.

BACKGROUND

At the Ordinary Meeting of Council on 27 September 2017, officers recommended changes to the Fences Policy to clarify existing provisions and introduce new criteria whereby proposed fences meeting the requirements would be exempt from requiring development approval. Council approved the officer’s recommendation and the amendments to the policy were advertised to the public for comment from 20 October to 13 November 2017.

CONSULTATION

Advertising was undertaken in accordance with clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Provisions and consisted of:

- a notice in the Fremantle Herald on 21 October 2017
• policy documents and an electronic submission form provided on the City’s MySay webpage
• policy documents located at the City of Fremantle administration building
• email notification inviting comment to all precinct groups.

No submissions were received during the public comment period.

OFFICER’S COMMENT

The proposed amendments to Local Planning Policy 2.8: Fences Policy clarify existing requirements, provide administrative changes to reflect new legislation, and introduce new exemptions for fences satisfying specific criteria. Under the proposed amendments, the following additional fences will not require development approval:

- boundary fences and pool fences on heritage properties and in heritage areas up to a height of 1.8 m and that do not impact the heritage significance of the place
- fences not within or on the boundary of a heritage listed lot and that fully comply with the requirements set out within the policy and, where relevant, the Residential Design Codes (R-Codes).

In addition to the advertised modifications, the following further amendments have been proposed after close of advertising, in the interests of providing additional clarity:

- Under ‘Definitions and Terms’, add the following table to provide clarity to the definition of ‘Visual Permeability’:

<table>
<thead>
<tr>
<th>Visual Permeability Based on Size of Slats</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Slat Size</strong></td>
</tr>
<tr>
<td>Slats less than 50 mm wide</td>
</tr>
<tr>
<td>Slats 50 mm wide and greater</td>
</tr>
</tbody>
</table>

- Amend Clause 7.2 to make clear that fences not within or on the boundary of a heritage listed property do not require planning approval provided they comply with the policy and the R-Codes (in the case of residential development) or the relevant Australian Standards (in the case of non-residential development). This was done by adding an additional criteria that, to be exempt from development approval, a fence must comply with:

  a) All relevant requirements set out in the above clauses of this policy.

- Amend Figure 1 advice to further explain existing R-Code requirements by adding the following sentence:

  Any portion of fence within the truncation area must be no taller than 750mm above natural ground level in order to be considered Deemed-to-comply.

- Modify ‘Table 1: Development criteria for which development approval is not required’ to clarify policy provisions for ease of reference through inclusion of heritage property exemptions (see comparison below).
Table 1: Original Table 1 listing fences that do not require planning approval

<table>
<thead>
<tr>
<th>Type of Residential Development</th>
<th>Within or on the boundary of a property within a Heritage Area</th>
<th>All other cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence within primary street setback area</td>
<td>Approval required</td>
<td>Up to 1.2 m in height</td>
</tr>
<tr>
<td>Fence within secondary street setback area, unless within the primary street setback area</td>
<td>Up to 1.8 m in height*</td>
<td>Up to 1.8 m in height</td>
</tr>
<tr>
<td>Any other fence within 3 m of the boundary of any land depicted on the Scheme map as a local reserve for open space or land shown on the Metropolitan Region Scheme as a regional reserve for parks and recreation</td>
<td>Up to 1.2 m in height*</td>
<td>Up to 1.2 m in height</td>
</tr>
</tbody>
</table>

*Fences exempt from requiring development approval under Schedule A of Local Planning Scheme No. 4 and shown here for ease of reference only

Table 2: Modified Table 1 listing fences that do not require planning approval

<table>
<thead>
<tr>
<th>Location of Fence</th>
<th>Within or on the boundary of a property within a Heritage Area</th>
<th>Within or on the boundary of a property on the Heritage List</th>
<th>All other cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence within primary street setback area</td>
<td>Approval required</td>
<td>Visually permeable above 1.0 m 1.8 m maximum height Compliant with this policy and the R-Codes</td>
<td>Visually permeable above 1.2 m 1.8 m maximum height Compliant with this policy and the R-Codes</td>
</tr>
<tr>
<td>Fence within secondary street setback area, unless within the primary street setback area</td>
<td>Approval required</td>
<td>1.8 m maximum height*</td>
<td>1.8 m maximum height Compliant with this policy and the R-Codes</td>
</tr>
<tr>
<td>Any other fence within 3 m of the boundary of any land depicted on the Scheme map as a local reserve for open space or land shown on the Metropolitan Region Scheme as a regional reserve for parks and recreation</td>
<td>1.2 m maximum height Compliant with Cl. 7.1 above and the R-Codes</td>
<td>1.2 m maximum height*</td>
<td>1.2 m maximum height Compliant with this policy and the R-Codes</td>
</tr>
<tr>
<td>Any other fence</td>
<td>1.8 m maximum height</td>
<td>1.8 m maximum height</td>
<td>1.8 m maximum height</td>
</tr>
</tbody>
</table>
A full copy of the policy, with all amendments indicated, is included as Attachment 1.

Clause 5(2) of the Deemed provisions allows local government to make amendments to a local planning policy without advertising the amendment (or re-advertising in this instance) if the local government considers the amendment to be minor.

The additional amendments outlined above are considered minor for the following reasons:

- The Deemed provisions exempt fences in non-heritage areas and non-heritage listed properties from requiring approval where they comply with all local government policies. The modified table only serves to make that clear and does not add new exemptions that were not advertised.
- The policy permits fences within heritage areas to be solid up to 1.0 m high and visually permeable above that up to 1.8 m high (provided they also comply with the R-Codes). It would be unnecessary and cumbersome on residents to require planning approval where there is no discretion sought.
- The modified table combines heritage and non-heritage requirements as a quick reference guide for the policy.

It is therefore recommended that the policy be adopted with the above minor amendments.

**FINANCIAL IMPLICATIONS**

Adopting the policy may slightly reduce the fees collected by the City due to a decrease in planning applications submitted. However, the fees collected for such fence applications are not significant (a flat rate fee of $147 per application) and do not recover the cost of officer and administrative processing time. Adopting the policy will allow City officers to concentrate on more substantial developments and potentially decrease the overall time taken to assess applications.

**LEGAL IMPLICATIONS**

Local governments are authorised to prepare and/or amend local planning policies under the Planning and Development (Local Planning Schemes) Regulations 2015.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required
COUNCIL DECISION

MOVED: Cr J Strachan

Council:

1. Adopt the amendments to the Local Planning Policy 2.8: Fences Policy with the noted modifications, in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2 Part 2 Clause 4 as follows:

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.8

FENCES POLICY

ADOPTION DATE: 22 October 2008
AMENDED: 4 September 2012, 13 December 2017
AUTHORITY: LOCAL PLANNING SCHEME NO. 4

STATUTORY BACKGROUND

Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), the Deemed provisions contained in Schedule 2 of the Regulations are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text. Accordingly, these provisions are applicable to the City of Fremantle Local Planning Scheme No. 4 (LPS4).

The Deemed Provisions of the Regulations require the Local Government to consider a broad range of considerations and allows Council to impose conditions relating to these in dealing with an application for development approval. This includes but is not limited to the height, position, form and materials of fences.

Schedule A of LPS4 includes specific types of fences that are permitted development and therefore development approval from the City is not required.

Note: This policy does not attempt to interpret any of those matters considered under the Dividing Fences Act 1961 (the Act). Where there is a conflict between the Act and this policy, the Act shall prevail.

PURPOSE

The purpose of this policy is to provide development standards for fencing that requires development approval under the Deemed provisions and to exempt certain fencing from the need to seek development approval.

DEFINITIONS AND TERMS
The following terms are used in this policy and are defined as follows:

**Prevailing Streetscape:** Means the characteristics (front walls and fencing) of the 3 properties, where appropriate, adjoining either side of the subject site, fronting the same street and in the same street block.

In the case of a corner lot where the dwelling is orientated to the splay, the characteristics of the adjoining three properties, where appropriate, facing both streets shall be considered.

Greater weight may be given to the characteristics of the two immediately adjoining properties on either side of the subject site fronting the same street(s).

For the purpose of this definition, properties separated by a street shall not be considered ‘adjoining’.

**Subject site:** Means the site or lot on which the development is proposed.

**Visual Permeability:** Means, in reference to a wall, gate, door or fence that the vertical surface has:

Continuous vertical or horizontal gaps of at least 50 mm width occupying not less than one half of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least two thirds of the face in aggregate, as viewed directly from the street.

<table>
<thead>
<tr>
<th>Visual Permeability Based on Size of Slats</th>
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</thead>
<tbody>
<tr>
<td>Slat Size</td>
<td>Gap Size</td>
</tr>
<tr>
<td>Slats less than 50 mm wide</td>
<td>Gap size equal to or greater than twice the slat size</td>
</tr>
<tr>
<td>Slats 50 mm wide and greater</td>
<td>Gap size equal to or greater than slat size</td>
</tr>
</tbody>
</table>

OR

A surface offering equal or lesser obstruction to view.

All other terms used in this policy have the same meaning as defined in the Residential Design Codes (R-Codes) and LPS4.

**APPLICATION**
The provisions of this policy apply to all areas zoned or reserved under the Scheme area of LPS4, except where specific provisions relating to front fences are contained within a Local Area Planning Policy or equivalent (such as the Hilton Garden Suburb Precinct policy). In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the Local Area Planning Policy shall prevail.

Note: As at July 2017, those Local Area Planning Policies that include provisions for fencing are:

- DGB4 – Mardie Street including the East of Edmund Street
- DGF8 – Douglas Street Local Area Policy
- LPP3.7 – “Hilton Garden Suburb Precinct” Heritage Area Local Planning Policy
- LPP 3.14 – Wray Avenue Precinct
- DGN10 – Rous Head Industrial Park/Harbour
- DGN11 – Cypress Hill – Harvest Road, Corkhill Street and Alfred Road and the Swan River
- DGN14 – Leighton Design Guidelines.

POLICY

1. Requirements Applicable to All Fencing Excepting:

- those properties on the Heritage List
- those properties subject to a Local Area Planning Policy that includes provisions for fencing (such as the Hilton Garden Suburb Precinct policy).

1.1 Fences within the primary street setback area as viewed from the street, and side fences abutting public open space reserves shall be visually permeable above 1.0 metre within heritage areas and 1.2 metres in other areas to a maximum height of 1.8 metres, with piers not higher than 2.0 metres.

1.2 Fences within a secondary street setback area and outside of a primary street setback area may be solid to a maximum height of 1.8 metres.

1.3 Council may exercise discretion to vary the height of fences in the primary and/or secondary street setback area(s) where any of the following apply:

   a) the proposed fence height is consistent with the established pattern of fences within the streetscape
   b) minor variations are made necessary by virtue of the sloping topography of the site
   c) chain link, mesh, or garrison fences on a lot with non-residential land use and that are greater than 1.8 metres in height shall be permitted where in the opinion of Council, it is necessary to provide security to a commercial or industrial property, and are consistent with the established pattern of fences within the streetscape.

1.4 Council may permit solid fencing for a portion of the total length of the boundary within the primary street setback area, where surveillance between
a habitable room window of the dwelling and the street and approach to the
dwelling is available, and either of the following criteria is satisfied:

a) where it is necessary to provide privacy screening where there is no
alternative outdoor living area to the front setback
b) where it is consistent with the prevailing streetscape.

2. Requirements for properties included on the Heritage List pursuant to Clause
8 of the Deemed provisions.

2.1 Fences within the primary and/or secondary street setback area(s) of places
on the Heritage List shall be compatible with, and complimentary to, the
heritage character of the listed place with respect to height, materials and
heritage character.

2.2 Where a property is included on a Heritage List, Council may specify the type
of building materials to be consistent with the heritage character of the place
or area.

3. Sightlines at Vehicle Access Points on Non-residential Land

3.1 Where a fence is proposed on a lot containing wholly non-residential land
use, abuts a vehicle access point, and is not of visually permeable
construction, sight lines are to be provided in accordance with the relevant
Australian Standards AS2890.2 (as amended).

4. Vehicle and Pedestrian Access Gates

4.1 Where a fence includes vehicle and/or pedestrian access gate(s), Council will
only support such gates where they are designed and constructed so that
they swing into subject site when opened or closed and are otherwise
consistent with the relevant provisions of this policy.

5. Side and Rear Boundary Fences and Screening Materials

5.1 Council will not approve side and/or rear boundary fences greater than 1.80
metres in height, or screening material that projects more than 500 mm above
the top of an approved fence unless the proposed fence/screening will not
have any significant impact on adjoining properties by way of
overshadowing, solar access, or loss of views.

5.2 Council will have particular regard to comments made by neighbouring
owners / occupiers of adjoining properties where consultation is carried out,
and will only consider the criteria in 5.1 to be met where it is satisfied that no
significant adverse impacts on the amenity of the neighbouring property will
occur.

6. Consultation

6.1 Adjoining property owners shall be consulted in accordance with Clause 64 of
the Deemed provisions in any of the following circumstances:
a) where discretion is sought for fences within the primary and/or secondary street setback area(s) in relation to the requirements of clause(s) 1.1 and/or 1.2 above

b) where side and/or rear boundary fences exceed 1.8 metres in height
c) where any form of privacy screening is to be attached to, and extend more than 500mm above a side and/or rear boundary fence.

6.2 Notwithstanding clause 6.1 above, consultation is not required where fencing/screening is on a side or rear boundary, AND the only affected adjacent lot(s) are zoned Industrial.

7. Development Permitted Without Development approval

7.1 Fences on or Abutting a Heritage Listed Property

Where a fence is within or on the boundary of a property included on the Heritage List pursuant to Clause 8 of the Deemed provisions, development approval is not required if it complies with ALL of the following:

a) The maximum height is 1.2 m where within 3 m of the boundary of any land depicted on the Scheme map as a local reserve for open space or land shown on the Metropolitan Region Scheme as a regional reserve for parks and recreation, and a maximum height of 1.8 m in all other cases.

b) The fence is not located within the primary or secondary street setback area.

c) The fence is in line with or behind the main wall of the heritage building when viewed from both the primary and secondary street.

d) The fence is freestanding and not attached to any existing structure, existing building or heritage feature.

e) In the case of development subject to the R-Codes (includes any development on a lot with a residential land use), the fence complies with the R-Codes, including the sight lines criteria of clause 5.2.5 (see Note 2 below).

f) The fence is not within or on the boundary of a lot containing a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, the subject of an order under the Heritage of Western Australia Act 1990, or the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990.

7.2 Fences Not on or Abutting Heritage Listed Properties

Where a fence is not within or on the boundary of a property included on the Heritage List pursuant to Clause 8 of the Deemed provisions, development approval is not required if it complies with ALL of the following:

a) All relevant requirements set out in the above clauses of this policy.

b) In the case of development subject to the R-Codes (includes any development on a lot with a residential land use), the fence complies with the sight lines criteria of clause 5.2.5 of the R-Codes (see Note 2 below).
c) In the case of non-residential development, the fence complies with the site lines criteria of the relevant Australian Standards.

For ease of reference, the following table is provided as a summary of this policy:

**Table 1: Development criteria for which development approval is not required**

<table>
<thead>
<tr>
<th>Location of Fence</th>
<th>Within or on the boundary of a property on the Heritage List</th>
<th>Within or on the boundary of a property within a Heritage Area</th>
<th>All other cases</th>
</tr>
</thead>
</table>
| Fence within primary street setback area | Approval required | • Visually permeable above 1.0 m  
• 1.8 m maximum height  
• Compliant with this policy and the R-Codes | • Visually permeable above 1.2 m  
• 1.8 m maximum height  
• Compliant with this policy and the R-Codes |
| Fence within secondary street setback area, unless within the primary street setback area | Approval required | 1.8 m maximum height* | • 1.8 m maximum height  
• Compliant with this policy and the R-Codes |
| Any other fence within 3 m of the boundary of any land depicted on the Scheme map as a local reserve for open space or land shown on the Metropolitan Region Scheme as a regional reserve for parks and recreation | • 1.2 m maximum height  
• Compliant with Cl. 7.1 above and the R-Codes | 1.2 m maximum height* | • 1.2 m maximum height  
• Compliant with this policy and the R-Codes |
| Any other fence | • 1.8 m maximum height  
• Compliant with Cl. 7.1 above and the R-Codes | • 1.8 m maximum height  
• Compliant with this policy and the R-Codes | • 1.8 m maximum height  
• Compliant with this policy and the R-Codes |

*Fences exempt from requiring development approval under Schedule A of Local Planning Scheme No. 4 and shown here for ease of reference only. Fences are expected to comply with the R-Codes in accordance with Clause 4.2.2 of the Scheme.*
Note 1: For the above table, non-residential fences must comply with the Australian Standards AS2890.2 to qualify for exemption.

Note 2: The Deemed-to-comply requirements of Cl. 5.2.5: Sight lines of the R-Codes requires fences associated with residential development to be truncated, or reduced to no higher than 0.75 m above natural ground level, within 1.5 metres of where a driveway or other vehicle access point meets a street boundary (includes right-of-ways, private streets, etc.) as shown in the figure below.

![Figure 1: Locations of truncations or reduced fence height, adapted from Figure Series 9 of the R-Codes. Any portion of fence within the truncation area must be no taller than 750mm above natural ground level in order to be considered Deemed-to-comply.](image)

SECONDED: Cr I Waltham

CARRIED: 11/0

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The following item number PC1712-7 was MOVED and carried en bloc.

PC1712 -7 LOCAL PLANNING POLICY 3.18 - BEACONSFIELD AND WHITE GUM VALLEY LOCAL CENTRES - ADOPT FOR FINAL APPROVAL

Meeting Date: 6 December 2017
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Agenda Attachments:
1. Schedule of submissions
2. Previous report on item PC1707-10 - 26 July 2017

SUMMARY

The purpose of this report is to recommend Council adopt Local Planning Policy 3.18 – Beaconsfield and White Gum Valley local centres (LPP3.18) with a minor modification.

LPP3.18 applies to the local centre areas of Beaconsfield (the commercial area on both sides of Central Avenue to Fifth Avenue) and White Gum Valley (the commercial area on both sides of Yalgoo Avenue to Stokes Street) which face one another across South Street. The policy area was the subject of a scheme amendment (No. 65) gazetted in January 2017. The scheme amendment increased the development potential of the area to up to R100 residential density and three or four storey height where specific criteria are met. The amendment also included a requirement for reduced heights (two storeys) where the development would adjoin existing residential zoned properties. The policy provides additional design direction for development proposals, to enhance the character of the area and promote appropriate interface with adjoining residential properties and the public realm.

Three submissions were received on LPP3.18 during the public comment period. A minor modification is recommended as a result of the submissions received.

BACKGROUND

In July 2017, council adopted Local Planning Policy 3.18 – Beaconsfield and White Gum Valley local centres (LPP3.18) for the purposes of inviting public comment. LPP3.18 applies to the local centre areas of Beaconsfield (from Fifth Avenue and either side of Central Avenue) and White Gum Valley (the commercial area on either side of Yalgoo Avenue) which face one another across South Street, as per figure 1 below.
The policy area was the subject of a scheme amendment (No. 65) gazetted in January 2017. The scheme amendment increased the development potential of the area to up to R100 residential density and three or four storey height where specific criteria are met. The amendment also included a requirement for reduced heights (two storeys) where the development would adjoin existing residential zoned properties.

The purpose of the proposed draft local planning policy LPP3.18 is to provide controls that ensure that developments enhance the character of the area, respect the interface with residential properties, and provide high levels of public realm engagement. The draft policy sets out design objectives for seven different aspects of development. Proposed development is to demonstrate it meets the design objectives for each. Additional design criteria are provided for each design objective. The design criteria provide specific points to consider when addressing each design objective.

For further information refer to the LPP3.18 initiation report from the ordinary meeting of council minutes 26 July 2017 item PC1707-10 provided in attachment 2.

CONSULTATION

Draft LPP3.18 was advertised in accordance with Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Policy 1.3 - Public Notification of Planning Proposals from 16 September - 23 October 2017 (37 days).

During the consultation period, three submissions were received: two submissions (from the Public Transport Authority and Main Roads WA) support the draft policy and provide additional comment. The third submission, from a land owner of a place adjoining the policy area, did not support the draft policy (or, more specifically, the development potential enabled by scheme amendment No.65).

For a full summary of the submissions and officers comments in respect to the points raised, please refer to attachment 1.
OFFICER COMMENT

The purpose of the draft local planning policy is to provide controls to ensure new development in the centres adds to the character of the area, integrates respectfully with existing residential properties, and provides improved public spaces on South Street. The policy was advertised for public comment during September and October 2017. Three submissions were received as outlined above.

The submission received in objection to the policy raised concerns around the impact of development in the policy area on adjoining residential lots. The development potential of the policy area was established through scheme amendment No. 65. Heights and density established through scheme amendment No. 65 will not be changed through the policy. The policy does address the interface of new development in the policy area with residential, which is the primary concern raised in the submission. The policy specifically seeks to limit the impact on adjoining residential areas under three of the seven design aspects: Development context, Architectural expression and articulation and dwelling design Site planning, orientation and setbacks.

As the policy will not change the requirements of the scheme and includes requirements for new development to address the interface with residential lots, no modifications are proposed in light of this submission.

The Public Transport Authority’s submission actively supported the policy and the consolidation of development in this route enabled by amendment No. 65.

Main Roads WA provided general support and additional specific comments on the wording of the policy. A summary of the comments made by Main Roads WA and officer response, including a recommended modification to the draft policy, are provided below in table 1 below.

Table 1. Summary of Main Roads WA submission and officer comments in response

<table>
<thead>
<tr>
<th>Main Roads comments</th>
<th>Officer comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim opportunities for use of land within the South Street road reserve are not to be permanent. Main Roads would support some additional wording or a footnote that states this.</td>
<td>South street is a Primary Regional Road category 3. The instrument of delegation (May 2017) requires local government to refer all development applications to Main Roads WA. This process adequately deals with development Main Roads WA would or would not support on a case by case basis.</td>
</tr>
<tr>
<td>Where a site only has direct access to South Street all waste collection must be undertaken on site, with vehicles exiting the premises in forward gear.</td>
<td>This suggestion would potentially be overly restrictive to new development. Alternatively officers recommend the following is added under building services, design criteria bullet point one: Access to a site for, and the logistics of, waste management are to be discussed with the City of Fremantle and Main Roads WA prior to lodging a development application.</td>
</tr>
<tr>
<td>Restrict vehicle parking and access to local roads only e.g. require, when it develops, a site to provide access to the local road network for all adjacent lots.</td>
<td>Officers do not consider access from South Street should be completely restricted, especially considering some properties currently have access to South Street and several have no alternative. Access to and from a site therefore should be considered on a case by case basis when development is proposed. All development applications on South Street are to</td>
</tr>
</tbody>
</table>
be referred to Main Roads WA. Officers consider this process adequately deals with Main Roads WA consideration of any proposal.

| The policy shows building setbacks are a minimum of 10 metres on South Street with a footnote that this can be reduced if supported by Main Roads. Main Roads asks the footnote be modified to read 'subject to change, for further information contact Main Roads WA.' |
| The setback requirement and footnotes in this part of the policy are the exact wording from the City’s Scheme from Scheme amendment No. 65 for the area gazetted January 2017. Main Roads comment on the Scheme amendment setback requirement in 2016 was: “Main Roads will need to review each new development application to ensure that any proposed ‘alfresco’ type business is wholly contained within the property boundary.” This would still be the case with the referral requirements under the instrument of delegation (May 2017) without the need to change the footnote in the policy. |

One minor modification to the policy is recommended to address the second point raised in Main Roads’ submission, as set out in Table 1 above.

The full wording of the draft local planning policy is set out in the officer’s recommendation below.

Accordingly, this report recommends Council proceed to approve Local Planning Policy 3.18 – Beaconsfield and White Gum Valley with one minor modification.

FINANCIAL IMPLICATIONS

There are no financial implications for the City’s 2017/2018 budget in adopting this local planning policy.

LEGAL IMPLICATIONS

There are no legal implications in adopting the local planning policy under the Planning and Development (Local Planning Schemes) Regulations 2015.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION

MOVED: Cr J Strachan

Council:

1. Note the submissions received as detailed in the Officer’s report and Attachment 1.

2. Adopt Local Planning Policy 3.18 – Beaconsfield and White Gum Valley local centres, with modification, in accordance with Planning and Development
(Local Planning Schemes) Regulations 2015, Schedule 2 part 2 clause 4 and as shown below:

CITY OF FREMANTLE
LOCAL PLANNING POLICY 3.18
BEACONSFIELD AND WHITE GUM VALLEY LOCAL CENTRE AREAS

ADOPTION DATE: ###/##/20##
AUTHORITY: LOCAL PLANNING SCHEME NO. 4

STATUTORY BACKGROUND

The Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions contained in Schedule 2, Part 2, provide the requirements for making a local planning policy.

Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, requires the Local Government to consider a broad range of matters when determining an application.

Clause 4.2.2 of the City’s Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of the Residential Design Codes.

Schedule 8 of Local Planning Scheme No. 4 provides the additional development standards including height and density for the sub areas 5.3.1 and 6.3.1 the subject of this local planning policy (refer to appendix 1 for summary of these sub area requirements).

APPLICATION

This policy applies to lots 214-228 South Street, White Gum Valley and lots 199-213 South Street, Beaconsfield.

In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the most specific policy provision shall prevail.

DEFINITIONS

Active Edges: Street frontages where there is an active engagement between those in the street and those on the ground floors of buildings characteristically achieved through building design and land use activation via retail and commercial opportunities.

Deep Planting Zone (DPZ): means an area of the lot for the exclusive use of supporting plant life. The deep planting zone shall be a minimum length and width dimension of 4.5 metres and water permeable, unpaved and uncovered. The deep planting zone shall not be used for vehicle parking or access and contain no buildings, structures, or pergolas.

All other definitions are as defined in the State Planning Policy 3.1 - Residential Design Codes and the City’s Local Planning Scheme No.4.

PURPOSE
The purpose of this policy is to provide controls that will ensure that developments enhance the character of the area, preserve established development interfaces, and provide high levels of public realm engagement. The design objectives and criteria in this policy are intended to assist proponents in preparing their development applications.

POLICY AREA

Note: 230 (lot 32) South Street, WGV (corner of Stokes & South Street) is in the Local centre zone, however is excluded from consideration under this policy.

POLICY

1. Development is to demonstrate it meets the following design objectives. The design criteria provide specific points to consider when meeting the design objective.

LOCAL PLANNING POLICY DESIGN OBJECTIVES

Site Specific Development controls
(in addition to LPS4 Schedule 8 Provisions – Appendix 1)

DEVELOPMENT CONTEXT

Design objectives:
Development should improve, acknowledge and be responsive to surrounding development, with appropriate consideration of adjacent site amenity where applicable.

Design criteria:
• Site design shall be responsive to neighbouring sites, the existing context and
neighbouring public realm resulting in a positive contribution to the neighbourhood.

- Development must be sensitive to the interface with residential lots.

### ARCHITECTURAL EXPRESSION, ARTICULATION AND DWELLING DESIGN

**Design objectives:**

Development must convey a contemporary and high quality architectural response with active edges at ground level and articulated facades above including appropriate building form design to South Street frontages to achieve vibrant and stimulating pedestrian experiences.

Building design must positively respond to the surrounding urban context, streets, and neighbouring properties and be sensitive to the interface with properties in the Residential zone.

New development should encourage innovative and imaginative development that provides variety, articulation and building outcomes that will enhance the visual amenity of the area.

**Design criteria:**

- The South Street ground level building facades of retail and commercial tenancies shall be designed to address the street via entries and windows to create interest and a sense of activity within the building.

- Development adjoining Residential zoned properties shall demonstrate a design response that is sensitive to this interface.

Internalised habitable rooms, including bedrooms, will not be permitted.

At least 60% of apartments shall be naturally cross ventilated.

### SITE PLANNING, ORIENTATION AND SETBACKS

**Design objectives:**

Building design must demonstrate satisfactory site planning, orientation and setbacks, with specific attention to the following areas:

- the South Street road setback in terms of building setback and public realm interface
- the interface with Residential zoned properties
- the existing topography of the site.

**Design criteria:**

- Buildings shall be oriented to the street and neighbouring buildings so as to maximise amenity, including architectural form to the street, solar access and visual privacy.

- Where level changes occur on sites development shall ensure floor levels and entrances to buildings appropriately interface with the ground plane and adjoining properties.

### CORNERS (BUILDINGS)

**Design objectives:**

Development on lots with more than one street frontage shall address and activate both street frontages.

**Design criteria:**

- Buildings on corners shall address both street frontages and include strong architectural expression to both facades. The ground floor shall provide surveillance and an active edge to the corner return.
• Blank walls to corner frontages will not be permitted.

### LANDSCAPE DESIGN AND PUBLIC DOMAIN INTERFACE

**Design objectives:**
- Building design must ensure retail areas facilitate the creation of street level activity and vitality of South Street.
- Developments must achieve a high quality public realm streetscape that is complimentary to the wider neighbourhood.
- Landscaped interfaces between development and South Street shall give expression and character to this location.

**Design criteria:**
- Footpaths, landscaping and awning shelters shall be included in new developments where considered acceptable by MainRoads WA and the Department of Planning.
- Consider the interim opportunities for land in the Metropolitan Regional Scheme Primary Regional Road reserve setback to benefit the areas' building and streetscape responses. Where possible, a coordinated approach with adjoining properties should be achieved.
- Development shall maximise opportunities to introduce deep planting zones for the protection of new trees.

### BUILDING SERVICES

**Design objectives:**
- Services are to be well integrated and have minimal visual and acoustic impact on the public realm and adjacent buildings.

**Design criteria:**
- Waste management and storage designs shall minimise the impact on adjoining residences, and be screened from view. Access to a site and the logistics of waste management are to be discussed with the City of Fremantle and MainRoads WA prior to lodging a development application.
- Building mechanical services including plant and service equipment shall be integrated into the roof design and/or not be visible above the roof line of the building facade from the public realm.

### VEHICLE PARKING AND ACCESS

**Design objectives:**
- On-site vehicle parking and access is appropriately located to minimise adverse visual impact on the streetscape.

**Design criteria:**
- Where possible, vehicle access shall be taken from the rear of the site.
- Where car parking is provided underground or in a building, car park access shall be integrated with the building's overall facade.

**APPENDIX 1 – SUMMARY OF LPS4 SCHEDULE 8 - SUB AREAS 5.3.1 & 6.3.1**
### SUMMARY OF SCHEDULE 8 PROVISIONS
(contained within Local Planning Scheme No. 4)

Within sub area 5.3.1 and 6.3.1, clause 5.2.5 does not apply; the following additional development standards apply.

#### SUB AREA 5.3.1 AND SUB AREA 6.3.1 ADDITIONAL DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>ACHIEVABLE RESIDENTIAL DENSITY CODE</th>
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<tr>
<td>R100&lt;sup&gt;1&lt;/sup&gt;</td>
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</table>

#### LAND USE

- **South Street frontage**
  - Mandatory non-residential land uses for ground floor

#### BUILDING HEIGHT (minimum)

- **South Street frontage**
  - 7.0m<sup>2</sup>

#### BUILDING HEIGHT (maximum)

- **Lots less than 1000m<sup>2</sup>**
  - 13.0m top of pitched roof<sup>3</sup>
  - 10.0m top of external wall<sup>3</sup>

- **Lots equal or greater than 1000m<sup>2</sup>**
  - as per R100 height requirements in Table 4 of the R-Codes<sup>3</sup>

- **South Street frontage**
  - New building development ground floors shall not be more than 600mm above the adjacent footpath

- **Floor to floor heights for new building development situated on the ground floor shall be a minimum of 4.0m above the adjacent footpath**

#### BUILDING HEIGHT BUFFER

- **Development proposed within 5m of adjoining residential zoned lands**
  - 9.0m top of pitched roof
  - 6.0m top of external wall

- **Development**
  - 12.0m top of pitched roof
<table>
<thead>
<tr>
<th>Proposed within 15m of adjoining residential zoned lands</th>
<th>9.0m top of external wall</th>
</tr>
</thead>
</table>

### BUILDING SETBACKS

<table>
<thead>
<tr>
<th>South Street frontage</th>
<th>10.0m minimum&lt;sup&gt;5&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12.0m maximum&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td>Maximum building separation distance of 6.0m per lot (aggregated)&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
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</table>

### BOUNDARY WALLS

<table>
<thead>
<tr>
<th>Lot boundary of adjoining residential zoned land outside of the sub area</th>
<th>3.5m maximum height and 3.0m average height Maximum length restricted to two thirds of the length of the boundary</th>
</tr>
</thead>
</table>

### BUILDING FRONTAGES

<table>
<thead>
<tr>
<th>South Street frontage</th>
<th>Building facade to incorporate windows and doors at the ground floor and windows to the first level</th>
</tr>
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</table>

### CAR PARKING AND VEHICLE ACCESS

<table>
<thead>
<tr>
<th>South Street frontage</th>
<th>Primary vehicle access shall be located from side street for all corner lots Traffic Impact Assessment shall be submitted to support any planning application for lots with frontage to South Street&lt;sup&gt;4&lt;/sup&gt;.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicle parking is restricted to rear of buildings and/or below ground level</td>
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</table>

### OPEN SPACE

<table>
<thead>
<tr>
<th>Overall minimum open space</th>
<th>30% of site area&lt;sup&gt;7&lt;/sup&gt;</th>
</tr>
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</table>

### LANDSCAPING

<table>
<thead>
<tr>
<th>All R100 development</th>
<th>10% minimum of site area shall be landscaped with planting and permeable surfaces</th>
</tr>
</thead>
</table>

**Notes:**

<sup>1</sup> All development to be in accordance with R100 Residential Design Code provisions, except where otherwise specified in this policy.

<sup>2</sup> A minimum building height of 7 metres, including a building facade on the South Street frontage which incorporates windows and doors at the ground floor and windows to the first floor level to create interest and a sense of activity within the building, applies.

<sup>3</sup> The building height buffer must also be considered when applying these heights.

<sup>4</sup> The Traffic Impact Assessment (required as specified in Schedule 8 Provisions) is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval. Unless Main Roads has no objection to a reduced street setback.
Applies to ground floor level of development to South Street only. The 6.0m maximum aggregate width applies to spaces between the buildings and/or to the building side lot setbacks.

Where development respects existing or preferred neighbourhood character.

SECONDED: Cr I Waltham

CARRIED: 11/0

<table>
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<th>Against</th>
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<tr>
<td>Mayor, Brad Pettitt</td>
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<tr>
<td>Cr Bryn Jones</td>
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<td>Cr Andrew Sullivan</td>
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<td>Cr Jon Strachan</td>
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<td>Cr Rachel Pemberton</td>
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<td>Cr Jenny Archibald</td>
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<td>Cr Hannah Fitzhardinge</td>
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<td>Cr Adin Lang</td>
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<td>Cr Ingrid Waltham</td>
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<td>Cr David Hume</td>
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<td>Cr Doug Thompson</td>
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The following item number PC1712-8 was MOVED and carried en bloc.

**PC1712 -8 SUBMISSION ON REVISED DRAFT STATE PLANNING POLICY 5.4 ROAD AND RAIL NOISE AND ASSOCIATED GUIDELINES**

**Meeting Date:** 6 December 2017  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** Draft State Planning Policy 5.4 Road and Rail Noise (September 2017)

**SUMMARY**

The Western Australian Planning Commission (WAPC) has released for public comment a revised draft State Planning Policy 5.4 ‘Road and Rail Noise’ (SPP 5.4) and Guidelines.

The stated purpose of these documents is to “Minimise the adverse impact of road and rail noise on noise-sensitive land use and / or development. The Policy also seeks to protect the functionality of the State’s transport corridors by protecting them from encroaching incompatible development”. The revisions seek to:

- improve clarity and application  
- simplify noise assessments  
- enhance ‘deemed to comply’ options through ‘quiet house design’ criteria and  
- provide standardised templates for Noise Management Plans, local planning scheme provisions and notifications on title.

This report summarises the key content of the draft documents and recommends to Council that a submission be made by the City of Fremantle. The closing date for submissions is 15 December 2017.

**BACKGROUND**

The current State Planning Policy 5.4 ‘Road and Rail Transport Noise and Freight Considerations in Land Use Planning’ (SPP 5.4) was gazetted on 22 September 2009. The purpose of the Policy is to manage conflicts between transport noise and noise-sensitive land uses (which include residential uses), with a focus on freight routes. In summary, the Policy:

- applies (in relation to Fremantle) to:  
  - major urban roads including those designated as a freight route, and those carrying or expected to carry more than 20,000 vehicles a day within the 20 year horizon of the policy  
  - railways and  
  - freight handling facilities.  
- sets out noise criteria (a target and a limit) for new proposals and requires new development proposals or major infrastructure redevelopment proposals to address the policy and demonstrate how the noise criteria will be achieved
• outlines how and when assessment of transport noise impacts will be required of developers and / or infrastructure agencies, and how the recommendations of these will be applied, and
• requires application of Notification on Certificates of Title on lots created where either noise targets are not achieved and / or ‘quiet house design’ requirements are recommended to be applied to new development to achieve compliance with the targets. (Quiet house design requirements include measures such as orientation of buildings to locate the more noise sensitive areas such as bedrooms and outdoor living areas away from the noise source, and treatment of windows and eaves to minimise the receipt of noise inside buildings).

Section 5.8 states that the policy is a performance-based one which promotes ‘reasonable and practicable measures’, considering proposals individually in the context of what is reasonable and achievable within the various stages of planning.

Application of the Policy is supplemented by implementation guidelines.

In September 2017, the Western Australian Planning Commission (WAPC) called for submissions on proposed revisions to SPP 5.4 and the associated Guidelines. The purpose of the review is to consider the efficacy of the current policy and:
• improve implementation through the provision of clearer policy measures and guidance
• simplify noise criteria and assessment
• enhance ‘deemed to comply’ options though the provision of default ‘quiet house’ design requirements, and
• provide standardised templates for Noise Management Plans, local planning scheme provisions and notification on title wording.

The key changes proposed include:
• Providing more definitive direction on where, when and how the policy will be applied.
• Removal of the previous noise ‘requirement’ criteria for new proposals so that only the more stringent noise ‘target’ applies.
• Replacement of the previous more general and flexible approach to considering noise impacts with a ‘precautionary approach’ (with regards to land use, not infrastructure) and greater emphasis on target compliance.
• Extension of the policy to a greater range of roads and defined proximity to those roads including, within Fremantle:
  o Port Beach Road
  o Stirling Highway
  o Tydeman Road
  o Canning Highway
  o Marmion Street
  o High Street
  o Ord Street
  o Hampton Road
  o South Street
  o Carrington Street
  o Stock Road
o Both the passenger and freight rail lines (see below map).

- Clarification of exemptions to which the policy does not apply, including:
  o Existing situations.
  o Developments which do not increase land use intensity, including single houses exempt for a requirement for planning approval.
  o Increase in noise stemming from increased traffic not involving physical construction works.
  o “upgrades of existing or new major road and railway construction proposals in existing reserves”. The policy states that that these generally do not require planning approval (implying that this is the reason they are exempt) but goes on to state that “transport infrastructure providers are expected to carry out these works in a manner that is consistent with the policy.”
  o Aircraft noise, water craft noise and fixed source noise (such as level crossing warning bells).

The local government is not required to assess noise from rail, port or roads where these are reserved because this is managed at the state and federal level in the design of infrastructure.

Extract: Planview: Draft SPP 5.4 application areas within Fremantle (Department of Planning, Lands & Heritage)

Whilst the revised policy explicitly states that it is not applicable to Single Houses which are exempt under the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, it would be applicable to, for example, Freo Alternative housing which will (as currently drafted) generally involve development of ‘grouped’ or ‘multiple’ dwellings rather than single houses.

Notwithstanding the new emphasis on the precautionary principle, the implementation section of the draft policy states that whilst there is a general presumption against approving proposals that cannot achieve the noise criteria, “it is acknowledged that in
some circumstances it may not be reasonable or practicable for the Policy’s noise criteria to be met. Discretion may be exercised by the decision-maker.” In such circumstances, decision-makers are required to consider why the criteria cannot be met and the objectives and intent of the policy. It also requires that advice be sought from the state government agency responsible for noise regulation (currently Department of Water and Environmental Regulation/EPA).

OFFICER COMMENT

General
The issue with which the policy deals is a significant one, particularly in the context of a growing and consolidating city where conflicts between residents’ expectations and transport infrastructure are increasing. The objectives and review of the policy are therefore supported from a general perspective.

Clarity of application
The greater clarity of policy application (where this is achieved) is similarly desirable in making public comprehension and administration of the policy simpler however this is only supported to the extent that it supports reasonable and balanced decision-making. Simplification to the point of ‘dumbing down’ of requirements to create a straight-forward but potentially ineffective or unreasonable policy is cautioned against. The policy seeks to provide a reasonable balance in this regard however there is concern about its over extension through the application of wide trigger distances for a large number of roads.

Compliance based approach and the precautionary principle
In seeking to achieve clarity of requirement, the revised policy removes a number of points of discretion / performance based judgement in application of the policy which is potentially detrimental, particularly in an established area such as Fremantle. The strong focus on noise target compliance creates certainty but can also create an artificial line which can result in less consideration being given to other planning and design considerations which are less definitively framed, such as streetscape and character.

The redrafted policy also fails to acknowledge the inherent conflict being created with other planning policies which seek to consolidate development (including residential development) around and along transport nodes, and provides less latitude than previously for weighing various considerations. Specifically, the policy now states in section 6 as its primary policy measure that “The planning process should apply the precautionary principle of avoidance where there is a risk of future land use conflict. Where it is unavoidable (emphasis added) to place a proposed noise sensitive land use and / or noise sensitive development to which the Policy applies, it will be necessary to demonstrate that the noise impact on the proposed …. development can be adequately mitigated….”. This (if literally applied) would preclude planning scheme amendment proposals to increase residential densities along transport corridors or around railway stations.

The implementation section of the policy does make provision to vary the noise criteria, and lists the requirements of other relevant plans and policies, and impact of mitigation measures on the built environment as two considerations, which is supported. However, this approach suggests that such variations are exceptions, rather than routine considerations in balanced decision making and, coupled with the wording of section 6, elevate noise target compliance above other factors.
Rewording of section 6 to promote more balanced decision-making is recommended. In so doing, it may be appropriate to recognise that noise impacts may be a more crucial/primary consideration in some locations than others (for example, along a key freight routes).

Remove of two-tiered approach to noise criteria for new development
The replacement of two tiers of noise criteria (‘target’ and ‘requirement’) to a single ‘target’ criterion for new development assists in simplification of the policy. It is also presumably intended to avoid pressure to approve development which meets only the lower ‘requirement’. This may be appropriate, provided that the standard is not excessive and discretion remains for balanced decision making. However, in some situations, the additional requirements this change in standard creates could be significant or even preclude development. This would be particularly problematic for the routes along which the City is pro-actively promoting residential intensification as part of its Integrated Transport Strategy. Without specialist technical input, it is uncertain what the physical and financial implications of this change are likely to be however indications are that they could be significant. The principle of a single target is, however, supported, if appropriately framed.

Application: Road Hierarchy
Similarly, the increased clarification of which roads and routes the policy applies to is supported from the principle of clarity. However, it appears to have resulted in extension to a greater number of lower order roads including, in the Fremantle context, to local distributor roads such as Marmion Street. The appropriateness of this and the public benefit against administrative and landowner cost is questionable. It also reflects an apparent policy shift away from the focus of freight routes and the very high order transport routes which is also questioned: certainly it is desirable to consider transport noise wherever it is experienced but greater flexibility in application in locations with both lesser noise conflict and fewer implications for the state’s economic function would, in the view of officers, be appropriate.

Application: Exemptions
The exemption of single houses and development not involving intensification of development is supported, though such landowners may be encouraged to consider introduction of noise mitigation in the design of new or redevelopment. However greater clarity of application to new or upgraded infrastructure is necessary. The policy discusses its application to new /upgraded infrastructure in various locations (including specifying noise criteria for these) but then lists them as a policy exemption in section 4.3. It is appreciated that, where land is reserved for road or rail purposes, planning approval is not required (and so removing a standard ‘trigger’ for assessment) but given the clear intent for the policy to apply defined criteria for noise generated by new road and rail infrastructure, the listing of them as exempt from the policy creates confusion. Given the controversy that frequently surrounds new road projects, clarity of application (or not) of the policy is considered particularly important. It is noted that the existing policy recognises that planning approval is not required for much transport infrastructure but does not then suggest that this means such infrastructure is exempt from the policy. This is considered a more appropriate approach.

If retained as an exemption, clarification of whether the exemption is intended to apply to infrastructure in existing reserves created under planning schemes (for example the
Metropolitan Region Scheme) or only road reserves vested under the Land Administration Act would be desirable. The former is presumed however the removal of doubt is recommended.

**Ground-borne vibration**
Neither the current policy nor the new policy apply to ground-borne vibration, noting that these are best addressed ‘at source’ (ie in the construction and operation of the infrastructure). The reason for the exclusion is unclear given that the policies give direction on the design of infrastructure to minimise air-borne noise transfer which could presumably be extended to encompass vibration. This is considered particularly important for new or significantly upgraded freight rail lines.

**Noise assessment methodology**
The revised policy and guidelines recommend application of LAeq system for assessing noise, which measures and averages noise across an hour. This is understood to be a simpler tool than LAmax, which measures noise and defines maximum noise experienced. Other local governments have raised a concern that the LAeq methodology because it does not well reflect high spikes in noise which can be more intrusive and detrimental to amenity than lower levels of background noise. This is particularly relevant to freight lines which experience relatively few movements (compared to roads) but which can generate particularly penetrating noise, particularly in the event of friction. The City’s Health Officers have considered the merits of each approach. They suggest that, for significant proposals along freight routes, acoustic consultants measure LAmax and LAeq at the same time for any noise/vibration with both to be assessed against the noise target defined in the policy.

**Noise regulation**
Other local governments have also raised a concern about governance of existing transport noise problems. The draft policy is a planning one and so can only address planning approaches to minimise future conflict, not existing situations. However, the desirability of reviewing existing noise management regulations to better address existing areas of conflict is acknowledged, and is recommended to be put forward to the state government for consideration. It should be noted that within Fremantle, the majority of transport noise complaints relate to the freight rail ‘squeal’ on the ‘Round House’ bend and occasionally trucks using Hampton Road. The rail squeal is addressed by the Freight Rail Alliance working group attached to Fremantle Ports which is generally promptly and effectively addressed (voluntarily) by the rail operator.

**Other minor points**
In addition to these key points, a number of more minor points are flagged below.

- **7.2**: rewording recommended: it should be the noise information which accompanies scheme amendments and structure plans rather than the other way round.
- **7.3.1**: construction of physical barriers (eg noise walls) is explicitly listed as a potential noise mitigation measure which may be required of development. Whilst appropriate in some contexts (and potentially the only practical measure in some circumstances), these are clearly not desirable in many situations for heritage, urban design and / or amenity reasons. This should be noted in the guidelines (which do suggest that noise walls are suitable where development backs onto but
does not front a noise source, but remain silent on the use of front walls to mitigate noise).

- **7.3.1:** the requirement for noise management plans (NMPs) to be approved before issuance of conditional subdivision approval is considered unnecessarily arduous, particularly in the context of a small (say, two lot) subdivision. It is considered more appropriate that applicants be required to demonstrate that they can meet the requirements of the Policy prior to conditional approval, then to go through the more detailed process of formal approval of a NMP as a condition of approval prior to the issue of title.

- **7.6:** the requirement for advice from the State authority responsible for noise regulation (currently the Department of Water Environmental and Regulation) for any proposal not likely to meet the noise criteria would require adequate resourcing of that department to avoid a backlog of minor referrals. Unless this can be guaranteed, it is considered preferable that some discretion be included in this clause to allow the responsible authority (for example, the council) to make determination of minor variations.

### FINANCIAL IMPLICATIONS

There are no financial implications with providing a submission on the draft State Planning 5.4 Road and Rail Noise and Guidelines.

Implementation of the Policy and Guidelines as drafted will require extra resourcing by development applicants and the City to meet and administer the provisions but are intended to reduce more significant longer term mitigation measures which might otherwise be required along key transport routes to address land use – transport noise conflict.

### LEGAL IMPLICATIONS

The area no legal implications with proving a submission on the draft State Planning 5.4 Road and Rail Noise and Guidelines.

The City is required to pay ‘due regard’ to State Planning Policies in the administration of its functions. Incorporation of provisions reflecting the direction of the State Planning Policy and Guidelines is likely to be required of the City in future reviews of its Local Planning Scheme.

### CONSULTATION

Preparation and modifications to State Planning Policies require consultation under Clause 28 of the *Planning and Development Act 2005*. The invitation for public comment to which this report recommends a response forms a component of this consultation.

### VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
MOVED: Cr Jon Strachan

1. That the Chief Executive Officer be authorised to make a submission on the draft revision of State Planning Policy 5.4 Road and Rail Noise and the associated guidelines which:

   a) acknowledges the significance of transport noise as a consideration in land use and infrastructure planning

   b) supports the review of the policy and guidelines, and attempts to improve their practicality and efficacy

   c) supports clarification of the requirements and application of the Policy but indicates that further work is required on this to strike an appropriate balance between certainty and more holistically considered context-based outcomes. Additionally, the revised policy should clarify its application to infrastructure projects and remove the exemption of such projects listed in section 3.4

   d) supports inclusion of an effective simple mechanism to assess noise for minor proposals and a more rigorous approach for more significant proposals

   e) recommends rewording of section 6 (policy measures) to make more balanced provision for considerations of transport noise against other planning considerations and remove the reference to ‘unavoidable’ development, particularly in the context of the more minor roads to which the policy now applies

   f) supports simplification of the noise criteria as a general principle, subject to the retention of flexibility to vary these where justified against the considerations listed in the variations clause of section 7 (implementation) of the policy

   g) suggests that a greater focus and controls be placed on high order and freight routes above lower order roads, and recommends removal of local roads with no freight function carrying less than 15,000-20,000 vpd within the 20 year policy horizon

   h) suggests that if the exemption for road and rail infrastructure within clause 3.4 is retained, that it clarify whether the clause refers to existing planning reserves or land administration reserves

   i) recommends that the policy require assessment and mitigation against ground-borne vibration for new or significantly upgraded freight rail routes

   j) recommends that an LAmax as well as LAeq assessment be applied to freight rail lines and major new development along these,

   k) recommends that the state government consider the adequacy of existing noise regulations to manage existing transport noise,

   l) recommends that clause 7.2 be reworded to recognise that the noise assessment information accompanies planning proposals rather than the other way round

   m) recommends that the implementation guidelines include acknowledgement that noise walls for lots facing the noise source may not be appropriate for streetscape, heritage and / or amenity reasons
n) recommends that clause 7.3.1 be modified to require that proposals demonstrate that compliance with the policy can be achieved (unless the policy is to be varied) but that formal approval of a Noise Management Plan can follow conditional subdivision approval

o) recommends that the policy provide discretion in the referral of minor proposals or those on lower order routes (to be defined) which do not meet the noise criteria to the Department of Water and Environmental Regulation (DWER), and that the Department be adequately resourced to respond to the referrals it receives.

SECONDED: Cr I Waltham

CARRIED: 11/0

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At 7.23 pm Mayor, Brad Pettitt brought forward the following Council item.

**C1712-10 SAFE CROSSING ON HAMPTON ROAD**

**Meeting Date:** 13 December 2017  
**Responsible Officer:** Manager Infrastructure Engineering  
**Decision Making Authority:** Council  
**Agenda Attachments:** Concept Plan No 005-CP-17-001_C  
Community consultation feedback summary

**SUMMARY**

This report recommends that Council approve concept plan No. C005-CP-17-001_C (see Attachment 1), for detailed design and delivery this financial year.

**BACKGROUND**

Hampton Road is classified as a Distributor Road and Scott Street is classified as a local access road. Over the last 5 years, there have been eight crash incidents at this location, including two involving pedestrians attempting to cross Hampton Road.

In March 2017, as a result of community feedback and the crash history, the City installed a trail median strip on Hampton Road and changed access to Scott Street to left turn only. This was done to address safety issues caused by drivers using the bus lane to overtake cars waiting to turn right into Scott Street.

Since the introduction of the restricted movement at Scott Street intersection, business owners at the South Fremantle shopping centre have raised their concerns on the restricted movements and claimed that it has caused an adverse impact to their businesses.

Officers have monitored the impact of the trial median strip and acknowledge the change it has made to traffic flows; however, Officers do note that it has resulted in the desired outcome by reducing accidents at this location (zero reported accidents at this location since March 2017).

Improved Pedestrian safety remains the primary goal of this project, as well as addressing vehicle related incidents involving right turning from Hampton Road into Scott Street.

**FINANCIAL IMPLICATIONS**

Through a local election commitment, the City of Fremantle has secured a total budget of $650 000 from the State Government’s Local Projects, Local Jobs Program.

$200 000 of this budget is allocated to account 20044 for Project: 11664 to improve safety on the pedestrian crossing at Hampton Road and Scott Street.
CONSULTATION

From 16 October to 10 November 2017, the draft concept options were presented to the community via ‘My Say Freo’ website, providing the opportunity to comment on the concept design. Two options (shown below) were made available for comment:

**Option 1**

The first option will reinstate access for vehicles turning right into Scott Street from Hampton Road by taking out the median installed in March as a trial temporary traffic calming measure. Option 1 also proposes to move the guarded school pedestrian crossing 50 metres south of its current location and create a new guarded school pedestrian crossing.

**Option 2**

The second option proposes to make the trial median at the Hampton Road – Scott Street intersection permanent, preventing cars turning right on to Scott Street but introducing access for bikes. Under option 2, the guarded school pedestrian crossing will remain in its current location and a new pedestrian crossing will be installed further south, opposite South Fremantle IGA.

**Note:** In both options, the existing bus stop on Hampton Road (approximately 50m south of Scott Street), will require relocating by approximately 20m north.

Summary of the ‘My Say Freo’ consultation is provided below:

- 291 letters promoting the ‘My Say Freo’ consultation were distributed to surrounding residents of South Terrace.
- City Officers attended the community information session on 2 November from 5.30 - 6.30 pm at The Meeting Place Community Centre - 245 south Terrace, South Fremantle.
- The proposed relocation of the guarded school pedestrian crossing has been discussed with the WA Police, Main Roads WA and Beaconsfield Primary School.

  - 448 visits to the ‘My Say Freo’ website.
  - 50 attended community information session.
  - 147 survey responses.

  - 65% of submissions indicated that option 1 is the preferred option.
  - 15% of submissions indicated that option 2 is the preferred option.
  - 20% of submissions indicated that neither option 1 or 2 is the preferred option.

See Attachment 2 for a full copy of the ‘My Say Freo’ consultation feedback.
OFFICER COMMENT

Officers have met with WA Police, Children’s Crossing Unit & the Department of Education and confirm that they also support Option 1.

Officers have reviewed the the video survey that was conducted by the City at the intersection of Hampton Road and Scott Street and based on the feedback from the consultation, consider that Option 1 is the appropriate solution to improve the pedestrian safety at this location.

By relocating the guarded school pedestrian crossing 50m south of its current location, the visibility of the guarded school pedestrian crossing will be improved as well as reduce the risks associated with drivers using the bus lane to overtake cars turning right into Scott Street.

The removal of the trial median strip on Hampton Road at Scott Street will also allow unrestricted access to traffic in the neighbouring streets, as well as improved access into the South Fremantle shopping centre.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

OFFICER’S RECOMMENDATION

Council approve Project 11664 to improve safety for pedestrians crossing Hampton Road near the Scott Street intersection, in accordance with the concept plan as shown in attachment 1 of this report, to:

1. Move the guarded school pedestrian crossing approximately 50 meters south of its current location and create a new guarded school pedestrian crossing, complete with median island refuge. The existing guarded school pedestrian crossing will be removed.
2. Move the existing northbound bus stop approximately 20m north of its existing location, so as not to clash with the new location of the guarded school pedestrian crossing.
3. Reinstate access for vehicles turning right into Scott Street through the removal of the trial median installed in March 2017.
COUNCIL DECISION

Cr B Jones MOVED to defer the item to the next appropriate Finance, Policy, Operations and Legislation Committee meeting to allow the City to meet with the Main Roads.

SECONDED: Cr D Thompson

CARRIED: 11/0

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REASON/S FOR CHANGE
The item was deferred to allow the City’s officer to meet with the Minister (or appropriate officer from the Ministers office) to discuss this pedestrian crossing and confirm the criteria used by Main Roads for light controlled pedestrian crossings.
COMMITTEE REPORTS
AUDIT AND RISK MANAGEMENT COMMITTEE 5 DECEMBER 2017

Cr J Archibald MOVED en bloc the committee recommendations numbered ARMC1712-1, ARMC1712-2, ARMC1712-3, ARMC1712-4 and ARMC1712-6.

SECONDED: Cr D Hume

CARRIED: 11/0

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ARMC1712-1 AMENDMENT TO AUDIT AND RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE

Meeting Date: 05 December 2017
Responsible Officer: Manager Governance
Decision Making Authority: Council

SUMMARY

The Audit Committee is specifically required under section 7.1 of the Local Government Act 1995. In anticipation of the upcoming election, and the legislated expiry of all memberships to committees, the City has reviewed the terms of reference for the Audit and Risk Management Committee (ARMC).

The terms have been reviewed in line with the Department of Local Governments recommended pro forma, recommended as best practice, which includes matters such as the governing legislation, membership, primary roles and responsibilities of the committee and ancillary functions.

The additional amendments recommended by the committee at the March 2017 meeting have also been retained.

This report recommends that Council adopt the amended terms of reference for the Audit and Risk Management Committee and the consideration of the appointment of one external member or the use of occasional independent experts.

BACKGROUND

The Local Government Act 1995 (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions. A clear and comprehensive ‘terms of reference’, setting out the committee’s roles and responsibilities, is essential.

The relevant parts of the Act and regulations that relate to audit requirements, audit committees and their functions are listed below.

Financial Management

In relation to financial management under Part 6 of the Act, a local government is to –

a) prepare and adopt an annual budget in the form and manner prescribed (section 6.2). A copy of the budget is to be sent to the Department within 30 days of adoption.
b) prepare an annual financial report and such other financial reports as prescribed. The accounts of the local government and annual financial report are to be submitted to the auditor for audit by 30 September (section 6.4).

c) have a municipal fund and a separate and distinct trust fund (section 6.6).

d) establish and maintain reserve funds for the holding of monies set aside for future use (section 6.11).

Audit Requirements for Local Governments

Part 7 of the Act and the *Local Government (Audit) Regulations 1996* (the Regulations) address the situation of audit. In relation to the duties of the local government with respect to audits –

a) the local government is to do everything in its power to –
   i. assist the auditor to conduct an audit and carry out his or her other duties under the Act; and
   ii. ensure that audits are conducted successfully and expeditiously;

b) a local government is to meet with its auditor at least once in every year;

c) a local government is to examine the report of the auditor and is to –
   i. determine if any matters raised require action to be taken by the local government; and
   ii. ensure that appropriate action is taken in respect of those matters;

d) a local government is to –
   i. prepare a report on any actions taken in respect of any matters raised in the report of the auditor; and
   ii. forward a copy of that report to the Minister by the end of the next financial year, or six months after the last report prepared by the auditor is received by the local government, whichever is the latest in time.

Membership

The Act requires that an audit committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the audit committee.

The current terms of reference provide for one external member to be appointed. This membership has been amended in this review to consider the use of independent topic experts on an occasional basis instead of a full time member. Council may want to consider how this option is to be exercised with the appointment of the committee post the 21 October 2017 election. This may be achieved by having the post-election Audit and Risk Committee consider this option as one of the first items of business for this committee.

If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.
An audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by the Council.

The deliberations and recommendations of the committee must be independent and autonomous. Therefore, the Act prohibits the CEO being a member of the committee. However, it is essential that the CEO be given every opportunity to provide advice to the committee.

Tenure of committee membership

1. Where a person is appointed as a member of a committee in their capacity as the Mayor, the person’s membership of the committee continues until —

   a) the person no longer holds the office by virtue of which the person became a member; or
   b) the person resigns from membership of the committee; or
   c) the committee is disbanded; or
   d) the next ordinary elections day,

   whichever happens first.

2. Where a person is appointed as a member of a committee other than in their capacity as the Mayor, the person’s membership of the committee continues until:

   a) the term of the person’s appointment as a committee member expires; or
   b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
   c) the committee is disbanded; or
   d) the next ordinary elections day,

   whichever happens first.

Operation of the Committee

Irrespective of the membership of the committee, all legislative requirements relating to committee meetings such as advertising meeting dates, notice of meeting and keeping minutes of meetings need to be complied with.

The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment.

FINANCIAL IMPLICATIONS

There are no financial implications identified as a result of this report.
LEGAL IMPLICATIONS


CONSULTATION

Nil.

OFFICER COMMENT

The Audit and Risk Management Committee Terms of Reference underwent a minor review, in March 2017, which included the addition of relevant clauses; these clauses have been retained at this review.

A further and more thorough review has now been undertaken to ensure best practise considerations are considered in the development of the Terms of Reference and to ensure the Committee is operating within the parameters of the applicable legislation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION

MOVED: Cr J Archibald

Audit and Risk Management Committee (ARMC) Terms of Reference

1. OBJECTIVES OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government’s auditor so that Council
can be satisfied with the performance of the local government in managing its affairs.

The committee is to facilitate –

a) the enhancement of the credibility and objectivity of internal and external financial reporting;
b) effective management of financial and other risks and the protection of Council assets;
c) compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
d) the coordination of the internal audit function with the external audit; and

2. POWERS OF THE AUDIT AND RISK MANAGEMENT COMMITTEE

2.1 The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference.

2.2 The committee is a formally appointed committee of the Council and is responsible to the Council.

2.3 The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility.

2.4 The committee does not have any management functions and cannot involve itself in management processes or procedures.

3. MEMBERSHIP

3.1 The committee will be made up of a minimum of the following members:
   a) Mayor (as ex-officio), and
   b) 3 Councillors

3.2 The committee may also appoint 1 external independent member.

3.3 The external independent member will be selected based on the following criteria:
   a) A demonstrated high level of expertise and knowledge in financial management, or reporting, or governance, or auditing, or risk; and
   b) Relevant skills and experience in providing independent expert advice.

3.4 The external independent member will be a person with no operating responsibilities with the City of Fremantle, nor will that person provide paid services to the City either directly or indirectly;
3.5 Appointments of the external independent person will be made following a public advertisement period. The evaluation of potential members will be approved by Council.

3.7 The CEO or their nominee is to attend meetings to provide advice and guidance to the committee.

3.9 Membership shall be for a period of up to 2 years terminating on the day of the Ordinary Council Elections.

3.10 The external member will be entitled to receive reimbursement of reasonable expenses to a maximum of $250 per meeting.

3.11 Members will be provided with appropriate training and professional development as approved by Council.

4. CHAIRPERSON

4.1 The position of Chairperson shall be appointed by a vote of the committee following a call for nominations for the position.

5. MEETINGS

5.1 The Committee shall meet every second month, on specific dates to be advised and more regularly as required at the discretion of the Chairperson.

5.2 Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

6. QUORUM AND REDUCTION OF

As per s5.15 and 519 of the Local Government Act 1995, the quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of members of the committee.

The local government may reduce, by absolute majority; the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

7. DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the committee will be to:

7.1 Provide advice to Council as to the carrying out the functions of the local government in relation to audits and recommend;

a) a list of those matters to be audited; and

b) the scope of the audit to be undertaken;
7.2 Recommend to Council the selection and appointment of a person as the local government’s auditor;

7.3 Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include –

   a) the objectives of the audit;
   b) the scope of the audit;
   c) a plan of the audit;
   d) details of the remuneration and expenses to be paid to the auditor; and
   e) the method to be used by the local government to communicate with, and supply information to, the auditor;

7.4 Meet with the auditor once in each year and report to Council on the matters discussed and outcome of those discussions;

7.5 Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for

7.6 Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;

7.7 Review the level of resources allocated to internal audit and the scope of its authority;

7.8 Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;

7.9 Review the local government’s draft annual financial statements, focusing on –

   a) accounting policies and practices;
   b) changes to accounting policies and practices;
   c) the process used in making significant accounting estimates;
   d) significant adjustments to the financial report (if any) arising from the audit process;
   e) compliance with accounting standards and other reporting requirements; and
   f) significant variances from prior years.

7.10 Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the Annual Report is signed;

7.11 Address issues brought to the attention of the committee, including responding to requests from Council for advice within the parameters of the committee’s terms of reference;

7.12 Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee’s terms of reference following authorisation from the Council;
7.13 Review the annual Compliance Audit Return and report to the council the results of that review;

7.14 Consider biennial reviews of the appropriateness and effectiveness of the local government’s systems and procedures in regard to risk management, internal control and legislative compliance;

7.15 Consider reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly and not less than once in every 4 financial years and report to Council on the results of these reviews.

7.16 Undertake a risk assessment of major projects as identified by Council.

7.17 Review and make recommendations to Council regarding procurement.

7.18 Establish a framework and process, to carry out the performance evaluation of the Chief Executive Officer.

8. SUSPENSION OF COMMITTEE

Suspension or termination of the Committee may be at the discretion of Council.

9. COMMITTEE DECISIONS

This Committee does not have any decision making authority and therefore may only make recommendations to Council for consideration.

10. History of Council Resolutions

C3 - 14 May 2001
C0305-18 – 19 May 2003
AC1403-6 – 26 March 2014
AC10703-1 – 22 March 2017

SECONDED: Cr D Hume

CARRIED: 11/0

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The following item number ARMC1712-2 was MOVED and carried en bloc.

ARMC1712-2 REPORT ON FINANCIAL MANAGEMENT REVIEW - MARCH 2017

Meeting Date: 05 December 2017
Responsible Officer: Finance Manager
Decision Making Authority: Council
Agenda Attachments: Financial Management Review March 2017

SUMMARY

City of Fremantle engaged Moore Stephens to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures in accordance with Regulations 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

The City received the Financial Management Review dated March 2017 (Attachment 1) on 11 September 2017 and this is now presented to the Audit and Risk Management Committee for review.

BACKGROUND

Regulations 5(2)(c) of the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to the local government the results of those reviews.

FINANCIAL IMPLICATIONS

There is no direct financial implication with the requirement for this report.

LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996

The financial management responsibilities of the Chief Executive Officer are established under Regulation 5 of the Local Government (Financial Management) Regulations 1996: “(1) Efficient systems and procedures are to be established by the CEO of a local government:

(a) for the proper collection of all money owing to the local government;
(b) for the safe custody and security of all money collected or held by the local government;
(c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
(d) to ensure proper accounting for municipal or trust:
   (i) revenue received or receivable;
   (ii) expenses paid or payable; and
(iii) assets and liabilities;
(e) to ensure proper authorisation for the incurring of liabilities and the making of payments;
(f) for the maintenance of payroll, stock control and costing records; and
(g) to assist in the preparation of budgets, budget reviews, accounts and reports Required by the Act or these Regulations."

In addition, the Chief Executive Officer is to:

“(2) (a) ensure that the resources of the local government are effectively and efficiently managed;
(b) assist the council to undertake reviews of fees and charges regularly (and not less not less than once in every financial year); and
(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and no less than once in every 4 financial years) and report to the local government the results of those reviews.”

CONSULTATION

Moore Stephens (appointed as City of Fremantle auditors).

OFFICER COMMENT

To comply with the requirements of the regulations, Moore Stephens were commissioned by the Chief Executive Officer to undertake the review and report on Council’s financial management systems and procedures.

The financial management review provides the Chief Executive Officer and Council with an independent assessment of the appropriateness and effectiveness of the City’s Financial Management Systems.

The review undertaken included documentation, analysis and testing of financial internal controls. The City’s financial records were examined for the period 1 July 2016 to 28 February 2017, including the following financial systems and procedures:

• Bank Reconciliations
• Trust Funds
• Receipts and Receivables
• Rates
• Fees and Charges
• Purchases, Payments and Payables (Including Purchase Orders)
• Wages and Salaries
• Credit Card Procedures
• Fixed Assets (Including Acquisition and Disposal of Property)
• Credit Card Procedures
• Cost and Administration Overhead Allocations
• Minutes and Meetings
• Financial Reports
• Budget
The full report received from Moore Stephens is attached. In conclusion Moore Stephens state:

“Based on our work described in this report (which is not an audit), apart from limitation of scope detailed on page 12 of this report relating solely to Fixed Assets, nothing has come to our attention to indicate the City of Fremantle has not established and maintained, in all material respects, appropriate and effective financial management systems and procedures during the period covered by our review being 1 July 2016 to 28 February 2017.

For those aspects of the City of Fremantle’s Financial Management systems and procedures which were assessed as having opportunities for improvement, our findings are summarised as Part 3.0 of this report and detailed observations and comments are located at Part 4.0 of this report.”

The following is a summary of the key matters noted for improvement by the independent reviewer. Management have included comments in response and provided details of action to be taken with completion timeframes. In the attached report additional independent reviewer’s comments and their assessment of the level of risk in relation to each item can be referenced.

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>No evidence of independent review of the manual rolling rates reconciliation.</td>
<td>Gross Rental Valuations (GRV) were reconciled to Landgate roll at 1 July 17 as part of the GRV revaluation. All rating valuation changes from this date will be tracked (such as interim rates) in a schedule with rolling valuation balance. On a monthly basis the rolling valuation balance will be reconciled to a system generated report totalling GRV balances from Technology One. The reconciliation report will be reviewed by the Rates Team Leader and approved by the Finance Manager each month.</td>
<td>Implement new reconciliation and approval process 31 December 17</td>
</tr>
<tr>
<td>Incorrect differential rate for City centre commercial advertised on local public notice.</td>
<td>A typing error resulted in an incorrect differential rate being advertised for 2016/17. This error was picked up after issuance of annual rates and referred to Manager of Finance for consideration. It was determined that as notices had already been issued and the rate used in the rates calculation was as per the adopted budget that no</td>
<td>Future adverts to be checked by two officers. As this matter represents non-compliance with</td>
</tr>
</tbody>
</table>
In future all rate adverts will be reviewed by two officers.

Financial Management Regulations, it may be carried forward to the audit report for year ending 30 June 17

**PURCHASES, PAYMENTS AND PAYABLES (INCLUDING PURCHASE ORDERS) – Ref 4.6 page 10**

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes to supplier details:</td>
<td>Finance has implemented a new Procedure for the Creation and Amendment of Creditors Details, including change of bank account details.</td>
<td>Finance Manager submitted proposed new procedure to the November Management Team meeting for approval. This was approved.</td>
</tr>
<tr>
<td>- Not adequately segregated.</td>
<td></td>
<td>New procedure and process implemented from 22 November 17</td>
</tr>
<tr>
<td>- Lack appropriate level of evidence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The new procedure includes:</td>
<td>Adequate segregation of duties between loading of Electronic Funds Transfer (EFT) payments and changing supplier banking details.</td>
<td></td>
</tr>
<tr>
<td>Clear directions that all changes to supplier details are formally requested on a supplier letterhead with the completed application form attached before changes are made.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear documented process to contact creditors by phone to confirm the request and verify the new bank account details from completed application form.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear direction that all discussions with the creditors regarding bank account changes should be made only if the City officer has initiated the call and should not allow the creditor to call back.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process required updating the “Finance Office Use Only” section of the form and save an electronic copy of the above documents with the creditor record in TechOne.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process for a system generated audit trail report showing all amendments made to creditor bank account details to be reviewed and authorised by the Finance Team Leader prior to every EFT payment run.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The action of the review will be documented and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saved in the City’s Enterprise Content Management (ECM) system.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Electronic Funds Transfer payments authorisation process has been reviewed.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changes have been made to the City’s NAB online portal requiring all EFT payment files to be authorised by two signatories.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dual EFT payment authorisation came into effect from 29 September 17</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Four instances noted where purchase orders did not precede the supplier invoice.</th>
</tr>
</thead>
<tbody>
<tr>
<td>As part of rolling out the revised Purchasing Policy a strict process will be implemented that invoices received without quoting a purchase order number will be rejected for payment and returned to supplier to correct.</td>
</tr>
<tr>
<td>This process will apply to the whole organisation and all suppliers. Business units and suppliers will be notified of this change in process.</td>
</tr>
<tr>
<td>Request for an invoice to quote a purchase order number will ensure orders are raised prior to the time of authorising works/services or ordering goods.</td>
</tr>
<tr>
<td><strong>Finance Manager to notify suppliers in writing of the change.</strong></td>
</tr>
<tr>
<td><strong>Finance Manager to inform business units of the change</strong></td>
</tr>
<tr>
<td><strong>New procedure and process implemented by 31 December 17</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SALARIES AND WAGES – Ref 4.7 page 12</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Review Finding</strong></td>
</tr>
<tr>
<td>No monthly payroll reconciliation was performed.</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CREDIT CARD – Ref 4.9 page 13</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Review Finding</strong></td>
</tr>
<tr>
<td>The credit card policy is outdated and inconsistent with current procedures in place.</td>
</tr>
</tbody>
</table>
### COST AND ADMINISTRATION OVERHEAD ALLOCATIONS – Ref 4.10 page 13

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>No evidence of review of internal plant charge out rates in Technology One.</td>
<td>As part of establishing budget 2018/19, the assumptions and basis of determination of each plant items internal plant charge out rate will be reviewed and revised to reflect the current market conditions and consumption patterns. The review will be undertaken annually as part of budget process and will be documented as part of budget working papers.</td>
<td>Finance Manager to establish plant operating budget and resulting calculated plant charge during budget 2018/19 preparations. May 2018 Calculated plant hourly rates to be updated in Technology One 1 July 2018</td>
</tr>
</tbody>
</table>

### FINANCIAL REPORTS – Ref 4.12 page 14

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual report was not submitted to the department within 30 days of receiving the auditor’s report.</td>
<td>Due to misinterpretation of legislation requirement, the annual financial statements were submitted to the Department of Local Government on 25 November 2016 after the Council adopted the reports at the council meeting on 23 November 2016.</td>
<td>Noted. As this matter represents non-compliance with Financial Management Regulations, it may be carried forward to the audit report for year ending 30 June 17</td>
</tr>
</tbody>
</table>

### COMPLIANCE WITH INTEGRATED PLANNING AND REPORTING – Ref 4.14 page 15

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset management plans do not exist for most asset classes.</td>
<td>Refer to report submitted to Audit and Risk Management Committee 18 July 2017 on City Assets – Implementation Plan. The Manager City Assets is the custodian of the plan and will co-ordinate the development as Manager City Assets to action implement plan anticipated to be completed by the end of December</td>
<td></td>
</tr>
</tbody>
</table>
The City’s LTFP has not been updated to reflect the actual financial performance and changes in the financial position since it was first completed.

The working draft of LTFP 2017-2027 was provided to the Audit and Risk Management Committee (ARMC) on 9 May 2017 for feedback and consideration of the principles to guide and complete its development.

The feedback from the committee is being used to develop a draft Plan for formal consideration by council and possible public comment.

Director of City Business and Finance Manager to present a draft 10 year budget (LTFP) detailing discretionary funds by the end of December 2017 for council consultation.

Adoption before 30 June 2018.

GENERAL COMPLIANCE AND OTHER MATTERS – Ref 4.20 page 16

<table>
<thead>
<tr>
<th>Review Finding</th>
<th>Management Comments and Action</th>
<th>Management Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>No clear restriction on the terms of investments as required by Financial Management Regulation 19C.</td>
<td>Financial Management Regulation 19c(2)(b) was amended with effect from 13 May 2017, allowing local governments to invest in fixed term deposit up to three years. No change of policy is required.</td>
<td>Policy is compliant. No further action required.</td>
</tr>
<tr>
<td>The following monthly reconciliations were not regularly performed and/or independently reviewed: - Sundry debtors - Sundry creditors - Rate debtors.</td>
<td>The debtor reconciliation had been delayed due to the changeover of chart of account. This is now up to date. Rates debtor reconciliations to be reviewed by Rates Team Leader and independently reviewed by Finance Manager. A clear reconciliation process with documented preparer and reviewers will be developed which will be formally recorded and saved in ECM.</td>
<td>Monthly reconciliations for balance sheet accounts are up to date. Finance Manager to implement documented review process in ECM from month ending 31 December 17</td>
</tr>
</tbody>
</table>

It is recommended that the Audit and Risk Management Committee review the Financial Management Review March 2017 (as shown in attachment 1) and present it to the Ordinary Meeting of Council to be held 13 December 2017.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required
COUNCIL DECISION

MOVED: Cr J Archibald

Council

1. receive the Financial Management Review March 2017, as shown in Attachment 1 of this item, and
2. note the responses and actions identified in this report by Management to remedy issues identified by the review
3. continue to receive update reports on the outstanding matters as identified in the financial management review

SECONDED: Cr D Hume

CARRIED: 11/0

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
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</thead>
<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
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<tr>
<td>Cr Bryn Jones</td>
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<td>Cr Andrew Sullivan</td>
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<td>Cr Jon Strachan</td>
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<td>Cr Rachel Pemberton</td>
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<td>Cr Jenny Archibald</td>
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<td>Cr Ingrid Waltham</td>
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<tr>
<td>Cr David Hume</td>
<td></td>
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<tr>
<td>Cr Doug Thompson</td>
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</tr>
</tbody>
</table>
The following item number ARMC1712-3 was MOVED and carried en bloc.

ARMC1712-3 OVERDUE DEBTORS REPORT AS AT 30 SEPTEMBER 2017

Meeting Date: 05 December 2017
Responsible Officer: Finance Manager
Decision Making Authority: Council
Agenda Attachments: Summary of Overdue Debts above Threshold (Confidential Report)

SUMMARY

This report with a confidential attachment is provided to the Audit and Risk Management Committee with details of overdue debts that exceed a threshold value of $10,000.

This report recommends that Council note $197,853.34 of overdue debts that were overdue in excess of ninety (90) days and the combined value those debt(s) exceed $10,000 as at 30 September 2017.

BACKGROUND

The report is part of a framework for the write off of bad debts that was endorsed by the Audit and Risk Management Committee on 16 December 2014 and referred to Council who endorsed the framework on 28 January 2015 on how it handles the write off of bad and doubtful debts:-

a. That bi-annually (September and March) a report with a confidential attachment in an agreed format is submitted to the Strategic and General Service’s committee (current Finance, Policy, Operations and Legislation Committee) to receive under delegated details of overdue debts that exceed a threshold value.
b. That the threshold value for items to be reported for each debtor are debts overdue in excess of ninety (90) days and the combined value those debt(s) exceed $10,000. Rates debtors that remain a charge against the property are excluded from the requirement to report.
c. Two months after (i.e., November and May) the report in (a) has been submitted an item be submitted to Council via Strategic and General Services for approval to write off those debts that are considered bad or doubtful.
d. That once a recommendation is received from Department of Attorney General to write off monies referred to the Fines Enforcement Registry (FER) then an item is submitted to council within two months of the receipt of the recommendation.

FINANCIAL IMPLICATIONS

Cost of Credit Management
If an organisation does not have good credit management then it will have negative budgetary impacts as cash will not be collected for the sales of goods and services made.
It should be noted that even with good credit management, bad debts can still be incurred, but they normally arise within an environment where the risk and reward factors have been balanced to try and achieve the best outcome for the organisation.

It is a requirement for completing annual financial statements that any potential bad debts are provisioned for and that is a cost to the budget in the year in which the provision is made.

**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 $20,000 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 $10,000 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 must be reported to the audit and risk management committee.

Any amount in excess of $20,000 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 amount of total debtors outstanding as at 30 September 2017 was $949,335. A breakdown of aged debt for the current period compared to prior year for the same period is tabled below.

<table>
<thead>
<tr>
<th>Period Ending</th>
<th>Current</th>
<th>30 Days</th>
<th>60 Days</th>
<th>90+ Days</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2017 - Current</td>
<td>501,905</td>
<td>189,373</td>
<td>69,864</td>
<td>188,193</td>
<td>949,335</td>
</tr>
<tr>
<td>September 2016 - Prior</td>
<td>540,538</td>
<td>136,537</td>
<td>85,435</td>
<td>172,545</td>
<td>935,055</td>
</tr>
</tbody>
</table>

Of the total debt balance the amount outstanding for 90+ days is $188,193 or 20%.
Compared to the report of overdue debts as at 28 February 2017, which was presented at the May 2017 Audit and Risk Management Committee, the total value of outstanding debtors has increased by $39k from $159k in the previous report to $198k. The number of debtors remained constant at 8. Currently $86,901.44 has been identified as possible write-off. In accordance with delegated authority any debts over $20,000 will be submitted to Audit and Risk Management Committee for approval and all uses of delegated authority by Chief Executive Officer, Directors and Managers will be reported to Audit and Risk Management Committee.

The confidential attachment contains comment and background in relation to the debtors listed in the report.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION

MOVED: Cr J Archibald

Council note the Overdue Debt report for outstanding debtors exceeding 90 days and $10,000 in value as at 30 September 2017.

SECONDED: Cr D Hume

CARRIED: 11/0
<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Cr David Hume</td>
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<tr>
<td>Cr Doug Thompson</td>
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</tr>
</tbody>
</table>
The following item number ARMC1712-4 was MOVED and carried en bloc.

**ARMC1712-4 INFORMATION REPORT - PURCHASING POLICY EXEMPTIONS OCTOBER & NOVEMBER 2017**

**Responsible Officer:** Senior Contracts and Procurement Officer  
**Agenda Attachments:** Nil

**BACKGROUND**

At the Ordinary Council Meeting of 27 September 2017, 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.

**November**

The total value of exemptions used under the City of Fremantle Purchasing Policy is $187,075.22 for the month of November 2017.

The majority of exemptions used under the policy are for artists performing at the 2017 Fremantle Festival and In cahoots, hosted at the Fremantle Arts Centre and funded by State Government. A sole source exemption was granted by the CEO for the purchase of chlorine gas for use at the Fremantle Leisure Centre pool.

The following tables outline the exemptions used in November 2017.

<table>
<thead>
<tr>
<th>No.</th>
<th>Supplier</th>
<th>Reason for Exemption</th>
<th>Length of Contract</th>
<th>Value</th>
<th>Date Approved</th>
<th>Approving Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>IXOM Pty Ltd</td>
<td>IXOM are the sole supplier of Chlorine Gas for use in swimming pools at FLC. IXOM were a part of Orica Pty Ltd who, for licensing purposes, are the sole manufacturer of chlorine Gas for non-industrial use in Australia.</td>
<td>1 year</td>
<td>$35,000.00</td>
<td>21-Nov-17</td>
<td>Chief Executive Officer</td>
</tr>
</tbody>
</table>

**Specialist Consultancy Services Exemption**
<table>
<thead>
<tr>
<th></th>
<th>Perth NRM Coastcare</th>
<th>For the continued support of their coastal and marine program for Fremantle beaches</th>
<th>Annual</th>
<th>$5,000.00</th>
<th>6-Nov-17</th>
<th>Director Infrastructure and Project Delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>BDO</td>
<td>BDO engaged for preliminary assessment of the possibility of developing a regional recycling and community hub facility at 2 Jones Street</td>
<td>One-Off</td>
<td>$1,680.00</td>
<td>3-Nov-17</td>
<td>Director City Business</td>
</tr>
</tbody>
</table>
| 4 | Bushfire Prone Planning | To engage Bushfire Prone Planning to undertake a site assessment and report as directed at the August 2017 OCM:  

“At the completion of the Stage 1 Vegetation Management Works, Officers are to engage the report Consultants to reassess the site and confirm that the vegetation works undertaken address the risks and mitigation recommendations, as identified in the Rocky Bay Reserve and Cyprus Hill Bushfire Risk Management Report. The findings of the site reassessment should be provided to Council in an update report.” | One-Off | $1,680.00 | 24-Nov-17 | Director Infrastructure and Project Delivery |

**Appointment of Artists Exemption**
<table>
<thead>
<tr>
<th></th>
<th>Artist Name</th>
<th>Description</th>
<th>Payment Type</th>
<th>Amount</th>
<th>Date</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Papulankutja Artists</td>
<td>Contracted artist fees ($2,000) and agreed contracted travel subsidy ($6,000) for artists from the remote community of Blackstone to attend the In Cahoots exhibition</td>
<td>One-Off</td>
<td>$8,000.00</td>
<td>1-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>6</td>
<td>Felicity Groom</td>
<td>The production artists were specifically curated to deliver events at Fremantle Festival - Childrens Fiesta</td>
<td>One-Off</td>
<td>$4,430.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>7</td>
<td>Karla Hart</td>
<td>The production artists were specifically curated to deliver events at Fremantle Festival - Wardarnji</td>
<td>One-Off</td>
<td>$8,700.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>8</td>
<td>Courtney Weaver</td>
<td>The production artists were specifically curated to deliver events at Fremantle Festival - A Single Day</td>
<td>One-Off</td>
<td>$500.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>9</td>
<td>Courtney Weaver</td>
<td>The production artists were specifically curated to deliver events at Fremantle Festival - Wardarnji</td>
<td>One-Off</td>
<td>$500.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>10</td>
<td>Lia McKnight</td>
<td>The exhibition Sensual Nature, to be held at Fremantle Arts Centre from Thursday Mar 29th – Sun May 20th, 2018, is based on an original concept by Lia McKnight. As well as being a curated artist in the exhibition Lia has also been selected to work on the exhibition as a creative consultant to assist the FAC Exhibitions Coordinator with the curation of the exhibition</td>
<td>One-Off</td>
<td>$1,200.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>11</td>
<td>Jessie Lloyd</td>
<td>Artist was specifically selected to present the curated show ‘Mission Songs’ at FAC as part of the Fremantle Festival. FAC presented the event and retained all takings</td>
<td>One-Off</td>
<td>$3,860.00</td>
<td>8-Nov-17</td>
<td>Director Community Development</td>
</tr>
</tbody>
</table>
|12 | Katja Webb  
Gladys Chua  
Louise Devenish  
Josh Davis  
Courtney Pitman  
Sally Boud  
Chris Van Tuinen | The artists were specifically curated to perform at events at Fremantle Festival - They performed at ‘A Single Day’ | One-Off | $7,500.00 | 8-Nov-17 | Director Community Development |

**Appointment of Artists Exemption**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
</table>
|13 | Tane Andrews  
Sarah Elson  
Penny Evans  
Miik Green  
Juz Kitson  
Lia McKnight  
Andrew Nicholls  
Julia Robinson  
Nalda Searles  
Holly Story  
Heather B Swann  
Angela Valamanesh | Payments are for artist fees for the Sensual Nature exhibition at Fremantle Arts Centre, Mar 29th – Sun May 20th, 2018. All artists have been specifically curated to present their work in this exhibition | One-Off | $9,600.00 | 3-Nov-17 | Director Community Development |
|14 | Claire Healy  
Sean Corderio | Travel costs to attend the In Cahoots exhibition and public program. They are participating artists and this cost is in their contract with CoF | One-Off | $1,243.22 | 4-Nov-17 | Director Community Development |
|15 | Grace Barbe  
(Crucial Rockers) | Artist was specifically curated to perform at Fremantle Festival | One-Off | $2,000.00 | 9-Nov-17 | Director Community Development |
|16 | Damian Capone  
(Heartstone at J Shed) | Artist was specifically curated to deliver an exhibition as part of High Tide / Fremantle Festival | One-Off | $6,000.00 | 9-Nov-17 | Director Community Development |
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Description</th>
<th>Payment Type</th>
<th>Amount</th>
<th>Date</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Ashley William Smith</td>
<td>The artist was specifically curated to perform at Fremantle Arts Centre for Risk Taking as part of the Fremantle Festival. FAC presented the event and retained all takings</td>
<td>One-Off</td>
<td>$750.00</td>
<td>14-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>18</td>
<td>Ross (Vegas) Thompson</td>
<td>Artist was specifically curated to perform at the Children’s Fiesta as part of the Fremantle Festival</td>
<td>One-Off</td>
<td>$500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>19</td>
<td>Hilton Primary School</td>
<td>The community groups/schools received prizes as judged by EM’s for their participation in the Great Fremantle Race as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$2,500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>20</td>
<td>Baker Boy</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$7,500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>21</td>
<td>Gina Williams</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$2,500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
</tbody>
</table>

Appointment of Artists Exemption

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<thead>
<tr>
<th></th>
<th>Name</th>
<th>Description</th>
<th>Payment Type</th>
<th>Amount</th>
<th>Date</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Djuki Mala</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$4,000.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>23</td>
<td>DJ Kevin Parker</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$750.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>24</td>
<td>Richard Walley</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$1,500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>25</td>
<td>Marie Taylor</td>
<td>Artist was specifically curated to perform at One Day in Fremantle because of their cultural and program suitability</td>
<td>One-Off</td>
<td>$750.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>26</td>
<td>Mojo Juju</td>
<td>The artist (Mojo Juju) was scheduled to perform at Fremantle Arts Centre as part of Fremantle Festival. When Midnight Oil confirmed as a Festival act we had to move Mojo Juju’s show to another night in the festival program which meant they had to cancel another previously confirmed down south show. We agreed to compensate them for the loss income for this show in order to secure the Midnight Oil event</td>
<td>One-Off</td>
<td>$990.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>27</td>
<td>Peter Bibby (Songs of Disgrace)</td>
<td>Artist was specifically curated to perform at the Fremantle Festival</td>
<td>One-Off</td>
<td>$500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>28</td>
<td>VAM Media</td>
<td>In December 2016, prior to the updated purchasing policy coming in to play, we specifically selected and reached agreement with VAM Media to be our videographer for Fremantle Festival 2017, we have a contract agreement. VAM have worked on</td>
<td>One-Off</td>
<td>$5,500.00</td>
<td>15-Nov-17</td>
<td>Director Community Development</td>
</tr>
</tbody>
</table>
festivals with us before and provided high quality, low cost service. We will seek 3 quotes for future work.

### Appointment of Artists Exemption

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<tr>
<th>No.</th>
<th>Name/Artist</th>
<th>Description</th>
<th>Type</th>
<th>Amount</th>
<th>Date</th>
<th>Responsible Officer</th>
</tr>
</thead>
</table>
| 29  | Utopia Art Sydney
James Whineray
Sophie Nixon
Johannes Sistermanns
Zora Kreuzer
Bennett Miller | The artists and arts contractors were specifically selected to provide exhibition content or to work at High Tide as part of Fremantle Festival | One-Off | $19,303.00 | 22-Nov-17 | A/Director Community Development |
<p>| 30  | Jezebels | Artist was specifically curated to perform as part of Fremantle Festival | One-Off | $1,750.00 | 22-Nov-17 | A/Director Community Development |
| 31  | Cool Perth Nights (Andrew Ryan) | Arts programmer was specifically selected to curate contemporary music programming for Fremantle Festival | One-Off | $1,000.00 | 22-Nov-17 | A/Director Community Development |
| 32  | Phil Whalley-Stack | Artist was specifically curated to MC Wardanji as part of Fremantle Festival | One-Off | $800.00 | 22-Nov-17 | A/Director Community Development |
| 33  | Martumili Artists / Shire of East Pilbara | The costs have been agreed under contract to assist with travel for 4 exhibiting artists from the remote community of Parnngurr to attend the FAC exhibition, In Cahoots. The exhibition and associated costs are funded by State Government. | One-Off | $6,000.00 | 21-Nov-17 | A/Director Community Development |
| 34  | Izzi Visual Communication | The designer was specifically selected to create the catalogue for the FAC exhibition, In Cahoots. The exhibition and associated costs are funded by State | One-Off | $3,179.00 | 21-Nov-17 | A/Director Community Development |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Reason for Exemption</th>
<th>Length of Contract</th>
<th>Value</th>
<th>Date Approved</th>
<th>Approving Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Clancy Travers</td>
<td>The artistic producer was specifically selected to run production for Fremantle Festival</td>
<td>One-Off</td>
<td>$9,640.00</td>
<td>21-Nov-17</td>
<td>A/Director Community Development</td>
</tr>
<tr>
<td>36</td>
<td>Guy Smith</td>
<td>The artistic producer was specifically selected to run production for Fremantle Festival</td>
<td>One-Off</td>
<td>$10,000.00</td>
<td>21-Nov-17</td>
<td>A/Director Community Development</td>
</tr>
<tr>
<td>37</td>
<td>Art on the Move</td>
<td>The organisation was specifically selected to supply art work at Children's Fiesta as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$1,250.00</td>
<td>21-Nov-17</td>
<td>A/Director Community Development</td>
</tr>
<tr>
<td>38</td>
<td>Alice Kearing (Nigel Wilkes and Mungart Yongah Coroborree)</td>
<td>The artist was specifically curated to perform at Wardarnji as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$1,200.00</td>
<td>21-Nov-17</td>
<td>A/Director Community Development</td>
</tr>
</tbody>
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**October**

The total value of exemptions used under the City of Fremantle Purchasing Policy is $372,844.49 for the month of October 2017.

The majority of exemptions used under the policy are for artists performing at the 2017 Fremantle Festival. Sole source exemptions were also granted by the Acting CEO for the temperature controlled specialist storage of the City’s Arts Collection and for the Leeuwin Foundation award of grant funding and two exemptions were made for the provision of specialist consultancy services. The remaining exemptions are for regulatory exemptions granted under Regulation 11(2).

The following table outlines the exemptions used in October 2017:

**Sole Source of Supply Exemption**

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Reason for Exemption</th>
<th>Length of Contract</th>
<th>Value</th>
<th>Date Approved</th>
<th>Approving Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Storage of City Art Collection</td>
<td>IAS are the only company in Perth metro area providing specialist temperature controlled storage for</td>
<td>3 years</td>
<td>$181,335.00</td>
<td>17-Oct-17</td>
<td>Acting CEO</td>
</tr>
<tr>
<td></td>
<td>Art</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>Leeuwin Foundation</td>
<td>The city pays for up to 3 disadvantaged youth from the city to take part in sailing provided solely by the Leeuwin Foundation</td>
<td>Annual</td>
<td>$10,000.00</td>
<td>6-Oct-17</td>
<td>Acting CEO</td>
</tr>
</tbody>
</table>

### Specialist Consultancy Services Exemption

<p>| | | | | | |</p>
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</thead>
<tbody>
<tr>
<td>3</td>
<td>Annual membership of Bioregional Australia</td>
<td>City’s membership provides access to specialist consultancy services provided by Bioregional which are essential to maintain our One Planet Council accreditation</td>
<td>Annual</td>
<td>$5,000.00</td>
<td>2-Oct-17</td>
</tr>
</tbody>
</table>

### Specialist Consultancy Services Exemption

<p>| | | | | | |</p>
<table>
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<tr>
<th></th>
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</tr>
</thead>
</table>
| 4 | Design Consultancy Services for Design Advisory Committee:  
  1. Geoffrey London  
  2. Dominic Snellgrove  
  3. Melinda Payne  
  4. Kieran Wong  
  5. Patrick Kosky  
  6. Marion Fredrickson (Deputy 1)  
  7. Phillip Gresley (Deputy 2) | Design Advisory Committee provide a specialist consultancy service to the city for consideration of planning and design matters | Annual | $50,000.00 | 6-Oct-17 | Director Strategic Planning and Projects |

### Appointment of Artists Exemption
5 | Welcome to Country Services - various artists/elders | The city has anywhere from 10-20 occasions per year where the city requires an elder to perform welcome to country services. The cost varies from elder to elder and range from around $500 to $1000 depending on the elder appointed. All engagements are budgeted for as part of normal events programming | Annual | $8,000.00 | 4-Oct-17 | Acting Director Community Development |

| 6 | Incahoots Artist - Trent Jansen | The artist was specifically selected for artistic merit to perform at Incahoots | One-Off | $2,600.00 | 4-Oct-17 | Acting Director Community Development |

| 7 | Various Artists - Sunday Music Series | Artists specifically selected to deliver their show as part of the curated Sunday Music series at FAC | 3 months (Oct 17 - Dec 17) | $12,550.00 | 5-Oct-17 | Acting Director Community Development |

| 8 | Mo Productions (Libby Hammer) to MC at The Great Race | supplier specifically selected to deliver their performance as part of Fremantle Festival 2017 | One-Off | $550.00 | 5-Oct-17 | Acting Director Community Development |

| 9 | Presbyterian Ladies College Inc (to perform at Wardarnji) | supplier specifically selected to deliver their performance as part of Fremantle Festival 2017 | One-Off | $825.00 | 5-Oct-17 | Acting Director Community Development |

### Appointment of Artists Exemption

| 10 | The Fellowship of Australian Writers WA Section Inc (The Great Fremantle Race) | supplier specifically selected to deliver their performance as part of Fremantle Festival 2017 | One-Off | $500.00 | 5-Oct-17 | Acting Director Community Development |

<p>| 11 | John Mateer | Wrote the forward essay for the 25under25 art exhibition catalogue this year | One-Off | $500.00 | 5-Oct-17 | Acting Director Community Development |</p>
<table>
<thead>
<tr>
<th></th>
<th>Community Group</th>
<th>Funding Details</th>
<th>Type</th>
<th>Amount</th>
<th>Date</th>
<th>Acting Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Perth Indonesian Community</td>
<td>The community group will receive 2 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded.</td>
<td>One-Off</td>
<td>$1,000.00</td>
<td>6-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>13</td>
<td>Lance Holt School</td>
<td>The community group will receive 1 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded.</td>
<td>One-Off</td>
<td>$500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>14</td>
<td>Coolbellup Primary School</td>
<td>The community group will receive 1 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded.</td>
<td>One-Off</td>
<td>$500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>15</td>
<td>North Fremantle Primary School</td>
<td>The community group will receive 3 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded.</td>
<td>One-Off</td>
<td>$1,500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
</tbody>
</table>
Appointment of Artists Exemption

<table>
<thead>
<tr>
<th>No.</th>
<th>Community Group / Artist</th>
<th>Description</th>
<th>Funding Type</th>
<th>Funding Amount</th>
<th>Date</th>
<th>Approver</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Hare Krishna Movement</td>
<td>The community group will receive 1 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded</td>
<td>One-Off</td>
<td>$500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>17</td>
<td>Hilton Primary School</td>
<td>The community group will receive 1 x $500 funding payments from the city’s festival budget to prepare 2 x artistic entries for the Great Fremantle Race as part of Fremantle Festival. This is an EOI process to which 17 groups have responded</td>
<td>One-Off</td>
<td>$500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>18</td>
<td>Blazing Swan Community Inc</td>
<td>Specifically curated to design, construct and install the obstacle course and site dressing for the Great Fremantle Race</td>
<td>One-Off</td>
<td>$7,500.00</td>
<td>9-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>19</td>
<td>Demon Days (Artist)</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Arts Centre Print Awards</td>
<td>One-Off</td>
<td>$500.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td></td>
<td>Artist Name/Specialty</td>
<td>Nature of Engagement</td>
<td>Type</td>
<td>Amount</td>
<td>Date</td>
<td>Responsible Official</td>
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</tr>
<tr>
<td>20</td>
<td>Professor Gillian Triggs</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$5,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>21</td>
<td>Scott Ludlum</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$2,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>22</td>
<td>Nicholas Allbrook (Songs of Disgrace)</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$3,650.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>23</td>
<td>Julian Tompkin (The State Collection and Songs of Disgrace)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$3,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td><strong>Appointment of Artists Exemption</strong></td>
<td></td>
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</tr>
<tr>
<td>24</td>
<td>Felicity Groom (Children’s Fiesta)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$4,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>25</td>
<td>Ken Allen (The Great Race)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$3,500.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>26</td>
<td>Karla Hart (Wardarnji Festival)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$8,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>27</td>
<td>Emilia Galatis (Arts Hussle)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$1,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>28</td>
<td>Isabel Macaulay (Fashion Festival)</td>
<td>Creative Producer specifically curated to deliver program content at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$500.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>29</td>
<td>The Fremantle Fishing Fleet Association (Cardile Fireworks)</td>
<td>Community group specifically selected to deliver the traditional, annual Blessing of the Fleet parade</td>
<td>One-Off</td>
<td>$10,000.00</td>
<td>10-Oct-17</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Description</td>
<td>Fee</td>
<td>Date</td>
<td>Department</td>
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</tr>
<tr>
<td>30</td>
<td>Barry Lawrence (Wardarnji Dance Performance)</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$1,300.00</td>
<td>Acting Director Community Development</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>WASamba (The Great Race performance)</td>
<td>Artist specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$500.00</td>
<td>Acting Director Community Development</td>
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<td><strong>Appointment of Artists Exemption</strong></td>
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</tr>
<tr>
<td>32</td>
<td>Guilhem Therond (Project Manager - High Tide Festival)</td>
<td>Specifically selected to act as artistic project manager for the High Tide public art installation. Guilhem speaks fluent French (a requirement for the position) and was identified by Felice and city staff as the preferred candidate for the role following Felice’s initial visit to the site in September 2016. The agreement with Felice was in part based on the provision of Guilhem to act in this role</td>
<td>One-Off</td>
<td>$9,500.00</td>
<td>Acting Director Community Development</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Rebecca Beardmore</td>
<td>Specifically selected to judge the 2017 Fremantle Print Award as part of the curated Fremantle Arts Centre Print Award 2017 supported by Little Creatures Brewing at FAC based on her industry experience and standing in the arts industry</td>
<td>One-Off</td>
<td>$828.00</td>
<td>Acting Director Community Development</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Lachlan Gurr (Rumskull musical performances at The Children’s Feista and The Great Race)</td>
<td>Artist listed was specifically curated to perform at the 2017 Fremantle Festival</td>
<td>One-Off</td>
<td>$1,000.00</td>
<td>Acting Director Community Development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Louise Haselton</td>
<td>Artist listed has been specifically curated to provide work for In Cahoots, an exhibition presented at Fremantle Arts Centre, funded by state government.</td>
<td>One-Off</td>
<td>$6,831.00</td>
<td>17-Oct-17</td>
<td>Director Community Development</td>
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<tr>
<td>36</td>
<td>Jo Darbyshire</td>
<td>Artist listed has been specifically curated to provide work for High Tide 2017 as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$2,000.00</td>
<td>17-Oct-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>37</td>
<td>Johannes Sistermans</td>
<td>Artist listed has been specifically curated to provide work for High Tide 2017 as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$4,000.00</td>
<td>17-Oct-17</td>
<td>Director Community Development</td>
</tr>
</tbody>
</table>

**Appointment of Artists Exemption**

<table>
<thead>
<tr>
<th></th>
<th>Zora Kreuzer</th>
<th>Artist listed has been specifically curated to provide work for High Tide 2017 as part of Fremantle Festival</th>
<th>One-Off</th>
<th>$2,000.00</th>
<th>17-Oct-17</th>
<th>Director Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>Tina Havelok &amp; Cat Hope</td>
<td>Artist listed has been specifically curated to provide work for High Tide 2017 as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$1,000.00</td>
<td>17-Oct-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>39</td>
<td>Utopia Gallery representing Simryn Gill</td>
<td>Artist listed has been specifically curated to provide work for High Tide 2017 as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$500.00</td>
<td>17-Oct-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>40</td>
<td>David Craddock</td>
<td>Artist listed has been specifically selected to undertake publicist services for specific acts as part of Fremantle Festival</td>
<td>One-Off</td>
<td>$2,000.00</td>
<td>18-Oct-17</td>
<td>Director Community Development</td>
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<tr>
<td>42</td>
<td>Clifton Perth</td>
<td>Clifton Perth are erecting a full stage and cover for the Midnight Oil concert at FAC as part of Fremantle Festival Oct 29. Clifton Perth have agreed to allow Wardarnji, the indigenous dance event that opens Fremantle Festival, to use the stage and cover. This will significantly increase the quality of production for Wardanji. The fee is to safely raise and lower the stage cover for the Wardanji event. It is not possible to get 3 quotes for this as we cannot engage any other supplier to raise and lower Clifton’s property.</td>
<td>One-Off</td>
<td>$891.00</td>
<td>23-Oct-17</td>
<td>Director Community Development</td>
</tr>
<tr>
<td>43</td>
<td>ANAM</td>
<td>ANAM has been specifically curated to present a concert percussion at Fremantle Arts Centre as part of the 2017/18 music program. FAC presented the show and retained all takings.</td>
<td>One-Off</td>
<td>$6,000.00</td>
<td>24-Oct-17</td>
<td>Director Community Development</td>
</tr>
</tbody>
</table>

**Appointment of Artists Exemption**

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<tbody>
<tr>
<td>44</td>
<td>Het Mobiele Naaiatelier (The Mobile Sewing Company)</td>
<td>The artist was specifically curated to perform at the 2017 Fremantle International Street Arts Festival. 80% of their fee was paid in 16/17, the remaining 20% has been budgeted for payment</td>
<td>One-Off</td>
<td>$1,600.00</td>
<td>25-Oct-17</td>
</tr>
</tbody>
</table>
Policy Exemption - LSL Transfer Payment

<table>
<thead>
<tr>
<th></th>
<th>Department of Planning</th>
<th>Transfer of Long Service Leave Liability</th>
<th>One-Off</th>
<th>$284.49</th>
<th>19-Oct-17</th>
<th>Director People and Culture</th>
</tr>
</thead>
</table>

Tender Exemptions

<table>
<thead>
<tr>
<th></th>
<th>Department of Planning</th>
<th>Fees for Planning Applications</th>
<th>Monthly</th>
<th>$7,600.00</th>
<th>23-Oct-17</th>
<th>N/A</th>
</tr>
</thead>
</table>

COUNCIL DECISION

MOVED: Cr J Archibald

Council

1. receive the purchasing policy exemptions information report for October and November 2017.

2. request the investigation of best practise initiatives within the Local government industry in relation to the procurement of artistic services.

SECONDED: Cr D Hume

CARRIED: 11/0

<table>
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<tr>
<th>For</th>
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<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
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<td>Cr David Hume</td>
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<td>Cr Doug Thompson</td>
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</tbody>
</table>
The following item number ARMC1712-6 was MOVED and carried en bloc.

ARMC1712-6  AUDIT & RISK UPDATE REPORT FOR ASSETS

Meeting Date: 5 December 2017
Responsible Officer: Director Infrastructure and Projects
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The purpose of this report is to update the Audit and Risk Committee on the City’s progress in addressing the issues highlighted in the independent audit report received in March 2017, regarding the City’s Corporate Asset Management Planning.

This report recommends that Council receive the update in relation to the City’s current position and progress.

BACKGROUND

The City is committed to improving the quality and extent of its asset management information. Officers are progressing a number of initiatives that were identified as requiring improvement through an extended audit report (received March 2017).

Officers have committed to an update program that will run through the course of the 2017/18 financial year. Officers have committed to provide regular updates by way of report to the Audit and Risk committee.

FINANCIAL IMPLICATIONS

Budget provision is included the 2017/18 budget to carry out the asset assessments / audit program.

LEGAL IMPLICATIONS

Regulation 17 of the Local Government Act (Audit) Regulations 1996 requires the Chief Executive Officer to review the appropriateness and effectiveness of the local government’s systems and procedures in relation to —

- Risk management.
- Internal control.
- Legislative compliance.

CONSULTATION

Nil
OFFICER COMMENT

Following the findings as detailed in the auditor’s report, the City Assets Team is working on improving the City’s position with respect to Corporate Asset Management.

Audit programs are progressing on schedule.

## ASSET MANAGEMENT – ACTIVITY PROGRAM

<table>
<thead>
<tr>
<th>#</th>
<th>Key Action Areas</th>
<th>Activities</th>
<th>Risk</th>
<th>Officer Comment</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Asset Management Policy</td>
<td>AM Policy has been updated and reviewed with ELT.</td>
<td>Med</td>
<td>The draft policy will be refined and reviewed by the new Manager Asset Management before submission to Council for approval.</td>
<td>Feb</td>
</tr>
<tr>
<td>2</td>
<td>Asset Management Strategy</td>
<td>The updated AM Strategy is to be progressed through the Strategic Asset Management Working Group.</td>
<td>Med</td>
<td>Asset Management Strategy is a key agenda item for the next Strategic Asset Management Working Group in December 2017</td>
<td>Dec 17</td>
</tr>
<tr>
<td>3</td>
<td>Asset Management Plans</td>
<td>AM plans are to be developed in alignment with the City’s asset classes.</td>
<td>Med</td>
<td>Asset audit outputs are to be captured and evaluated to allow accurate development of the CoF’s Asset Management Plans. AM Plans are currently anticipated for the following asset classes: *Parks &amp; Landscapes *Fleet &amp; Plant *Drainage Systems *Footpaths *Buildings *Roads</td>
<td>Feb 18, Feb 18, May 18, Mar 18, Comp Mar 18</td>
</tr>
<tr>
<td>4</td>
<td>Business Process Manuals</td>
<td>Strategic Business Process Manuals are required for all asset classes.</td>
<td>Med</td>
<td>Current guideline documents are being reviewed and updated.</td>
<td>Jun 18</td>
</tr>
<tr>
<td>5</td>
<td>Asset Registers</td>
<td>Ensure one definitive Asset register linked to Asset Data (systems - Tech1 &amp; Assetic).</td>
<td>Med</td>
<td>The Assets Team and Finance are aligning the registers in Tech1. This includes linkages through correct asset classes and groups for Assetic.</td>
<td>Feb 18</td>
</tr>
<tr>
<td>6</td>
<td>Asset Class Inspections</td>
<td>An annual program of asset inspections is required – aligned with the Asset register.</td>
<td>Med</td>
<td>Asset inspections are now programmed for all asset classes. And to date under Parks &amp; Landscape 60 park assets have been audited with data being assessed.</td>
<td>ongoing</td>
</tr>
<tr>
<td>7</td>
<td>Inspections &amp; Management of Data</td>
<td>Methodology shall be in place to manage data capture, reporting and actions.</td>
<td>Med</td>
<td>Improved methodology being developed and improved and linked to inspection program. (see item 6 above).</td>
<td>ongoing</td>
</tr>
<tr>
<td>8</td>
<td>Data Migration risks</td>
<td>Controls and data alignment processes &amp; guidelines required.</td>
<td>Med</td>
<td>Controls being improved – to include a risk profile and a risk mitigation approach. Inc as part of new QMS.</td>
<td>ongoing</td>
</tr>
</tbody>
</table>
The City Assets Team has made progression in the following areas:

- **Buildings** – a gap analysis and review has been completed with respect to the City’s building assets.

- **Parks and landscapes** - Officers have nearly completed the audits on the parks and landscapes - the completion date is scheduled for the middle of December 2017 with data now being processed and once proofed will form a key part of maintenance and project proposals.

- **Drainage systems** - Currently officers are preparing the spot programming and scoping documents for the targeted audits.

- **Footpaths** - Spot audits are progressing and early data is being examined. The program will continue with Asset Management Plans being projected for March 2018.

- **Contingency Plans** – Officers have engaged external subject matter experts who are now reviewing and evaluating the City’s current recovery plans, they will provide feedback with recommendations and improvements aligned with ISO 22301:2012 Societal security. A meeting has been scheduled for early December 2017 to consult with stakeholders and examine options along with strategies for the programme to be implemented.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required.
COUNCIL DECISION

MOVED: Cr J Archibald

Council:
Receive the Officer's update summary with respect to the City's Asset Management program of activity, as contained within this report.

SECONDED: Cr D Hume

CARRIED: 11/0

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<tr>
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<td>Cr Doug Thompson</td>
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</table>
SUMMARY

The audit of the City of Fremantle Annual Financial Statements for the year ended 30 June 2017 has been completed by Moore Stephens and they have provided Council with an Independent Auditor’s Report and Management Report. The City has received an unqualified audit report. In the opinion of Moore Stephens the financial report of the City of Fremantle gives a true and fair view of the City’s financial position as at 30 June 2017.

This report recommends that the Independent Auditor’s Report, Audited Annual Financial Statements and Management Report of the City of Fremantle for the financial year ending 30 June 2017 be received.

BACKGROUND

The City’s auditors, Moore Stephens have audited the 2016/17 Annual Financial Statements and have provided an Independent Auditor’s Report as required under the relevant provisions of the Local Government Act 1995 (the Act).

The City received an unqualified audit report and a management report that provides a summary of audit findings. There were no significant issues raised in the management report.

In accordance with section 7.12A(2) of the Local Government Act 1995 and the Local Government (Audit) Regulations 1997 council is required to meet with the external auditor at least once per year. Council has delegated to the Audit and Risk Committee the power to meet with the external auditor in accordance with the provisions of the Act.

Mr. Wen Shien Chai from Moore Stephens will attend the Audit Committee on 5 December 2017 in relation to the 2016/17 financial audit of the City.

FINANCIAL IMPLICATIONS

Financial Ratio

The management report provides a snapshot of the City’s financial ratios with comments on each ratio from the auditor.
The auditor's overall comment is the City's ratio position appears to be consistent with last year exhibiting an improvement when the adjusted ratios are considered. However notwithstanding this the auditor raised concern that a number of ratios to appear to be trending downwards over the longer term trend and suggested this be considered by Council and management going forward to continue to monitor the financial position and ratios.

LEGAL IMPLICATIONS

Section 7.12A (2) of the Local Government Act 1995 and associated Audit regulations require a local government to meet with its auditor at least once in every year.

Section 7.2 of the Local Government Act 1995 states that, “the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”

Section 7.9 (1) of the Local Government Act 1995 states, “An auditor is required to examine the accounts and annual financial report submitted for audit and, by 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to:

a) The Mayor or President;
b) The Chief Executive Officer of the local government; and
c) The Minister.”

*requires an absolute majority of Council.

The auditor reports no matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit except the following instance:

The annual financial report for the year ended 30 June 2016 was not submitted to the Department of Local Government within 30 days of receiving the auditor’s report as required by Local Government (Financial Management) Regulation 51(2).

CONSULTATION

Nil

OFFICER COMMENT

Council has completed its annual financial statements for the year ended 30 June 2017 and received and unqualified audit report.

There were no significant issues raised in the management report.

Mr. Wen Shien Chai, Partner of Council's auditor, Moore Stephens, will be in attendance at the commencement of the Audit and Risk Management Committee meeting to discuss
the audit recently completed for the year ended 30 June 2017 and answer any queries committee members may have in relation to the conduct or outcomes from this audit.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required

COUNCIL DECISION

MOVED: Cr J Archibald

That Council


3. Thank Mr. Wen Shien Chai, Partner for Moore Stephens, for meeting with the Audit and Risk Management Committee.

SECONDED: Cr D Thompson

CARRIED: 11/0

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<td>Cr Doug Thompson</td>
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MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

N1712-1 NOTICE OF MOTION BY CR INGRID WALTHAM - LOCAL PLANNING POLICY - TAVERNS AND HOTELS IN THE CITY CENTRE ZONE

Meeting Date: 13 December 2017
Responsible Officer: Chief Executive Officer
Decision Making Authority: Council
Agenda Attachments: Nil

ELECTED MEMBER SUMMARY

The reason for this policy recommendation is to provide greater guidance in the exercise of discretion in the determination of planning applications for new Tavern or Hotel uses within the City Centre zone.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COUNCIL DECISION

MOVED: Cr Ingrid Waltham

Council request that the administration prepare a draft Local Planning Policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as Tavern or Hotel within the City Centre zone. This policy shall not address issues ordinarily dealt with through the Liquor Licensing process but shall consider relevant planning issues and specifically include consideration of the proportion of the licensed area to the site area occupied by other proposed uses, with a view to ensuring new proposals include an appropriate mix of complementary land uses.

SECONDED: Cr D Hume

CARRIED: 11/0

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</table>
Mayor, Brad Pettitt MOVED en bloc the officer’s recommendations numbered C1712-1, C1712-2, C1712-6, C1712-7 and C1712-10.

SECONDED: Cr D Hume

CARRIED: 11/0

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STATUTORY COUNCIL ITEMS

The following item number C1712-1 was MOVED and carried en bloc.

C1712-1 MONTHLY FINANCIAL REPORT - NOVEMBER 2017

Meeting Date: 13 December 2017
Responsible Officer: Manager of Finance
Decision Making Authority: Council
Agenda Attachments:
- Statement of Comprehensive Income by Nature and Type – 30 November 2017
- Statement of Comprehensive Income by Programme – 30 November 2017
- Rate Setting Statement by Nature and Type – 30 November 2017
- Rate Setting Statement by Directorate – 30 November 2017
- Statement of Financial Position – 30 November 2017
- Statement of Net Current Assets – 30 November 2017
- Schedule of Accounts Paid – 30 November 2017
- Cash and Investment Summary Report – 30 November 2017
- Debtors Outstanding Report – 30 November 2017
- Information on Loan Borrowings – 30 November 2017
- Reserve Fund Balance and Movement – 30 November 2017
- Cash Backed Reserve Report – 30 November 2017
- Payment Report (EFT and Cheque) (viewed electronically) - November 2017
  - Payment Report (Purchasing Cards) for November 2017 (viewed electronically)

SUMMARY

The Statements of Financial Activity for the period ending 30 November 2017 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

This report provides an analysis of financial performance for November 2017 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

BACKGROUND

The following table provides a high level summary of Council’s year to date financial performance as at 30 November 2017.
<table>
<thead>
<tr>
<th>Description</th>
<th>2017/18 YTD Budget</th>
<th>2017/18 YTD Actual</th>
<th>Variance Amount</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>$56.71M</td>
<td>$57.00M</td>
<td>$0.29M</td>
<td>0.51%</td>
</tr>
<tr>
<td>Expenses</td>
<td>($28.35M)</td>
<td>($27.52M)</td>
<td>$0.84M</td>
<td>2.96%</td>
</tr>
<tr>
<td>Operating Surplus/Deficit</td>
<td>$28.35M</td>
<td>$29.48M</td>
<td>$1.13M</td>
<td>3.98%</td>
</tr>
<tr>
<td>CAPITAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue</td>
<td>$1.26M</td>
<td>$1.01M</td>
<td>($0.26M)</td>
<td>(20.22%)</td>
</tr>
<tr>
<td>Expenses</td>
<td>($4.99M)</td>
<td>($4.64M)</td>
<td>$0.35M</td>
<td>6.95%</td>
</tr>
<tr>
<td>Overall Surplus/Deficit</td>
<td>$27.45M</td>
<td>$29.06M</td>
<td>$1.61M</td>
<td>5.88%</td>
</tr>
</tbody>
</table>

COMMENT

As detailed in the Statement of Comprehensive Income (Attachment 1) operating income and expenses have mainly varied to the anticipated budget in the following categories:

<table>
<thead>
<tr>
<th>Income</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates</td>
<td>$330,662</td>
</tr>
<tr>
<td>Fees and Charges</td>
<td>$70,999</td>
</tr>
<tr>
<td>Reimbursement Income</td>
<td>($123,813)</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>$458,028</td>
</tr>
<tr>
<td>Employee Costs-Agency Labour</td>
<td>($349,346)</td>
</tr>
<tr>
<td>Materials and Contracts</td>
<td>$806,943</td>
</tr>
<tr>
<td>Utility Charges</td>
<td>($117,266)</td>
</tr>
<tr>
<td>Other Expenditure</td>
<td>$140,386</td>
</tr>
</tbody>
</table>

Operating Income, Operating Expenditure and Capital Expenditure graphs below provide a comparison of how actual income and expenditure compares to the budget and to actuals for the previous financial year. Comments are provided on each graph regarding the actual end of year financial position.

Operating Income (excluding profit on disposal of assets)
Note: Operating income includes: rates, service charges, operating grants, subsides and contributions, reimbursement income, fees and charges, interest earnings and other revenue. Non-operating (Capital Grant) income has been excluded for operating income.

Actual operating income of $57 million is $288,629 more than the budgeted income of $56.71 million.

**Operating Expenditure (excluding loss on disposal of assets)**

![Operating Expenditure Chart]

Note: Loss on sale of assets has been excluded from the Operating expenditure.

Actual operating expenditure of $27.52 million is $838,753 less than the budgeted expenditure of $28.35 million.

**Capital Expenditure**
Actual capital expenditure of $4.64m is $346,782 less than the year to date budget expenditure of $4.99m.

MAJOR VARIANCE ANALYSIS

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 Rate Setting Statement (Statements of Financial Activity) in 2017/2018 for reporting material variances shall be 10% or $100,000, whichever is greater (Item C1706-4 refers Council meeting on 28 June 2017).

The following is an explanation of significant Operating and Capital variances identified in the Rate Setting Statement by Nature and Type:

**Operating Revenue**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>575,099</td>
<td>451,286</td>
<td>(123,813)</td>
<td>(22%)</td>
</tr>
</tbody>
</table>

The variance is mainly due to the following activities:
- The reimbursement income from East Fremantle for operating Fremantle library is $24,000 less than the amount budgeted for the first instalment and $48,000 less for the whole financial year. This will be adjusted at mid-year budget review;
- A budget of $41,370 for reimbursement income to maintain other recreation buildings is not expected to be received. This will be adjusted at budget review to remove the budget;
- Reduced recoverable income of $32,367 and $25,723 from tenants of Stan Reilly Lodge and Victoria Pavilion Fremantle Oval respectively, which is offset by the reduced expenditure. Therefore there is no impact on cash surplus.
Operating Expenditure

**Employee costs - Agency Labour**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(130,311)</td>
<td>(479,656)</td>
<td>(349,346)</td>
<td>268%</td>
</tr>
</tbody>
</table>

The variance is mainly due to $95k for 6 trainees working at the City and hiring of agency labour more than budgeted in Building Facilities Team ($48k), Waste Collection Team ($114k), Construction and Maintenance Team ($40k) and Rates Team ($35k). The overspending of agency labour is offset by savings of $458k on employee costs. Overall employee cost (including agency labour) is currently under budget by $109k.

**Utility Charges**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(810,425)</td>
<td>(927,691)</td>
<td>(117,266)</td>
<td>14%</td>
</tr>
</tbody>
</table>

The variance is mainly due to overspending of $92,000 in electricity and $36,000 in water. The overspending in electricity is mainly due to the late bills of $13,000 for Queensgate car park and timing difference of $59,000 for public street lighting related to 2016/17 FY, $11,000 for maintaining other community buildings and $11,000 for operating data centre.

**Capital Revenue**

**Capital Grants and Subsidies/Contributions for the development of Assets**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,255,643</td>
<td>985,812</td>
<td>269,831</td>
<td>(21%)</td>
</tr>
</tbody>
</table>

This timing variance is mainly related to road projects for South Street, Hampton Road, Parry Street and Lefroy Road funded from Main Road MRRG Project Grant and Black Spot Program. All projects are well progressed and 60% of the funding will be received in December. It is anticipated that the projects will be completed by the end of December and the rest of 40% of the funding will be claimed in January 2018.

**Capital Expenditure**

**Purchase Investment Land and Buildings**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(855,000)</td>
<td>(1,232,112)</td>
<td>(377,112)</td>
<td>44%</td>
</tr>
</tbody>
</table>

The timing variance is mainly due to the carried forward project 10242 Install compliant life and stairs to Evan Davies, which is funded from Investment Reserve.

**Purchase Infrastructure Assets – Roads**

<table>
<thead>
<tr>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1,078,025)</td>
<td>(383,252)</td>
<td>694,673</td>
<td>(64%)</td>
</tr>
</tbody>
</table>
The variance is mainly due to timing difference for the following projects, which have commenced in November:

- $410,000 for Project 10930 Resurface Hampton Road;
- $118,000 for Project 10030 Resurface roads 2017/18 – Roads to recovery grant;
- $75,000 for Project 11648 Install intersection and pedestrian crossing facilities Paget and South Street Hilton Town Centre;
- $62,000 for Project 10932 Resurface Lefroy Rd West of Gibson St to East of Shepherd St;
- $71,000 for Project 10858 Install traffic calming pedestrian refuge Lefroy Road between Carrington Street and York Street.

**Purchase Infrastructure Assets – Other Structure**

<table>
<thead>
<tr>
<th></th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(707,185)</td>
<td>(1,017,583)</td>
<td>(310,398)</td>
<td>44%</td>
</tr>
</tbody>
</table>

This is mainly due to a variance of $297,000 related to Project 10329 Install Structure – Cantonment Hill (Stage 1). Original budget is allocated to individual project works however the actual costs incurred have not been split. Therefore there is an underspending of $178,000 for Project 10331 Install Irrigation System – Cantonment Hill (Stage 1). This will be adjusted at mid-year budget review. Overall the project is running within budget.

**Purchase Infrastructure Assets – Open Space Equipment**

<table>
<thead>
<tr>
<th></th>
<th>YTD Budget</th>
<th>YTD Actual</th>
<th>Variance Amount $</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(313,468)</td>
<td>(86,751)</td>
<td>226,717</td>
<td>(72%)</td>
</tr>
</tbody>
</table>

This is mainly due to a variance of $178,000 in Project 10331 Install Irrigation System – Cantonment Hill (Stage 1) and $34,000 in Project 10347 Prepare detailed design for redevelopment Fremantle Park Original budget is allocated to individual project works however the actual costs incurred have not been split and the cost was grouped to Project 10329 Install Structure – Cantonment Hill (Stage 1). This will be adjusted at mid-year budget review. Overall the project is running within budget.

**BUDGET AMENDMENTS**

*Budget Variations with Nil Effect to the Overall Budget*

The following budget variations will amend the 2017/2018 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget. Due to the nature of these variations, they fall outside the annual budget review.

Budget Variation 2017/18 – December Council Meeting
Additional grants of $65,531 to be received from Roads to Recovery funding for resurfacing local road will reduce the contribution required from Council. These savings are been utilised to fund emergency speed hump works at the commencement of this financial year.

<table>
<thead>
<tr>
<th>Item</th>
<th>Account #</th>
<th>Account Details</th>
<th>2017/18 Original Budget</th>
<th>Increase/Decrease</th>
<th>2017/18 Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>200440.7111</td>
<td>200440 - Traffic calming upgrade, Ord St, Sth Terrace, Wray Ave</td>
<td>-</td>
<td>12,178</td>
<td>12,178</td>
</tr>
<tr>
<td></td>
<td>200440.7112</td>
<td>200440 - Traffic calming upgrade, Ord St, Sth Terrace, Wray Ave</td>
<td>-</td>
<td>3,775</td>
<td>3,775</td>
</tr>
<tr>
<td></td>
<td>200440.6823</td>
<td>200440 - Traffic calming upgrade, Ord St, Sth Terrace, Wray Ave</td>
<td>-</td>
<td>33,798</td>
<td>33,798</td>
</tr>
<tr>
<td></td>
<td>200440.6865</td>
<td>200440 - Traffic calming upgrade, Ord St, Sth Terrace, Wray Ave</td>
<td>-</td>
<td>15,780</td>
<td>15,780</td>
</tr>
<tr>
<td></td>
<td>200062.4212</td>
<td>Project 10030 Resurface local roads (roads to recovery)</td>
<td>(93,000)</td>
<td>(65,531)</td>
<td>(158,531)</td>
</tr>
</tbody>
</table>

**Budget Variations resulting from End of Year Surplus Funds**

The audited 2016/2017 Annual Financial Report shows a positive end to the 2016/17 financial year for the City, with an overall cash surplus of $1,873,112. This is $1,214,782 more than the $658,330 budgeted in 2017/18 Adopted Annual Budget for carried forward projects.

Budget variations for 2017/18 totalling $784,585 have been approved by Council to date. This leaves a remaining surplus balance of $430,197 to be allocated. In addition, the City will receive additional income of $227,017 in 2017/18 for unclaimed Black Spot Grants from 2016/17. Therefore a surplus of $657,214 is available to be allocated.

Budget variations amounting to $392,000 are now submitted to Council for approval and it’s recommended that the remaining balance of $265,214 is transferred to Investment Reserve for possible future funding requirements.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus as at 30 June 2017</td>
<td>$1,873,112</td>
</tr>
<tr>
<td>Carried Forward Projects at Adopted Budget 17/18</td>
<td>-</td>
</tr>
<tr>
<td>Available surplus to be allocated in 17/18 FY – 30 June 2017</td>
<td>$658,330</td>
</tr>
<tr>
<td>Budget Variations approved as at 30 November 17 (see below)</td>
<td>$1,214,782</td>
</tr>
<tr>
<td>Remaining Surplus</td>
<td>$784,585</td>
</tr>
<tr>
<td>Unclaimed Black Spot Grants in 2016/17</td>
<td>$430,197</td>
</tr>
<tr>
<td><strong>Total surplus available</strong></td>
<td>$657,214</td>
</tr>
<tr>
<td>Budget variations funded from surplus</td>
<td>$392,000</td>
</tr>
<tr>
<td>Transfer to Investment Reserve</td>
<td>$265,214</td>
</tr>
<tr>
<td><strong>Total Surplus after allocation</strong></td>
<td>$0</td>
</tr>
</tbody>
</table>

Below is a summary of the budget variations totally $784,585 that has been approved by Council Resolution up to November 2017.
<table>
<thead>
<tr>
<th>Account #</th>
<th>Account Details</th>
<th>2017/18 Original Budget</th>
<th>Increase/Decrease</th>
<th>2017/18 Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>100239.4311</td>
<td>Receive general revenue</td>
<td>(1,020,000)</td>
<td>536,486</td>
<td>(483,514)</td>
</tr>
<tr>
<td>200049.6823</td>
<td>Project-10987 FAC Revealed Project 2017</td>
<td>15,275</td>
<td>(15,275)</td>
<td>-</td>
</tr>
<tr>
<td>200344.6823</td>
<td>Project-10848 Deliver In Cahoots art exhibition and new residency</td>
<td>-</td>
<td>1,536</td>
<td>1,536</td>
</tr>
<tr>
<td>200156.6865</td>
<td>Project-10146 Conduct Neighbourhood day event</td>
<td>-</td>
<td>4,205</td>
<td>4,205</td>
</tr>
<tr>
<td>200312.1606</td>
<td>Project 10538 Lefroy Road Traffic and pedestrian improvement</td>
<td>-</td>
<td>18,265</td>
<td>18,265</td>
</tr>
<tr>
<td>200278.1606</td>
<td>Project-10253 Refurbish Fremantle Boys School 92 Adelaide St</td>
<td>14,700</td>
<td>41,434</td>
<td>56,134</td>
</tr>
<tr>
<td>200195.6824</td>
<td>Project-10435 Undertake low speed shared use investigation</td>
<td>-</td>
<td>3,100</td>
<td>3,100</td>
</tr>
<tr>
<td>200237.6823</td>
<td>Project-10293 Prepare concept design for Kings Square Public</td>
<td>50,000</td>
<td>45,173</td>
<td>95,173</td>
</tr>
<tr>
<td>200363.6823</td>
<td>Project-10957 Undertake Kings Square Redevelopment – Playscape</td>
<td>25,000</td>
<td>20,000</td>
<td>45,000</td>
</tr>
<tr>
<td>200054.7111</td>
<td>Project-11167 Provide traineeship opportunities</td>
<td>30,081</td>
<td>(966)</td>
<td>29,115</td>
</tr>
<tr>
<td>200053.6823</td>
<td>Project-10980 ARISE</td>
<td>33,647</td>
<td>599</td>
<td>34,246</td>
</tr>
<tr>
<td>200072.7111</td>
<td>Project-11168 Provide traineeship opportunity - FLC</td>
<td>32,338</td>
<td>1,693</td>
<td>34,031</td>
</tr>
<tr>
<td>200304.1607</td>
<td>Project-10469 Install new lighting equipment - road reserve</td>
<td>55,000</td>
<td>40,734</td>
<td>95,734</td>
</tr>
<tr>
<td>200250.1606</td>
<td>Project-10127 Design intersection Adelaide and Queen Victoria</td>
<td>-</td>
<td>17,500</td>
<td>17,500</td>
</tr>
<tr>
<td>200357.6823</td>
<td>Project-10404 Prepare Northbank Foreshore stabilisation</td>
<td>34,465</td>
<td>19,101</td>
<td>53,566</td>
</tr>
<tr>
<td>200097.6823</td>
<td>Project-11069 Develop Reconciliation Plan</td>
<td>-</td>
<td>51,000</td>
<td>51,000</td>
</tr>
<tr>
<td>900520.3911</td>
<td>Municipal Surplus Carried Forward from 30 June 2017</td>
<td>(658,330)</td>
<td>(784,585)</td>
<td>(1,442,915)</td>
</tr>
</tbody>
</table>

Budget variations amounting to $392,000 are now submitted to Council for approval. It is suggested that the additional funds be allocated to the following projects:

<table>
<thead>
<tr>
<th>Project Details</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loan 304 - Light Vehicles - Principal repayment</td>
<td>64,500</td>
</tr>
<tr>
<td>Loan 306 - Fremantle Town Hall - Principal repayment</td>
<td>300,000</td>
</tr>
<tr>
<td>Queensgate carparking bays lease</td>
<td>27,500</td>
</tr>
<tr>
<td></td>
<td>392,000</td>
</tr>
</tbody>
</table>
The resulting budget variation to fund the above projects with justification is below:

<table>
<thead>
<tr>
<th>Account #</th>
<th>Account Details</th>
<th>2017/18 Original Budget</th>
<th>Increase/Decrease</th>
<th>2017/18 Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>900520.3911</td>
<td>Municipal Surplus Carried Forward from 30 June 2017</td>
<td>(1,442,915)</td>
<td>(430,197)</td>
<td>(1,873,112)</td>
</tr>
<tr>
<td></td>
<td><strong>Unclaimed Black Spot Grants – 2016/17</strong></td>
<td>0</td>
<td>(227,017)</td>
<td>(227,017)</td>
</tr>
<tr>
<td>200269.4211</td>
<td>Project-10164 Upgrade intersection at South Street and South Terrace – Grant Income</td>
<td>0</td>
<td>(40,822)</td>
<td>(40,822)</td>
</tr>
<tr>
<td>200269.16XX</td>
<td>Project-10164 Upgrade intersection at South Street and South Terrace - Expenditure</td>
<td>0</td>
<td>1,088</td>
<td>1,088</td>
</tr>
<tr>
<td>200268.4211</td>
<td>Project-10163 Construct roundabout at the intersection of Watkins Street and Wiluna Ave – Grant Income</td>
<td>0</td>
<td>(10,667)</td>
<td>(10,667)</td>
</tr>
<tr>
<td>200268.16XX</td>
<td>Project-10163 Construct roundabout at the intersection of Watkins Street and Wiluna Ave - Expenditure</td>
<td>0</td>
<td>7,904</td>
<td>7,904</td>
</tr>
<tr>
<td>200339.4211</td>
<td>Project-10849 Upgrade intersection at Norfolk/Parry &amp; South Terrace – Grant Income</td>
<td>0</td>
<td>(34,520)</td>
<td>(34,520)</td>
</tr>
<tr>
<td>200340.4211</td>
<td>Project-10853 Upgrade intersection at Queen Victoria St and James St – Grant Income</td>
<td>0</td>
<td>(150,000)</td>
<td>(150,000)</td>
</tr>
</tbody>
</table>

**Total Source of Funds for Surplus Allocation**: (657,214)

Budget required to repay loan principal for 2 loans with maturity date of 28 June 18. In order to ensure sufficient borrowing capacity for future projects these loans drawn in 16/17 were established with a 1 year term.

<table>
<thead>
<tr>
<th>Account #</th>
<th>Account Details</th>
<th>2017/18 Original Budget</th>
<th>Increase/Decrease</th>
<th>2017/18 Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>900434.2113</td>
<td>Loan 304 - Light Vehicles - Principal repayment</td>
<td>0</td>
<td>64,500</td>
<td>64,500</td>
</tr>
<tr>
<td>900432.2113</td>
<td>Loan 306 - Fremantle Town Hall - Principal repayment</td>
<td>0</td>
<td>300,000</td>
<td>300,000</td>
</tr>
</tbody>
</table>

Additional budget of $27,500 required for carpark bay lease expense to December 17 at Queensgate Car Park.

<table>
<thead>
<tr>
<th>Account #</th>
<th>Account Details</th>
<th>2017/18 Original Budget</th>
<th>Increase/Decrease</th>
<th>2017/18 Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>100085.6871</td>
<td>Lead City Business Directorate - Queensgate car parking bays lease</td>
<td>25,000</td>
<td>27,500</td>
<td>52,500</td>
</tr>
</tbody>
</table>

**Total Budget Variances – Surplus Allocation**: 392,000

**Surplus after Budget Variations**: (265,214)

**Transfer to Investment Reserve**: 265,214

**Over/(Under)**: 0

**Cash Investments**

An analysis of Statement of Financial Position (Attachment 5) and Statement of Net Current Assets (Attachment 6) shows that the City held $72.55 million (excluding $307,331 held in trust) in cash and short term investments as at 30 November 2017. The cash and cash equivalents include $41.39 million in Reserves and $31.16 million in unrestricted cash.
The graph below summarises the maturity profile of the City’s investments at market value as at 30 November 2017.

The chart below shows the cash investments at carbon support/non-support position financial institutions at 30 November 2017. There are $41.1 million of investments with financial institutions listed as not supporting unlocking of carbon, representing 56% of the total investments.


**FINANCIAL IMPLICATIONS**

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

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

Under section 6.10 of the Local Government Act 1995 and Local Government (Financial Management) Regulation 12(1);

a) Council has delegated authority to the CEO under item 3.2, Accounts for Payment - Authorisation of, to make payments from the municipal fund and trust fund.

The lists of accounts paid are presented in accordance with Local Government (Financial Management) Regulations 13(1) and (3)

CONSULTATION

Nil

OFFICER COMMENT

This report is provided to Council to assess operational issues affecting the implementation of projects and activities in the 2017/18 current budget.

The overall performance for the City of Fremantle for the period ended 30 November 2017 resulted in an additional $1,614,567 surplus being identified than anticipated, which is mainly as a result of:

- Increased net current assets (municipal surplus) of $430,198 carried forward from 30 June 2017. The municipal surplus currently is $1,873,113 as at 30 June 2017, which includes $1,442,915 approved by council to commit to carried forward projects from 2016/2017 financial year;
- The net transfer from reserve of $2,150,362;
- Underspending of operating expenditure of $838,753;
- Increased rates income of $330,662;
- Underspending of capital projects of $346,782,
- Reduced capital revenue of $255,147.

It should be noted that the audit of the City’s Annual Financial Statements for the period ended 30 June 2017 has been finalised and the auditor’s report was received by Audit and Risk Management Committee on 5 December 2017.

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute Majority Required
COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

That Council:


2. Approve the budget variations of $65,531 to the Adopted Budget for 2017/2018 as outlined in the report.

3. Approve the surplus allocation resulting from end of year 2016/17 FY to budget variations of $392,000 to the Adopted Budget for 2017/18 and transfer the remaining surplus of $265,214 to Investment Reserve.

4. Receive the payments authorised under delegated authority and detailed in the list of invoices for November 2017, presented as per the summaries set out in the attached schedules and include creditors that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.

5. Receive the City of Fremantle Loan Borrowing and Reserve Fund Movement and Balance Report.

SECONDED: Cr D Hume

CARRIED: 11/0

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor, Brad Pettitt</td>
<td></td>
</tr>
<tr>
<td>Cr Bryn Jones</td>
<td></td>
</tr>
<tr>
<td>Cr Andrew Sullivan</td>
<td></td>
</tr>
<tr>
<td>Cr Jon Strachan</td>
<td></td>
</tr>
<tr>
<td>Cr Rachel Pemberton</td>
<td></td>
</tr>
<tr>
<td>Cr Jenny Archibald</td>
<td></td>
</tr>
<tr>
<td>Cr Hannah Fitzhardinge</td>
<td></td>
</tr>
<tr>
<td>Cr Adin Lang</td>
<td></td>
</tr>
<tr>
<td>Cr Ingrid Waltham</td>
<td></td>
</tr>
<tr>
<td>Cr David Hume</td>
<td></td>
</tr>
<tr>
<td>Cr Doug Thompson</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL ITEMS

The following item number C1712-2 was MOVED and carried en bloc.

C1712-2  COUNCIL INFORMATION REPORT - NOVEMBER 2017

ACCEPTANCE OF TENDER FCC499/17 – GRAFFITI REMOVAL SERVICES

ECM Reference: 39/073
Author: Glen Dougall Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Graffiti Removal Services to be awarded to Graffiti Systems Australia for the estimated price of $187,200 excluding GST for the period 4 December 2017 to 30 November 2019.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.

REJECTION OF TENDER FCC492/17 – NAVAL STORES ADAPTIVE REUSE AND COMPLIANCY WORKS

ECM Reference: 39/073
Author: Glen Dougall Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Naval Stores Adaptive Reuse and Compliancy Works to reject all tenders.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.

REJECTION OF TENDER FCC909/17 – LEASING AGENT KINGS SQUARE RENEWAL PROJECT CIVIC BUILDING

ECM Reference: 39/073
Author: Glen Dougall Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Leasing Agent Kings Square Renewal Project Civic Building to reject all tenders.

The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates.
not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates

ACCEPTANCE OF TENDER FCC497/17 – CHEMICAL FREE WEED MANAGEMENT

ECM Reference: 39/073
Author: Glen Dougall Director City Business

The CEO accepted a recommendation from the Major Procurement Approval Panel (MPAP) for Chemical Free Weed Management to be awarded to Wattle Facility Group for the estimated price of $272,000 excluding GST for the period 1 December 2017 to 30 November 2019 with an option to extend for a further year. The MPAP is comprised of the Director City Business, the Director Community Development, the Director Infrastructure and Project Delivery and the Director Strategic Planning and Projects or their delegate (the delegate must be an operational manager not involved as a requestor or evaluator), and one operational manager or coordinator who is independent to the area from which the contract or tender relates

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt


SECONDED: Cr D Hume

CARRIED: 11/0

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</table>
The following item number C1712-6 was MOVED and carried en bloc.

C1712-6  AWARD OF TENDER FCC906-17 ASBESTOS REMOVAL
          DEMOLITION OF FREMANTLE CIVIC BUILDING AND LIBRARY

Meeting Date: 13 December 2017
Responsible Officer: Director Infrastructure and Strategic Planning
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The purpose of this report is to consider tender number FCC906/17 for the
Asbestos Removal and Demolition of the City of Fremantle, Civic Building and
Library. The demolition allows for the construction of the new Civic and
Administration Building under the Kings Square redevelopment project.

This report recommends that council accepts the tender submitted for the entire
scope of work. The tender evaluation was undertaken using the selection criteria
provided in the tender document and according to the requirements of the Local
Government (Functions and General) Regulations 1996.

BACKGROUND

As part of the City’s commitment to the Kings Square Renewal Project, the City requires
a suitably experienced, qualified and safety conscious contractor to safely remove
asbestos from the current civic building and demolish the remaining structure. Asbestos
removal and demolition is due to commence in the first quarter of 2018 and be
completed in time for construction of the new building.

Tender FCC906/17 for Asbestos Removal and Demolition of Fremantle Civic Building
and Library was advertised on Wednesday 26 July 2017 and closed on Friday 1
September 2017.

A total of 6 Tender responses were received by the city, to undertake the scope of work.

FINANCIAL IMPLICATIONS

The table below summarises the proposed budget provision and the forecast expenditure
against the maintenance services listed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Expenditure</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget for 17 / 18 Financial Year – Account No: 200417</td>
<td></td>
<td>$2 200 000</td>
</tr>
<tr>
<td>(IP-Project 10297 Construct Council Administration Offices)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditure incurred to date:</td>
<td>$ 2 640</td>
<td></td>
</tr>
<tr>
<td>Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Tender number FCC906/17 (forecast expenditure for</td>
<td>$ 2 459 163</td>
<td></td>
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<td></td>
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Page 124
In order to fund the additional contractual requirement and the recommended contingency of 5%, a sum of $384,762 will be required from municipal or investment funds.

A pre-tender estimate, provided by the City’s Quantity Surveyor, to undertake the asbestos removal and demolition was $2,200,000. The pre-tender estimate and budget allocation was exclusive of any contingency.

All tenders received were above the pre-tender estimate and it is considered that the additional cost is due to tenderers allowing for risk regarding the amount of asbestos required to be removed during the works.

LEGAL IMPLICATIONS

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

CONSULTATION

Nil

OFFICER COMMENT

Detail

Tender FCC906/17 for Asbestos Removal and Demolition of Fremantle Civic Building and Library was advertised on Wednesday 26 July 2017 and closed on Friday 1 September 2017.

Essential details of the contract are outlined below:

<table>
<thead>
<tr>
<th>Contract type</th>
<th>Lump Sum</th>
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</thead>
<tbody>
<tr>
<td>Contract duration</td>
<td>Duration of services</td>
</tr>
<tr>
<td></td>
<td>(approximately 6 months)</td>
</tr>
<tr>
<td>Commencement date</td>
<td>On or about 2 January 2018</td>
</tr>
<tr>
<td>Completion date</td>
<td>May / June 2018</td>
</tr>
</tbody>
</table>

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:
The Tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Director Infrastructure and Project Delivery
- Manager City Assets
- Project Manager Buildings
- Senior Contracts and Procurement Officer
- Senior Development Manager (Sirona Capital, non-voting member)
- Senior Consultant (QED Environmental Services, non-voting member)
- Associate (Kerry Hill Architects, non-voting member)

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

No disclosures were made.

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

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Weighting</th>
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<tbody>
<tr>
<td>1</td>
<td>Relevant Experience</td>
<td>15%</td>
</tr>
<tr>
<td>2</td>
<td>Skills &amp; Key Personnel</td>
<td>15%</td>
</tr>
<tr>
<td>3</td>
<td>Demonstrated Understanding</td>
<td>20%</td>
</tr>
<tr>
<td>4</td>
<td>Sustainability</td>
<td>10%</td>
</tr>
<tr>
<td>5</td>
<td>OHS</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Price</td>
<td>30%</td>
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</tbody>
</table>

All Tender submissions received were conforming to the Tender requirements.

The results of the tender evaluation, shown in the table below, narrowly identified that Delta Pty Ltd were the recommended tenderer to complete this scope of work with a score of 79.0 out of 100.
The tender from Delta Pty Ltd offers the best overall value for money response whilst providing the City with a high level of experience with similar asbestos removal and demolition projects, a high level of organisational and individual experience and a detailed and knowledgeable understanding of the scope of works required to undertake the works and achieve the City’s objectives.

The remaining Tender submissions received lower scores.

The recommended Tenderer was assessed as having the experience, resources and demonstrated understanding and management processes to safely undertake the works and deliver a high level of service as described in the specification, in accordance with the terms of the Tender document.

The evaluation process determined that the Tender from Delta Pty Ltd provided a fully conforming tender.

Reference checks indicate that the recommended tenderer have provided satisfactory service delivery to their customers on similar projects, and will be a suitable supplier to the City of Fremantle.

Delta Pty Ltd has indicated their acceptance of a ‘Termination for Convenience’ contract clause (if required) and a novation of contract (if required) from the City to the City’s builder of the new civic building, when appointed.

**Environmental considerations**

All respondents and the recommended Tenderer declared compliance with the four principles of No Business in Abuse (NBIA) and do not have contracts with suppliers profiting from offshore detention.

All respondents provided a detailed understanding and knowledge of the asbestos risk whilst undertaking the project.

**Risk consideration**

An assessment undertaken by Dun and Bradstreet indicates that the recommended Tenderer has the financial capacity to undertake the contract.

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

Specific risk assessments have been developed for the services requested in the Tender and will be used on the safe delivery of these services.
Comment

The recommended Tenderer scored well against the qualitative and quantitative criteria required to safely deliver the scope of work. The Tenderer provides the City with the ability to deliver a good value for money outcome for the services provided during the contracted period.

Subject to acceptance of the Tender, the proposed implementation program is scheduled below:

- Award contract: 18 December 2017
- Commence services: On (or about) 2 January 2018
- Completion: May / June 2018

VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

Council:

1. Award the Tender for FCC906/17 for Asbestos Removal and Demolition of the City of Fremantle, Civic Building and Library to Delta Pty Ltd for the lump sum value of $2,459,163 (ex GST)

2. Approve a 5% contingency of $122,959 (ex GST) to undertake the works

3. Approve the required budget variation to adopted budget 2017/2018 to transfer an additional sum of $384,762 from Investment Reserve funds, to budget account 200417 - IP-10297 Construct Council Administration Offices (Kings Square redevelopment), to undertake the demolition works.

<table>
<thead>
<tr>
<th>Account</th>
<th>Original Budget</th>
<th>Adjustment</th>
<th>Proposed Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>200417.3910</td>
<td>(2,200,000)</td>
<td>(384,762)</td>
<td>(2,584,762)</td>
</tr>
<tr>
<td>200417.6823</td>
<td>2,200,000</td>
<td>384,762</td>
<td>2,584,762</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>0</td>
</tr>
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</table>

SECONDED: Cr D Hume

CARRIED: 11/0
<table>
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The following item number C1712-7 was MOVEd and carried en bloc.

C1712-7 KINGS SQUARE - UPDATE ON ACTIVITIES TO SUPPORT LOCAL TRADERS

Meeting Date: 13 December 2017
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: n/a

SUMMARY

The purpose of this report is to update council on the activities undertaken by the City to minimise the impact to businesses of construction works that are part of the Kings Square project. These activities are part of an ongoing process where City officers will work in collaboration with local traders and the Fremantle Business Improvement District (BID) Group to support businesses, particularly those most affected by the redevelopment project.

Activities to date include:
1. Direct communication with affected businesses including trader forums and face-to-face visits to shops.
2. Provision of one hour free parking on Queen St, Adelaide St, High St (east) and Paddy Troy mall.
3. Waiving alfresco dining licence fees for eligible businesses in the immediate vicinity of the square.
4. Development of a collaborative marketing camping to encourage construction workers to use local businesses (e.g. lunch time specials).
5. Installation of temporary signage to aid pedestrian movement.
6. Activation of the square after the relocation of the City’s administration to the offices at Fremantle Oval.

BACKGROUND

The Kings Square renewal project is a major integrated redevelopment of the old Myer building, Queensgate car park and office building, the City’s civic building and the overall upgrade of the public space. This project is a partnership between the City of Fremantle and Sirona Capital and is expected to be the catalyst for further public and private investment in Fremantle.

Some local business owners and managers around the redevelopment area have expressed concern that the imminent construction work may affect foot traffic and trade in a negative way. The City, in collaboration with the business community, identified a number of activities to minimise the impact to local businesses caused by the redevelopment of the square.

Additionally, the City and Sirona Capital, with support from the Fremantle Business Improvement District (BID), have been working together to inform all Fremantle businesses about the project. A concerted effort has been made to engage directly with those businesses adjacent to the redevelopment area.
Properties and businesses most likely to be affected as a result of construction works are shown in the map below. Other properties nearby may be affected indirectly. Up to 16 properties surround Kings Square include approximately 50 businesses at the ground, plus offices located in the upper floors. The current focus so far has been ground level businesses.

Activities currently being undertaken include:

1. **Direct communication with affected businesses including trader forums and face-to-face visits to shops.**

Regular communication with local businesses has been essential to ensure business owners and managers are aware of potential disruptions to their daily trade, as well as opportunities to attract more customers. Disruptions could include road closures, increased traffic and availability of car parking bays, noise and dust as a result of works taking place nearby.
A communications strategy is in place which targets the broader community, local businesses and property owners adjacent to the construction site.

The City and Sirona have dedicated officers to communicate with businesses. Communication channels for the project include:

- a dedicated project website (www.kingssquarefremantle.com) and e-newsletter
- regular meetings and trader forums to update on progress
- regular visits from officers to shops
- direct lines of communication to respond to enquiries
- SMS alert and email databases.

2. Provision of one hour free parking on Queen St, Adelaide St, High St (east) and Paddy Troy mall.

Feedback from traders suggested providing free parking should be considered throughout the lead up to the construction period and throughout. In October 2017 the City began to provide free one hour parking (9.00am to 5.00pm) along Queen St, William St, High St (east) and Paddy Troy Mall.

Verbal feedback from businesses is that the arrangement is convenient for customers and is motivating people to visit the area. Officers will continue to monitor this arrangement and report to council as needed.

3. Waiving alfresco dining licence fees for eligible businesses in the immediate vicinity of the square.

After evaluating the number of businesses surrounding Kings Square that hold an alfresco dining licence, it is estimated less than 80sqm of alfresco dining may be affected.

Waiving alfresco dining fees will assist affected businesses as these areas may not be used at some times as a result of an increase in noise, dust and other related circumstances. This has been implemented and well received by the businesses.

4. Development of a collaborative marketing campaign to encourage construction workers to use local businesses (e.g. lunch time specials).

The City and the BID are working on a marketing campaign to give local traders direct access to the construction workforce onsite. This campaign will be aimed at providing specials and promotions to construction workers when shopping at local businesses (e.g. lunch time specials).

5. Installation of temporary signage to aid pedestrian movement.
Sirona fences and WaterCorp / Atco gas fences were all erected at the same time several months ago. This caused some confusion in the business community and a perception that all fences were part of the Kings Square project. Officers met with individual businesses and the BID to correct this misperception. Additionally, signs were erected on the WaterCorp / Atco fences to communicate to pedestrians that business were still operational.

Officers will continue to monitor pedestrian legibility throughout the construction period and will work with Sirona to erect signs as needed to ensure good pedestrian movement is maintained in the precinct. It is intended that the City’s fences, when erected, will include branding to promote the broader Kings Square project, as well as ‘open for business’ messages.

6. Activation of the square after the relocation of the City’s administration to the offices at Fremantle Oval.

Demolition and construction works for the City’s administrative building is due to commence in 2018, City administration and library functions transition to the Fremantle Oval offices on 18 December 2017.

Officers are investigating a range of small-scale events and activities to attract people to the square following the move of the administration to Fremantle Oval. This could include sports and recreation activities as well as commercial activities that are complementary to the surrounding business mix. These events will not compete against businesses.

FINANCIAL IMPLICATIONS

The following table shows the cost and the estimated lost income of delivering these activities throughout the redevelopment period.

<table>
<thead>
<tr>
<th>Action</th>
<th>Cost</th>
<th>Lost income for the City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct communication with affected businesses including trader forums and face-to-face visits to businesses</td>
<td>Officer time and $3 000 (trader forums)</td>
<td>n/a</td>
</tr>
<tr>
<td>Provision of one hour free parking</td>
<td>$1 500 (signage)</td>
<td>Queen St $49 566 (9 bays)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>William St $94 896 (15 bays)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paddy Troy Mall $39 963 (10 bays)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>High St (east) n/a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total $181 425 (34 bays)</td>
</tr>
<tr>
<td>Promotional campaign for onsite workers</td>
<td>Est. $10 000 year 1</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Est. $10 000 year 2</td>
<td></td>
</tr>
<tr>
<td>Waiving alfresco dining permit fees</td>
<td>n/a</td>
<td>Est. $8 500 year 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Est. $8 500 year 2</td>
</tr>
</tbody>
</table>
Installation of temporary signage to aid pedestrian movement  |  Est. $5 000 year 1  |  n/a  

Activation of the square after the relocation of City administration to the offices at the Fremantle Oval.  |  TBC  |  TBC  

Estimated total  |  $227 925  

LEGAL IMPLICATIONS
There are no legal implications related to the recommendations of this report.

CONSULTATION
The City, in collaboration with Sirona and the BID, has established direct contact with nearby businesses in the form of direct visits to their business, e-newsletters, meetings and dedicated trader forums.

The MySay community engagement website is also being used to communicate the proposed changes to the public spaces and to collect feedback form the broader community.

OFFICER COMMENT
Some of these activities have been rolled out in preparation for the major works. The City will monitor these efforts and refine activities by maintaining close communication with traders adjacent to the square. Further updates will be provided to council on a six-monthly basis throughout the redevelopment.

VOTING AND OTHER SPECIAL REQUIREMENTS
Information only no decision required

COUNCIL DECISION
MOVED: Mayor, Brad Pettitt

Council receives the report outlining the actions taken by the City to inform and support businesses impacted through the construction phase of the Kings Square redevelopment project.

SECONDED: Cr D Hume

CARRIED: 11/0
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C1712-3 PRINCIPLES FOR THE DEVELOPMENT OF THE STRATEGY AND PROJECT DEVELOPMENT COMMITTEE TERMS OF REFERENCE

Meeting Date: 13 December 2017
Responsible Officer: Chief Executive Officer
Decision Making Authority: Council
Agenda Attachments: Current Strategy and Project Development Committee terms of reference

SUMMARY

On 22 November 2017 council resolved that a report be presented to the next appropriate Ordinary Meeting of Council on a review of the terms of reference of the Strategy and Project Development Committee.

This report recommends that council approve the development of revised terms of reference in accordance with the principles outlined as option 2 of this report.

BACKGROUND

On 22 November 2017 council resolved that a report be presented to the next appropriate Ordinary Meeting of Council on a review of the terms of reference of the Strategy and Project Development Committee.

Previously, at the Strategy and Project Development Committee meeting held on 6 November 2017, a discussion of this item identified the following key factors to take into account in reviewing the terms of reference:

- The frequency of meetings.
- Whether all elected members of council, or only some, should be members of the committee.
- The scope and focus of matters to be considered by the committee.
- Whether or not the committee should exercise some level of delegated authority on behalf of the council.
- Whether or not meetings should be open or closed to the public in the event that the committee does not exercise delegated authority (if a committee does not have authority to make a decision, Local Government Act requirements for the meeting to be open to the public do not automatically apply).

OFFICER COMMENT

Officers have further considered the matters referred to above and have developed the principles of two options for future terms of reference of the Strategy and Project Development Committee. If council supports one or other of these options, this will provide sufficient direction for a further report to be prepared setting out detailed terms of reference for council’s consideration and approval. The two options are described below.
Option 1 – continue with current terms of reference with minor amendments

Under this option the committee would continue to function largely as it has done to date, but with the frequency of meetings reduced to one every two months. The scope of responsibility would continue to be based on a predetermined list of projects and strategic initiatives primarily derived from the Strategic Community Plan. However the opportunity could be taken to update and amend the projects, to remove those which have now been largely completed or have been made less relevant by changed circumstances, e.g. the Perth Freight Link and the Point Street redevelopment.

It is suggested that under this option the committee would continue to comprise all members of the council and would not exercise any decision-making authority delegated by council. If the committee does not exercise delegation the meetings could be either open or closed to the public; or generally open but with the option of closing the meeting as required depending on the items to be discussed.

Option 2 – ‘Strategic Planning’ standing committee

Under this option the Strategy and Project Development Committee would be replaced with a new committee comprising six elected members plus the Mayor as an ex-officio member, similar to the Finance, Policy, Operations and Legislation Committee (FPOL) and the Planning Committee. The committee would consider all strategic planning and transportation-related matters, some of which are currently considered by the Strategy and Project Development Committee and some by the Planning Committee.

To maintain consistency with the FPOL and Planning Committees, under this option it is suggested that the new committee should meet on a monthly frequency and could exercise some degree of delegated authority (see Discussion below).

Discussion

The rationale for option 2 is that most of the matters of strategic significance dealt with by the current committee are predominantly strategic land use, planning and transportation-related matters which often have a high level of integration, e.g. master planning and consequential planning scheme amendments and/or structure plans flowing out of projects such as the future of the Inner Harbour and its transport links, Fremantle Oval/Hospital precinct and the Heart of Beaconsfield/South Street public transport planning.

Under this option non-planning/land use matters currently considered by the Strategy and Project Development Committee could be dealt with by the FPOL Committee (possibly under existing delegated authority). Conversely, strategic planning matters currently reported to the Planning Committee (but for which the committee does not have delegated authority) would be reported to the ‘Strategic Planning’ committee and the business of the Planning Committee would be statutory development control matters only, which already make up the majority of the committee’s business (and for which the committee already has extensive delegated decision-making powers). The volume of statutory planning agenda items and the time demands they place on the Planning Committee mean that under current arrangements the committee is sometimes
constrained in the amount of time it can devote to detailed consideration of more strategic matters.

If council supported this option in principle, officers consider it would be beneficial to give the committee some limited delegated authority to make decisions on matters such as the guiding principles for strategic planning projects and draft planning scheme amendments, and the initial adoption of draft local planning policies for public consultation purposes. It is not recommended that the committee have delegated authority for the formal approval of final documents, which would remain a decision of the full council as under current arrangements. This level of delegation would provide more timely direction to officers to progress with the research and preparation of draft documents such planning scheme amendments.

If council supports the principle of giving some delegated authority to the committee as suggested in option 2, it would be necessary for meetings to be open to the public to comply with Local Government Act requirements.

A summary of the key characteristics of these two options is provided in the table below.

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>OPTION 1 – As per existing with minor amendments</th>
<th>OPTION 2 – new strategic planning committee</th>
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</thead>
<tbody>
<tr>
<td>Scope of responsibility</td>
<td>Predetermined projects as identified in the Community Strategic Plan</td>
<td>All strategic land use planning and transportation matters</td>
</tr>
<tr>
<td>Frequency</td>
<td>Once every two months</td>
<td>Once a month</td>
</tr>
<tr>
<td>Membership</td>
<td>All elected members</td>
<td>6 elected members and mayor as ex-officio member</td>
</tr>
<tr>
<td>Delegated Authority</td>
<td>No</td>
<td>Yes – limited to approval of general principles for development of policy/strategy and authority to request research/reports be undertaken by staff</td>
</tr>
<tr>
<td>Accessibility</td>
<td>Open to the public but can be closed as necessary</td>
<td>Open to public in accordance with legislation</td>
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**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required
OFFICER'S RECOMMENDATION

Council:

1. Approves the review of the Strategy and Project Development Committee and the development of new Terms of Reference in accordance with the principles outlined below:

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<tr>
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2. Request a further report setting out full details of the recommended terms of reference based on the principles in (1) above, be presented to the next appropriate Ordinary Meeting of Council.

3. Approve the council meeting schedule be amended to remove the Strategy and Project Development Committee meeting on 15 January 2018, to allow for the terms of reference to be reviewed.

At 7.48 pm Cr Ingrid Waltham left the chamber, prior to vote on the following amendment.

Cr David Hume MOVED a minor amendment to part 1 of the officer’s recommendation (shown in red) to read as follows:

Council:

1. Approves the review of the Strategy and Project Development Committee and the development of new Terms of Reference in accordance with the principles outlined below:

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<td>All strategic land use planning and transportation matters</td>
</tr>
<tr>
<td>Frequency</td>
<td>Once a month, with an option for the CEO to cancel the meeting if there is insufficient</td>
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</tbody>
</table>
Membership | 6 elected members and mayor as ex-officio member  
Delegated Authority | Yes – limited to approval of general principles for development of policy/strategy and authority to request research/reports be undertaken by staff  
Accessibility | Open to the public but can be closed as necessary  

SECONDED: Cr J Archibald  
CARRIED: 10/0  

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</thead>
</table>
| Mayor, Brad Pettitt  
Cr Bryn Jones  
Cr Andrew Sullivan  
Cr Jon Strachan  
Cr Rachel Pemberton  
Cr Jenny Archibald  
Cr Hannah Fitzhardinge  
Cr Adin Lang  
Cr David Hume  
Cr Doug Thompson | |

REASON/S FOR CHANGE  
The intent of the amendment is to enable the CEO to cancel a meeting if there is insufficient business to discuss.  

At 7.50 pm Cr Ingrid Waltham returned to the chamber.  

Mayor, Brad Pettitt MOVED the officer’s recommendation, as amended, to read as follows;  

COUNCIL DECISION  

Council:  

1. Approves the review of the Strategy and Project Development Committee and the development of new Terms of Reference in accordance with the principles outlined below:  

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2. Request a further report setting out full details of the recommended terms of reference based on the principles in (1) above, be presented to the next appropriate Ordinary Meeting of Council.

3. Approve the council meeting schedule be amended to remove the Strategy and Project Development Committee meeting on 15 January 2018, to allow for the terms of reference to be reviewed.

SECONDED: Cr D Hume

CARRIED: 11/0

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<td>Cr Doug Thompson</td>
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At 7.53 pm Cr A Sullivan declared a financial interest in item number C1712-4 and was absent during discussion and voting of this item.

C1712-4 WALYALUP CULTURAL CENTRE REVIEW

Meeting Date: 13 December 2017
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Kambarang Report - Walyalup Aboriginal Cultural Centre

SUMMARY

In March 2017, Council endorsed a review in relation to the provision of an indigenous cultural centre in Fremantle. The City engaged Kambarang Services who prepared the Walyalup Aboriginal Cultural Centre (WACC) Kambarang Report.

The recommendations contained in the Kambarang Report support the continuation of the WACC and for it to determine and promote clearly its purpose and functions, adequately optimise its resources, while developing the foundation for partnerships with the Aboriginal community. The WACC needs to be a place of excellence for learning about the culture, history and creativity of Whadjuk and other Aboriginal people.

BACKGROUND

There have been calls for a Fremantle “Indigenous Cultural Centre” since at least, 1984. In November 2012, Council resolved to identify a site for such a Centre within Arthur’s Head reserve. Subsequently, Council commissioned Urban Aesthetics (UA 2013 report) to undertake community engagement, and make recommendations on how to proceed. This was completed in April 2013.

In March 2014, the WACC opened at 12 Captain’s Lane with the main objective to celebrate Whadjuk and Nyoongar culture within Arthur Head’s precinct. The UA 2013 report recommended that there should be a long term plan to move to more suitable premises and that 12 Captain’s Lane be understood as an interim option.

After two years of operations, and valuable experience, an “investigation into the transfer and management of the WACC to an external management group” was undertaken by Dr Bryn Roberts of Koya Aboriginal Corporation in a pro bono capacity as part of their three year lease for two rooms at the WACC. Koya have since surrendered the lease, effective from October 2017 and relocated to larger premises in High Street Fremantle.

The Koya report indicated that:

- Any feasible management model would need to create an annual income of $200 000 to cover expenditure with a minimum of 30 hours of programmed activities.
- Transfer of management and operations to an Aboriginal organisation should be done through a staged approach.
• As a local not for profit it would be independent, registered under CATSIA Act 2006 and administered by the Office of the Registrar of Indigenous Corporations to prevent individuals from benefiting financially.
• Should the operation be handed over, the City should set criteria so the level of service can continue and be enhanced.

Council has progressed in part some of the Koya report recommendations:
• Charges for workshops were introduced in July 2017. But with only one room at the WACC (until Koya’s departure in 2017), the Walyalup program couldn’t expand, and the ability to generate revenue was very limited ($4 000 as of December 2017).

The Kambarang report acknowledged but refined the Koya report recommendations which will inform future directions for the WACC focusing on:
• A centre at which primarily non-Aboriginal people can connect with Aboriginal culture, more particularly Whadjuk Nyoongar culture.
• A venue that strives to create opportunities for Aboriginal cultural guides, artists, performers and other businesses.

The report suggests that the City invest more into the space and the Walyalup program to promote Whadjuk and Nyoongar history, culture and arts, to become:
• A place where tourists and residents can directly interact or learn.
• A source of information and contact.
• A centre that supports the development of cultural connections and identity.

FINANCIAL IMPLICATIONS

The current operational budget of $84,000 per annum allows opening the WACC Friday and Saturday (in line with Bathers Beach Arts Precinct tenants’ requirement). The budget includes the salaries of Aboriginal staff who are responsible for day-to-day operations of the centre, along with any additional staffing costs during the peak season of Birak and Bunuru.

This reallocation of hours in line with the Bathers Beach Art Precinct plus the introduction of a small fee for service from participants has helped keep the costs down at the WACC from previous two years of operation, whereby services were provided free of charge to participants.

LEGAL IMPLICATIONS

NA

CONSULTATION

Kambarang Services undertook a consultation with key Aboriginal stakeholders and City of Fremantle staff from September to November 2017.

The consultation process included direct face-to-face and telephone conversations with Nyoongar elders, for their stewardship within their community or their engagement in Fremantle cultural activities. Some of this feedback is listed below:
“Definitely need a place in Freo for Nyoongar people.”

“Elders want something in Fremantle but the current place is not ideal. Need a place to do our art, storytelling, tool making, opportunities for linkages.”

“It seems the WACC is mostly for tourists so the link to the Roundhouse and the Wardarnji Festival could be important. But the history of what happened needs to be told, especially the connection to the Roundhouse and Wadjemup (Rottnest) as portals for the imprisonment of Aboriginal people. Noongar culture needs to be showcased as well. Lots of potential but the purpose of the current WACC is not clear.”

“I do art there and it’s a good location for me but the small house could be bigger. All the centres need to be connected and work together.”

“When I go there I feel winyarn (no good). It not a good place as it’s out of sight.”

“It is very important to have an Aboriginal centre in Fremantle but I don’t know much about it. It seems too small for a community gathering. It needs to be run and managed by Aboriginal people.”

The Aboriginal community has clearly commented on the tragic impact of early settlement. And while the WACC is not in an ideal location, it is important that the centre be used to “speak the truth” and acknowledge publicly the history which is shaping the community wellbeing today.

Elders also emphasized that Aboriginal culture was alive and needed to be shared and celebrated. A new facility, developed to modern standards for cultural institutions, in a visible location in Fremantle, would show the respect to traditional owners, help to move forward and to bridge the gap.

**OFFICER COMMENT**

The Kambarang Report acknowledges that the City is widely regarded and respected as a positive force towards a reconciled Australia, and a supporter of Aboriginal people and their ideas. This recognition by the community is invaluable and should see the WACC take a greater part in the City’s celebration of indigenous culture, arts and history, alongside events such as One Day event. However the centre must first clarify its purpose, which should be used as the focal point for dialogue and collaboration.

Feedback from the consultation suggested it to be:

- A centre at which primarily non-Aboriginal people can connect with Aboriginal culture, more particularly Whadjuk Nyoongar culture.
- A venue that strives to create opportunities for Aboriginal cultural guides, artists, performers and other businesses.

Strong and healthy partnerships with Aboriginal people could be developed and directed towards the WACC’s growth. The community needs to be given a chance to discuss matters in their own terms, so timeframes needs to be considered carefully to ensure that the quality of outcomes is not compromised, and cultural protocols followed appropriately.
The role of the CDO – Aboriginal Engagement will be essential in consolidating the connection with the Fremantle connected Aboriginal community, as well as in bringing together the recommended WACC Advisory Group with the development of the City’s Reconciliation Plan in 2018.

The report recommends an Advisory Group be established as a priority, to ensure that investment in the WACC is monitored by Aboriginal people, and guidance given when necessary. With the timely endorsement by Council on 18 January 2017 of a Reconciliation Action Plan (RAP), there are clear benefits in seeing the WACC Advisory Group getting involved to help move to genuine and appropriate partnerships with Whadjuk, Nyoongar and other Aboriginal community members.

Accepting that the WACC is Fremantle’s active Aboriginal centre in the short to medium term gives a mandate to council to build from 3 years of operation, and invest into the space and Walyalup program which promote Whadjuk and Nyoongar history, culture and arts, to become:

- A place where tourists and residents can directly interact or learn.
- A source of information and contact.
- A centre that supports the development of cultural connections and identity.

The report emphasises the need to recognise the history of Aboriginal people in Fremantle through professionally designed interpretative displays. External funding would be investigated without the need for further expenditure. An Interpretation Plan may be required to progress such funding and further consultation would be required around this initiative.

The success of an Aboriginal cultural centre in Fremantle should also rely on a comprehensive research of other similar facilities, taking into consideration the dynamic in the region, as well as best practise:

- Funded by Local Government:
  - The Champion Centre managed by the City of Armadale.
  - The Kodja Place managed by the City of Kojonup.
- Community driven:
  - Walkatjurra Centre in Leonora.
  - Mowanjum Art and Culture Centre in Derby.
  - Tjulyuru Regional Arts Gallery in Warburton.
- Privately owned: Wardan Centre in Yallingup.

The above centres were referred to as models for partnerships between local governments and communities, or for celebrating indigenous and post-settlement cultures and histories together or simply for mobilizing a local Aboriginal community and play a central role in their wellbeing.

The Kambarang report also suggests that for the long term the indigenous community are in support of a purpose built indigenous cultural centre in Fremantle. This information is timely as Council endorsed on the 8 November 2017, to undertake a feasibility study for a stronger and more sustainable purpose built centre, which could be part of the future planning within the Fremantle local government boundary. A budget allocation of $30,000 was approved to support the study and the scope of works is currently being prepared.
While all recommendations undertaken around the management of the WACC suggest that it should be given to Aboriginal people in some form, the UA Report clearly states that no one family should manage the centre and benefit alone from the operation. Until the outcome of the feasibility study into a purpose built facility can present sustainable financial modelling and management options, the Kambarang report recommends that the City continue to manage the operations of the WACC.

Should Council endorse the Kambarang report, the City will take the consultation feedback from the Aboriginal community around the statement of purpose, of what the centre should aim to deliver:

- A place where tourists and residents can directly connect with and learn about Whadjuk and Nyoongar history and culture by engaging in programmes and activities.
- An information centre for people and businesses interested in Whadjuk and Nyoongar history and culture.
- A centre that supports and promotes but is not limited to; Aboriginal artists, performers, cultural guides and teachers.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

Council:

1. Receives the Kambarang report of the Walalyup Aboriginal Cultural Centre.
2. Supports the purpose for Walalyup and the proposed cultural centre, being:
   a. A place where tourists and residents can directly connect with and learn about Whadjuk and Nyoongar history and culture by engaging in programmes and activities.
   b. An information centre for people and businesses interested in Whadjuk and Nyoongar history and culture.
   c. A centre that supports and promotes but is not limited to, Aboriginal artists, performers, cultural guides and teachers in their business or creativity.
3. Notes, resources will be considered as part of the 2018/2019 operational budget process.
Cr R Pemberton MOVED an amendment to part 2 and 3 of the officer's recommendation (shown in red), to read as follows:

2. Supports the purpose for Walyalup and the proposed cultural centre, being:
   a. A place where Aboriginal and non-Aboriginal people, including residents and tourists can directly connect with;
   b. An information centre for people and businesses interested in Whadjuk and Nyoongar history and culture; and
   c. A centre that supports and promotes but is not limited to, Aboriginal artists, performers, cultural guides and teachers in their business or creativity.

3. Notes, additional resources will need to be considered as part of the 2018/19 operational budget process and that an alternative, more suitable location for the centre should be considered, should one become available.

SECONDED: Cr H Fitzhardinge

CARRIED: 10/0

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REASON/S FOR CHANGE

The intent of the amendment to part 2, is to ensure that the Walyalup Aboriginal Cultural Centre is a place that welcomes all and facilitates reconciliation and understanding between Aboriginal and non-Aboriginal people. Amendment to part 3, is to clarify that additional funding will need to be considered, should a more suitable location for the centre become available as the current location and facilities are not considered suitable.
Mayor, Brad Pettitt MOVED the officer’s recommendation as amended, to read as follows;

COUNCIL DECISION

Council:

1. Receives the Kambarang report of the Walgalup Aboriginal Cultural Centre.
2. Supports the purpose for Walgalup and the proposed cultural centre, being:
   a. A place where Aboriginal and non-Aboriginal people, including residents and tourists can directly connect with;
   b. An information centre for people and businesses interested in Whadjuk and Nyoongar history and culture; and
   c. A centre that supports and promotes but is not limited to, Aboriginal artists, performers, cultural guides and teachers in their business or creativity.
3. Notes, additional resources will need to be considered as part of the 2018/19 operational budget process and that an alternative, more suitable location for the centre should be considered, should one become available.

SECONDED: Cr R Pemberton

CARRIED: 10/0

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C1712-5 SOUTHERN METROPOLITAN REGIONAL COUNCIL (SMRC) AMENDED BUSINESS PLAN (8 SEPTEMBER 2017)

Meeting Date: 13 December 2017
Responsible Officer: Director City Business
Decision Making Authority: Council
Agenda Attachments: Draft SMRC Business Plan

SUMMARY

To consider the draft amended Business Plan for the Southern Metropolitan Regional Council (SMRC) and the Regional Resource Recovery Centre (RRRC) as required under Project Participants Agreement (PPA) due to the withdrawal of the City Of Cockburn as a member to the Agreement.

It is recommended that Council consider approving the amended Business Plan and notional winding up undertaken by lead consultant RSM Australia Pty Ltd.

BACKGROUND

The City of Cockburn announced its intention to withdraw from the Regional Resources Recovery Centre (“RRRC”) project (the “Project”) operated by the SMRC, with an effective date of 30 June 2017. This triggered a requirement under Clause 2.8(1) of the RRRC Project Participant’s Agreement to prepare an amended business plan (“Amended Business Plan” or the “Plan”) for the Project having regard to the effect of the withdrawal of the City of Cockburn.

The Deed of Variation of the Project Participant’s Agreement also requires the SMRC to determine the proportional entitlement of the surplus funds or liability of the withdrawing participant which would be payable if the Regional Local Government was wound up, but disregarding any borrowings or assets acquired from borrowed funds, hereafter referred to as the “Notional Winding Up”.

In December 2016, RSM Australia Pty Ltd along with MRA Consulting Group and JDSi Consulting Engineers were awarded the contract to amend the business plan and consider the notional winding up by the SMRC.

FINANCIAL IMPLICATIONS

The amended Business Plan considers the effect on member contributions from the withdrawal by the City of Cockburn. It also considers the context of the waste market and any factors which will affect future operations and assesses its likely impact on these contributions.

The amended Plan highlights three scenarios in relation to the future operations by the SMRC. Two of the three indicate that there would likely be net deficit outcomes and one where there would likely be a net surplus outcome. Net deficit outcomes would negatively affect the contribution required by the remaining members.
For the third scenario the amended Plan assumes that the Container Deposit Scheme (CDS) is adopted by the State Government by June 2019 and that remaining members of the PPA move to a three bin FOGO system by July, 2020.

The cost of the amended Plan is paid for by the withdrawing partner, in this case the City of Cockburn.

**LEGAL IMPLICATIONS**

The PPA contemplates a withdrawal by a member. Clause 2.8(1) of the PPA requires the withdrawing member to provide an amended Business Plan for the remaining participants.

**CONSULTATION**

Nil.

**OFFICER COMMENT**

The amended Business Plan addresses the effect of the withdrawal of the City of Cockburn and details changes to the annual contributions payable by the Project Participants after the withdrawal takes effect. The Plan also provides an estimate of the proportional liability of the City of Cockburn based on a notional winding up of the RRRC Project effective 30 June 2017.

In addition, the amended Plan considers industry developments and other business factors impacting the future direction of the SMRC. Specifically, the recommendations from the 2016 SMRC Strategic Waste Management Plan in relation to Food Organics and Garden Organics “FOGO” processing options and the future implementation of a Container Deposit Scheme (“CDS”) by the state government of Western Australia have been incorporated.

The amended Plan considers three main scenarios moving forward;

1. **Business as usual** – this scenario would see significant operating losses as a result of the withdrawal of Cockburn until the end of the PPA on 30 June, 2023. Whilst Cockburn has agreed to bring its MSW to the RRC facility until June 2020, post this period the business model indicates that operating deficits would result if no other aspect of change occurred.
2. **Container Deposit Scheme** – this scenario considers the introduction of CDS by July, 2019. Under this model the project would generate additional revenue of approximately $1m per year. This change in operations would reduce the operating losses but losses would likely still occur post 2020.
3. **FOGO** – the third scenario considers the introduction of a three bin system (food organics and green organics) FOGO by July 2020 by the remaining members in accordance with the SMRC’s adopted Waste Management Plan. Under this scenario the use of the Waste Composting Facility (WCF) has ceased and the sheds used to generate commercial rent. With the decreased costs from not operating the three large digesters the operating position results in surplus and the net cost of managing waste drops to approximately $150p/t.
The current PPA has an end date of 30 June, 2023. There are further considerations to how the remaining members manage waste operations post this date. The amended Plan proposes both the CDS and a move to the three bin system as providing the most likely scenario to ensure the RRRC can provide operating surpluses moving forward.

The notional winding up of the RRRC project results in an estimated net contribution from the City of Cockburn to the remaining members of $381,154. This is based on a net liability from the notional wind up of the project of $1,006,214.

The City of Cockburn’s share of the net liability will be sought through a Deed of Settlement and Release that will prescribe the contribution and the cost of preparing the amended Business Plan.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

Council approves the amended Business Plan for the Regional Resource and Recovery (RRRC) Project with the Southern Metropolitan Regional Council as prepared by RSM Australia Pty Ltd dated 8 September, 2017, which provides for the withdrawal of the City of Cockburn from the RRRC Project as of 1 July, 2017.

**COUNCIL DECISION**

Cr J Strachan MOVED to defer the item to the January 2018 round of meetings.

SECONDED: Cr J Archibald

CARRIED: 11/0

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**REASON/S FOR CHANGE**

The item was deferred to the January round of meetings, to enable Elected Members to receive more information (or presentation) from the officers in relation to the business plan.
C1712-8  HOMELINESS IN AUSTRALIA - LETTER OF SUPPORT

Meeting Date: 13 December 2017
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Frankston City Council – correspondence

SUMMARY

To brief Council on the request received from Frankston City Council to lobby the Federal Government to fund solutions on the current homelessness crisis across Australia.

This report recommends that Council support this request, and prepares correspondence to the Federal Government highlighting the increasing incidence of homelessness and allocate the necessary funds to reduce homelessness across Australia.

BACKGROUND

Frankston City Council is gravely concerned about the increasing incidence of homelessness. Accordingly, at the Ordinary Meeting on 4th September 2017 Frankston City Council resolved to write to the Federal Government and every Council in Australia indicating the plight of homelessness and calling on the Federal Parliament to become meaningfully engaged in resolving homelessness in Australia.

On any given night in Australia 1 in 200 people are homeless. This increasing crisis of homelessness in this country is of grave concern to citizens and communities throughout Australia. Frankston City Council has written to the Federal Government to provide the necessary monies to resolve this issue and would like all Councils across Australia to do the same.

In 2016 there were 105,237 people recorded as homeless in Australia, alarmingly of these 17,845 were children under ten years, 12% of all Australians and 17% of Australian children live in poverty.

In 2014-2015 in this country 255,657 people received support and almost seven million nights of accommodating were provided by specialist homelessness services.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Charter of Human Rights and Responsibilities
CONSULTATION

This report seeks to mobilise support of other local Councils and lobby the Federal Government to fund solutions to the current homelessness crisis.

OFFICER COMMENT

Homelessness causes are many and varied. Domestic violence, a shortage of affordable housing, unemployment, mental illness, family breakdown and drug and alcohol abuse all contribute to the level of homelessness in Australia. Homelessness may not be a choice and is one of the most potent examples of disadvantaged in the community, and one of the most important markers of social exclusion (Department of Human Services, 2002).

Effective targeting of policies and services for reducing homelessness and allowing all Australians to participate in society requires transparent, consistent and repeatable statistics. However, there are many dimensions to homelessness, and different statistics are needed for different purposes.

The total estimated number of people who were homeless in Western Australia on Census night 2011 was 9,592. Of these;
- 925 people were sleeping rough or in improvised dwellings
- 931 people were in supported accommodation for the homeless
- 2,169 people were staying temporarily with other households
- 1,337 people were staying in boarding houses
- 76 were in other temporary lodging
- 4,154 people were living in severely crowded dwellings

Homeless people living in severely crowded dwellings formed the largest group of people. In Western Australia, 43% of homeless people were those living in severely crowded dwellings. On Census night 2011, there were an estimated 4,909 people experiencing homelessness in the Greater Perth area, 35% of homeless people identified as being Aboriginal.

The Australian Institute of Health and Welfare Annual Report on Specialist Homelessness Services 2013-14 (AIHW Annual Report on SHS 2013-14), provides information regarding people who are homeless or at risk of homelessness and access specialist homelessness services. The report state that in Western Australia in 2013-14:
- 21,437 clients accessed Specialist Homelessness Services (SHS)
- 62% of clients who received support from SHS were female
- 19% of clients were aged under 10 years and 20% of clients were under 18 years
- 38% of clients identified as being of Aboriginal or Torres Strait Islander origin
- 57% of clients were at risk of homelessness when they first began receiving support
- 39% of clients received assistance as a result of domestic and family violence

Of the 21,437 clients, an estimated 12,613 (59%) needed accommodation. Of the 12,613 clients that needed accommodation;
- 9,314 (74%) were provided with accommodation
- 1,297 (10%) were referred to other services for accommodation
- 2,002 (16%) were neither provided with accommodation or referred.
The RUAH Fremantle Registry Week statistics gathered in 2016 revealed 69 individuals who were homeless or at risk as well as 5 families. The statistics confirm the correlation for homeless people in Fremantle and personal trauma, insufficient income, violence and health issues, including mental health and substance abuse. The majority of homeless were aged in their 40’s and average time homeless was 5 years and even greater for those aged under 24 years.

In addition to the RUAH research in 2016, a report commissioned in 2017 by Fremantle Foundation, Fremantle’s Vital Signs provided a snapshot of the Fremantle community, including the gap between rich and poor, health, learning and belonging. This report further confirmed homelessness as an issue with a number of complex contributing and associated factors.

Accordingly the request from Frankston City Council that all Councils across Australia call on the Federal Parliament to dedicate resources and finance to satisfactorily deal with the issues of homeless across Australia be supported by Council. The City would support this initiative by writing to the Federal Government around the need to increase support and funds to reduce homelessness based on the Western Australian statistics outlined in this report along with the RUAH 2016 Registry Week Report and Fremantle Foundation 2017 Vital Signs report by Fremantle Foundation.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER’S RECOMMENDATION

Council requests the CEO to write to the Federal Government, calling on the Federal Parliament to dedicate adequate resources to deal with the issues of homeless in Australia, along with the following supporting documents;
   a) RUAH Registry Week 2016 report
   b) Fremantle Foundation Vital Signs 2017 report
Cr R Pemberton MOVED an amendment to re-word the officer's recommendation, add the additional words shown in red and re-number the recommendation, to read as follows:

Council:

1. Requests the CEO to write the Federal Government, calling on the Parliament to;
   a) dedicate adequate resources to deal with the issues of homelessness in Australia.
   b) re-instate affordable housing strategies similar to NRAS.
   c) consider using under-utilised federal land for affordable housing developments.
   d) create a finance mechanism to fund affordable housing.

2. Include the following supporting documents:
   a) RUAH Registry Week 2016 report
   b) Fremantle Foundation Vital Signs 2017 Report

SECONDED: Cr A Sullivan

CARRIED: 11/0

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REASON/S FOR CHANGE

The initiatives above seek to help address affordable housing and were included in a submission that was adopted by Council in July 2017 for the Senate Inquiry into the Governments role in the development of cities. By including these points in our letter, we provide consistent and practical solutions we want the Government to consider.
Cr Jon Strachan MOVED a minor amendment to add an additional part 3 to the recommendation, as follows:

3. **Request the City’s WALGA Zone members, take an item to their next meeting, requesting WALGA’s support for this position (as listed above) and to distribute their support around Western Australia, and to request the Municipal Association of Victoria to do the same and distribute their support across Victoria.**

SECONDED: Cr I Waltham

CARRIED: 11/0

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Cr Hannah Fitzhardinge  
Cr Adin Lang  
Cr Ingrid Waltham  
Cr David Hume | |

**REASON/S FOR CHANGE**

The purpose of the amendment is to ensure this position, if supported, is widely distributed and more support is sought across Western Australia and Victoria.

Mayor, Brad Pettitt MOVED the recommendation as amended, to read as follows;

**COUNCIL DECISION**

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| 1. Requests the CEO to write the Federal Government, calling on the Parliament to;  
   a) dedicate adequate resources to deal with the issues of homelessness in Australia.  
   b) **re-instate affordable housing strategies similar to NRAS.**  
   c) consider using under-utilised federal land for affordable housing developments.  
   d) create a finance mechanism to fund affordable housing. |
| 2. Include the following supporting documents:  
   a) RUAA Registry Week 2016 report  
   b) Fremantle Foundation Vital Signs 2017 Report |
3. Request the City’s WALGA Zone members, take an item to their next meeting, requesting WALGA’s support for this position (as listed above) and to distribute their support around Western Australia, and to request the Municipal Association of Victoria to do the same and distribute their support across Victoria.

SECONDED: Cr J Archibald

CARRIED: 11/0

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C1712-9 SOUTH TERRACE TRAFFIC CALMING AND STREETSCAPE IMPROVEMENTS PROJECT SCOPE

Meeting Date: 13 December 2017
Responsible Officer: Manager Infrastructure Engineering
Decision Making Authority: Council
Agenda Attachments: Concept Plan no 007-CP-17-001_B
Community consultation feedback summary

SUMMARY

This report recommends that Council approve concept plan No. 007-CP-17-001_B (see Attachment 1), for detailed design and delivery this financial year.

BACKGROUND

- Early 2014: precinct councillors proposed a number of solutions on South Terrace through the South Fremantle Precinct Group discussions. This resulted from a culmination of parking, cycling and daily traffic issues along South Terrace.
- In house designs were developed to allow some traffic calming and improvements to the bicycle infrastructure. No budget was allocated to progress the project through 2014-2016.
- November 2014: preliminary concepts were presented at the South Fremantle Piazza Festival with comments collected on the day.
- Mid 2015: further concepts were developed incorporating the feedback from the community. Options with bike lanes and without have been produced. Further community comment on the designs was active until the end of 2015, however an agreed solution was not achieved.
- To progress the project, an Urban Design consultant was employed by the City in 2016 to both engage the local community and businesses with a series of workshops as well as provide expertise in the best urban outcome for the project in terms of amenity and aesthetics. The preferred design did not include bike lanes and also focused on the raised node concept. It was also identified through this process that the power lines along South Terrace would need to be undergrounded to increase tree canopy and reduce heat island effects along the road.
- The findings from the consultation were informally presented to council members with no agreement on the final design achieved.
- In June 2017, the City consulted with residents on South Terrace regarding a shared cost approach to underground the low voltage cables. Responses received were divided (approximately 50/50) for support of undergrounding the cables, but 74% confirmed that they were not willing to help contribute to the shared cost through a special area rate.

Following the consultation on undergrounding of the low voltage cables in 2017 and through developing feedback from previous community engagement, the City has now developed a new concept plan for South Terrace, between Douro Road and South Street. This concept plan has also been through public consultation (See ‘Consultation’
details below) and is proposed to be delivered in a phased programme over the next five years, to improve the safety and amenity along South Terrace.

The section between Sydney Street and Little Lefroy lane has been selected as the first stage of the project and forms the basis of the recommendation enclosed within this report.

The following sections have been included in the City’s five year program for the implementation; (commencing 2017/18).

- Little Lefroy Lane and Sydney Street intersection.
- Charles Street intersection.
- Jenkins Street intersection.
- Nelson Street intersection.
- Scott Street intersection
- Entry Statement works.

Sections between the intersections will also be reviewed and programed as part of the resurfacing works where possible.

FINANCIAL IMPLICATIONS

Through a local election commitment, the City of Fremantle have secured a total budget of $650 000 from the State Government’s Local Projects, Local Jobs Program.

$200 000 of this budget is allocated to account 200428 for Project: 11649 to improve safety and the streetscape on South Terrace.

LEGAL IMPLICATIONS

Nil

CONSULTATION

From 16 October to 10 November 2017, the draft concept plan was presented to the community via ‘My Say Freo’ website, providing the opportunity to comment on the concept design. Five key proposals (shown below) were made available for comment:

1. Reduce the width of the road to make it safer for people to cross the street and encourage drivers to slow down in this section.
2. Replace the temporary speed bumps with a raised platform to slow drivers down.
3. Surface the road with red asphalt and stencil markings to delineate the section and encourage drivers to slow down.
4. Widen the footpath to create a bigger pedestrian area and add new paving, street furniture and trees to create a better space for people.
5. Increase the amount of alfresco space.

950 letters promoting the ‘My Say Freo’ consultation were distributed to surrounding residents of South Terrace.
City Officers attended the community information session on 2 November from 5.30 - 6.30 pm at The Meeting Place Community Centre - 245 South Terrace, South Fremantle.

Summary of the ‘My Say Freo’ consultation is provided below:

- 769 visits to the ‘My Say Freo’ website.
- 50 attended community information session.
- 117 survey responses.

72.6% of respondents support the proposed changes, with 53.8% indicating they ‘strongly support’ the changes and a further 18.8% indicating they ‘support’ most changes.

See Attachment 2 for a full copy of the ‘My Say Freo’ consultation feedback.

**OFFICER COMMENT**

Officers reviewed the background history of this project since 2014 and also the community and business feedback received through the Urban Design Consultant in 2016.

Following the review, Officers have developed the draft design in Attachment 1, which includes five key proposals believed to most suitably address the community’s key safety and streetscape enhancements.

The draft design in Attachment 1 formed the basis of the most recent ‘My Say Freo’ community consultation.

In reviewing the responses from the ‘My Say Freo’ consultation, officers have determined a majority support from the community for the proposed scheme and along with the fact that the proposal will also remove and replace four of the interim speed humps that were installed on South Terrace earlier in 2017. Officers believe that the draft design in Attachment 1 will provide the most suitable solution to enhancing the safety and streetscape to this section of South Terrace.

**VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required.

**OFFICER’S RECOMMENDATION**

Council approve Project 11649 to improve the safety and streetscape on South Terrace between Sydney Street and Little Lefroy Lane, in accordance with concept plan as shown in attachment 1 of this report, to:

1. Reduce the width of the road to make it safer for people to cross the street and encourage drivers to slow down in this section.
2. Replace the temporary speed bumps with a raised platform to slow drivers down.
3. Surface the road with red asphalt and stencil markings to delineate the section and encourage drivers to slow down.
4. Widen the footpath to create a bigger pedestrian area and add new paving, street furniture and trees to create a better space for people.
5. Increase the amount of alfresco space.

Cr Rachel Pemberton MOVED an amendment to the officer's recommendation, to include an additional part 6, to read as follows;

6. Install BAZ (Bicycle Awareness Zone) symbols as appropriate

SECONDED: Cr J Archibald
CARRIED: 11/0

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REASON/S FOR CHANGE

Practical implementation of bike lanes in this area is difficult and not widely supported. The installation of BAZ symbols is appropriate alternative treatment where cars and bikes frequently mix. This alerts drivers to the presence of cyclists, and encourages cyclists to ride a safe distance from park cars to avoid "dooring". BAZ symbols have been successfully installed in the CBD and Wray Ave.

Mayor, Brad Pettitt MOVED the officer's recommendation as amended, to read as follows;

COUNCIL DECISION

Council approve Project 11649 to improve the safety and streetscape on South Terrace between Sydney Street and Little Lefroy Lane, in accordance with concept plan as shown in attachment 1 of this report, to:

1. Reduce the width of the road to make it safer for people to cross the street and encourage drivers to slow down in this section.
2. Replace the temporary speed bumps with a raised platform to slow drivers down.
3. Surface the road with red asphalt and stencil markings to delineate the section and encourage drivers to slow down.
4. Widen the footpath to create a bigger pedestrian area and add new paving, street furniture and trees to create a better space for people.
5. Increase the amount of alfresco space.
6. **Install BAZ (Bicycle Awareness Zone) symbols as appropriate**

**SECONDED: Cr R Pemberton**

**CARRIED: 11/0**

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CONFIDENTIAL MATTERS

RESOLUTION FOR CONFIDENTIALITY

At 8.03 pm Mayor, Brad Pettitt MOVED that confidential items numbered ARMC1712-7, C1712-11, C1712-12, C1712-13 and C1712-14 be closed to members of the public in accordance with Section 5.23(2) of the Local Government Act 1995.

SECONDED: Cr A Sullivan

CARRIED: 11/0

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At 8.04 Cr Hannah Fitzhardinge left the meeting and returned at 8.06 pm during the discussion of the following item.
C1712-11 CONFIDENTIAL REPORT - REVIEW OF HOME AND COMMUNITY CARE SERVICES

Meeting Date: 13 December 2017
Responsible Officer: Manager Community Development
Decision Making Authority: Council
Agenda Attachments: Review of Fremantle Community Care HACC Service

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:

(a) a matter affecting an employee or employees

Mayor, Brad Pettitt MOVED the officer's recommendation as amended, to read as follows:

COUNCIL DECISION

Council:

1. Receives the review of the Fremantle Community Care, Home and Community Care (HACC) program.

2. Notes that the City offers only a limited HACC service currently and is unable to offer older people a continuum of care options as their care needs change over time. Due to many contributing factors, including future viability of service delivery in a competitive market and Aged Care Reform, it is recommended that the City not take any new referrals from the 1 January 2018 and exit out of HACC service delivery by 30 June 2018. Officers would undertake an expression of interest process for service providers over upcoming months and liaise with each of the 87 clients around the intentions and implications and process from now until the 30 June 2018.

2. Requests the CEO to write to the Western Australian Department of Health, informing them that the City of Fremantle will:

   a) Not receive any new referrals for any HACC services from 1 January 2018.
   b) No longer provide Social Support or Transport from 1 July 2018.
   c) Prepare an expression of interest for an aged care provider from the South West Metropolitan Region HACC providers that already deliver transport and social support to take over the City's programs and accompanying funding and assets from 1 July 2018.
   d) Transition current City of Fremantle clients to the new provider with support and advice by officers before 30 June 2018.
e) Seek allocation of remaining 2017/2018 grant funds to support the transition of clients to new arrangements.

3. Notes that the City will continue to focus on its role to facilitate and advocate on behalf of the ageing community.

4. Approves consultation be undertaken in conjunction with the review of the City’s Age Friendly City Plan.

SECONDED: Cr J Archibald

CARRIED: 11/0

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C1712-12 CONFIDENTIAL REPORT - LEASE - 179 HIGH STREET, FREMANTLE

Meeting Date: 13 December 2017
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: Fly by Night musicians club - future outlook and issues

REASON FOR CONFIDENTIALITY

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

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

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

Council:

1. Request officers notify the tenant of 179 High Street, Fremantle, that its current lease will end on 28 February 2018.

2. Advise the tenant that the City will consider granting a new lease of 179 High Street, Fremantle, subject to the tenant providing an independently verified business plan to the City by 30 January 2018.

SECONDED: Cr I Waltham

CARRIED: 11/0

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C1712-13 CONFIDENTIAL REPORT - CONSIDERATION OF TENDERS FOR PROPERTY DISPOSAL

Meeting Date: 13 December 2017
Responsible Officer: Manager Economic Development and Marketing
Decision Making Authority: Council
Agenda Attachments: 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:

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

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

Council;

1. Reject the tender received for the disposal of 14 Essex Street, Fremantle (FCC505/17).

2. Request that the Chief Executive Officer attempt to negotiate, with the tenderer, a better offer for 14 Essex Street, Fremantle and present a report at the next appropriate meeting of council.

3. Reject all tenders received for the disposal of 12 Josephson Street, Fremantle (FCC506/17).

4. Request that the Chief Executive Officer attempt to negotiate, with all tenderers, a better offer for 12 Josephson Street, Fremantle and present a report at the next appropriate meeting of council.

5. Reject all tenders received for the disposal of 12 Holdsworth Street, Fremantle (FCC507/17).

6. Request that the Chief Executive Officer attempt to negotiate, with all tenderers, a better offer for 12 Holdsworth Street, Fremantle and present a report at the next appropriate meeting of council.

SECONDED: Cr D Hume

CARRIED: 11/0
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C1712-14 CONFIDENTIAL REPORT - PROPOSED LAND ACQUISITION - ELDER PLACE

Meeting Date: 13 December 2017
Responsible Officer: Director Strategic Planning and Projects
Decision Making Authority: Council
Agenda Attachments: 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 -

(ii) information that has a commercial value to a person; or

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

Council:

1. Commence compulsory acquisition proceedings to acquire all interests in strata lots 1/20, 2/20 and 3/20 Elder Place, Fremantle for public purposes in accordance with provisions of the Land Administration Act 1997.

2. Prior to the City of Fremantle requesting the Minister for Transport, Planning, and Lands to register a Taking Order or a Notice of Intention to Take under the Land Administration Act provisions, the matter shall be reported back to Council for further consideration in the context of the status of the development application for redevelopment of the Woolstores Shopping Centre site.

SECONDED: Cr D Hume

CARRIED: 7/3

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At 8.54 pm Cr David Hume left the meeting during debate on this item and did not return to the meeting.
Mayor, Brad Pettitt MOVED the Committee recommendation, unchanged as follows;

COUNCIL DECISION

1. Note the minutes of the CEO committee meetings.

2. Appoint Diana Forsyth as the facilitator appointed to assist the committee in the setting and measurement of CEO performance measures.

3. Authorise the exchange of letters in relation to the CEO’s contract.

SECONDED: Cr J Archibald

CARRIED: 10/0

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CLOSURE OF MEETING

THE MAYOR, B PETTITT DECLARED THE MEETING CLOSED AT 9.04 PM.
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AMENDMENT SUBMITTED BY CR RACHEL PEMBERTON
C1712-4 WALYALUP CULTURAL CENTRE REVIEW

I propose to move the following amendment (shown in red) to the Officer’s Recommendation;

AMENDMENT 1

2. a) A place where Aboriginal and non-Aboriginal people, including residents and tourists can directly connect with ...

REASON/S FOR CHANGE

The report states that the centre’s focus should be more clear and suggests that it should primarily be a centre where non aboriginal people engage with Aboriginal / Noongar culture, but that implies to the exclusion of Aboriginal people, which should not be the case and I am sure was not the intent.

This should be a place that welcomes all and facilitates reconciliation and understanding between Aboriginal and non-Aboriginal people.

AMENDMENT 2

3. Notes, additional resources will need to be considered as part of the 2018/19 operational budget process and that an alternative, more suitable location for the centre should be considered, should one become available.

REASON/S FOR CHANGE

The report speaks to the need for approximately $200,000 PA to run a more successful facility, which would be a increase of approximately $115,000 (although various funding sources and models may be considered to achieve this.

The report also states that the location and facilities at the WACC are not suitable and cause some community members distress. Should a more suitable location become available, relocation to a better interim facility would be desirable. A successful WACC could also increase the likelihood of securing a more substantial Aboriginal Cultural Centre in Fremantle in the future however, the current location and funding is limiting this opportunity.
ALTERNATIVE RECOMMENDATION SUBMITTED BY MAYOR, BRAD PETTITT

PC1712-2  FLEET STREET, J-SHED UNIT 1 (LOT 2051), FREMANTLE - PARTIAL CHANGE OF USE TO TAVERN, AND ADDITIONS AND ALTERATIONS TO EXISTING BUILDING - (NB DA0281/17)

I propose to move the following alternative recommendation:

ALTERNATIVE RECOMMENDATION

1. Advise the applicant that the current proposal for partial change of use to Tavern, and additions and alterations to an existing building at No. 1 (Lot 2051) Fleet Street, Fremantle, as detailed on plans dated 1 November 2017, is not acceptable on planning grounds for the following reasons:

   (i) The proposal is inappropriate having regard to the purposes for which the land is reserved under the Metropolitan Region Scheme.
   (ii) The proposal is inconsistent with objectives 3.1 and 3.2 of the City of Fremantle’s Local Planning Policy DGF5 – Arthur Head Reserve Strategy Plan.
   (iii) The proposal is inconsistent with Policy 3 of the City of Fremantle’s Local Planning Policy DGF6 – Arthur Head – (West End of High Street, Fremantle).
   (iv) The proposal is inconsistent with clause 3.4 of the City of Fremantle’s Local Planning Policy DGF26 – Planning Policy for the West End of Victoria Quay.
   (v) The proposal is inconsistent with clause 1.1 of the City of Fremantle’s Local Planning Policy DBU6 – Late Night Entertainment Venues Serving Alcohol.
   (vi) The proposal is inconsistent with clause 4.1.2(b) of the City of Fremantle’s Local Planning Policy DGF14 – Fremantle West End

2. Invite the applicant to meet with the City with the aim of submitting amended plans to significantly revise the current proposal by scaling down the size and intensity of the proposed tavern use (in terms of land area devoted to this use and/or number of patrons) and introducing a more balanced mix of food, beverage, craft and creative industries uses within the application premises including significant space for (i) for artists working in the Arthur’s Head Arts and Heritage Precinct to be able to exhibit their work on a priority basis; and (ii) at other times to be available to external artists to exhibit their work. If the applicant chooses to submit amended plans as referred to above, these must be received by the City of Fremantle within 2 months of the date of this resolution for consideration at the next appropriate meeting of the Planning Committee.

3. Advise the Western Australian Planning Commission of parts 1 and 2 of this resolution as set out above, and request the Commission to defer determination of the application to allow the applicant time to consider whether to submit amended plans in accordance with the details and timeframe referred to in part 2.

REASON/S FOR CHANGE

To allow the applicant an opportunity to address current planning objections to the proposal through the submission of amended plans.
AMENDMENT SUBMITTED BY CR RACHEL PEMBERTON
C1712-8 HOMELESSNESS IN AUSTRALIA - LETTER OF SUPPORT

I propose to move the following amendment (shown in red) to the Officer’s Recommendation;

Council:

1. Requests the CEO to write the Federal Government, calling on the Parliament to;
   a) dedicate adequate resources to deal with the issues of homelessness in Australia.
   b) re-instate affordable housing strategies similar to NRAS.
   c) consider using under-utilised federal land for affordable housing developments.
   d) create a finance mechanism to fund affordable housing.

2. Include the following supporting documents:
   a) RUHA Registry Week 2016 report
   b) Fremantle Foundation Vital Signs 2017 Report

REASON/S FOR CHANGE
The initiatives above seek to help address affordable housing and were included in a submission that was adopted by Council in July 2017 for the Senate Inquiry into the Governments role in the development of cities. By including these points in our letter, we provide consistent and practical solutions we want the Government to consider.
AMENDMENT SUBMITTED BY CR RACHEL PEMBERTON
C1712-9 SOUTH TERRACE TRAFFIC CALMING AND STREETSCAPE
IMPROVEMENTS PROJECT SCOPE

I propose to move an amendment to add an additional part 6 to the Officer’s
Recommendation, as follows;

6. **Install BAZ (Bicycle Awareness Zone) symbols as appropriate**

REASON/S FOR CHANGE
Practical implementation of bike lanes in this area is difficult and not widely supported. The
installation of BAZ symbols is appropriate alternative treatment where cars and bikes
frequently mix. This alerts drivers to the presence of cyclists, and encourages cyclists to ride
a safe distance from park cars to avoid "dooring". BAZ symbols have been successfully
installed in the CBD and Wray Ave.