

**C2402-24 NOTICE OF MOTION – TO REVOKE THE COUNCIL DECISION  
FOR THE MORETON BAY FIG AT 195 HIGH STREET,  
FREMANTLE (C2402-5) – CR ADIN LANG**

**Meeting date:** 28 February 2024  
**Responsible officer:** Chief Executive Officer  
**Voting requirements:** Absolute Majority  
**Attachments:** 1. Minutes of the Council Meeting for item C2402-5

**ELECTED MEMBER SUMMARY**

In light of the clear and strong community interest in relation to this issue, it has become apparent that the item under discussion requires more inclusive and representative feedback from our community members, many who were unaware of the possibility that the tree's protections were to be removed at the last council meeting.

Additionally, it would be of value to consider the perspectives of a larger cohort of elected members who were absent during the previous debate. Therefore, it is proposed that Council revoke part 3. a. and b. of the Council decision dated 14 February 2024 for the following item.

**C2402-5 NOMINATIONS FOR THE REGISTER OF SIGNIFICANT TREES 2023  
– 195 HIGH STREET, 6 DOUGLAS STREET – OUTCOMES OF  
CONSULTATION**

**COUNCIL DECISION ITEM C2402-5**  
**(Alternative recommendation)**

- 3. a. Removes the Moreton Bay Fig located at 195 High Street, Fremantle from the Significant Trees and Vegetation Areas Register.**
- b. Request officers investigate and confirm whether there remains any restrictions under the Planning Scheme and Heritage Listing of the property for the fig tree at 195 High Street, once removed from the Register, and communicate results to the landowner within three months.**

In addition to revoking the above decision, it is proposed that Council consider a new motion to reinstate part 3 and 5 of the original Officer's Recommendation, to read as follows:

**Council**

- 1. Approve to retain the Moreton Bay Fig located at 195 High Street, Fremantle on the Significant Trees and Vegetation Areas Register, and:**
- 2. Advise the owner of 195 High Street, Fremantle that while the City will continue to encourage the retention of the Moreton Bay Fig, Council will revisit its position on the tree's inclusion on the Significant Trees and Vegetation Areas Register upon receipt of a formal redevelopment**

**application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit.**

In accordance with the requirements of regulation 10(1)(b) of the *Local Government (Administration) Regulations 1996*, the proposed motion to revoke the Council decision is signed by the following Council members:

1. Cr Adin Lang (as mover)
2. Cr Ben Lawver
3. Cr Jemima Williamson-Wong
4. Mayor, Hannah Fitzhardinge
5. Cr Frank Mofflin

## **OFFICER COMMENT**

Regulation 10 of the *Local Government (Administration) Regulations 1996*, outlines the requirements to revoke or change a Council decision. In accordance with Regulation 10(1)(b), a motion to revoke or change a decision of Council requires at least 1/3 of Council members to sign in support of the motion. If this requirement has been met, the motion will require an absolute majority decision of Council to be passed. If achieved, Council may then consider the second proposed motion to reinstate the original Officer's Recommendation.

The City's Meeting Procedures Policy also states that Council is not to consider a motion to revoke or change a decision '*where, at the time the motion is moved or notice is given, any action has been taken to implement the decision*'. At this point in time, officers have not commenced implementation of the decision of Council dated 14<sup>th</sup> February 2024 and there are no perceived legal or financial consequences should Council revoke and change the Council Decision.

Should the second motion be supported and passed by Council, officers will contact the property owner to advise of the Council decision and commence implementation of the decision.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Absolute majority required

### **ELECTED MEMBER MOTION 1**

Council revoke part 3. a. and b. of the Council Decision dated 14 February 2024, for the following item:

**C2402-5    NOMINATIONS FOR THE REGISTER OF SIGNIFICANT TREES 2023  
– 195 HIGH STREET, 6 DOUGLAS STREET – OUTCOMES OF  
CONSULTATION**

#### **Council Decision**

- 3.    a.    *Removes the Moreton Bay Fig located at 195 High Street, Fremantle from the Significant Trees and Vegetation Areas Register.***
- b.    *Request officers investigate and confirm whether there remains any restrictions under the Planning Scheme and Heritage Listing of the property for the fig tree at 195 High Street, once removed from the Register, and communicate results to the landowner within three months.***

### **ELECTED MEMBER MOTION 2**

**Council:**

- 1.    Approve to retain the Moreton Bay Fig located at 195 High Street, Fremantle on the Significant Trees and Vegetation Areas Register, and:**
- 2.    Advise the owner of 195 High Street, Fremantle that while the City will continue to encourage the retention of the Moreton Bay Fig, Council will revisit its position on the tree's inclusion on the Significant Trees and Vegetation Areas Register upon receipt of a formal redevelopment application for the site, provided that any proposal demonstrates other positive heritage outcomes and/or community benefit.**